

# Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 14 June 2016.

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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## **Minutes of the Planning and Environment Committee held on 14 June 2016**

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**Present** His Worship the Mayor, Councillor P Hawker  
Councillor G Greiss (Chairperson)  
Councillor R Kolkman  
Councillor D Lound  
Councillor M Oates  
Councillor T Rowell  
Councillor R Thompson  
General Manager - Mrs L Deitz  
Director Strategy - Mr J Lawrence  
Acting Director Planning and Environment - Mr J Baldwin  
Manager Community Resources and Development - Mr B McCausland  
Manager Compliance Services - Mr P Curley  
Acting Manager Development Services - Mr B Leo  
Manager Environmental Planning - Mr A Spooner  
Manager Governance and Risk - Mrs M Dunlop  
Senior Strategic Environmental Planner - Mr G Pascoe  
Executive Assistant - Mrs K Peters

**Apology (Rowell/Thompson)**

That the apology from Councillor Matheson be received and accepted.

**CARRIED**

**Also in Attendance**

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

Councillor Mead

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

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

**Pecuniary Interests - nil**

**Non Pecuniary – Significant Interests - nil**

**Non Pecuniary – Less than Significant Interests**

Councillor Rowell - Item 2.6 - Minutes of the Heritage Protection Sub Committee (minute Item 7.2 - Blair Athol House) - Councillor Rowell advised that the owner of Blair Athol House is known to him.

**Other Disclosures - nil**

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

**No reports this round**

## **2. ENVIRONMENTAL PLANNING**

### **2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015**

#### **Reporting Officer**

Manager Environmental Planning

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#### **Attachments**

1. Draft Amendment No 2 to Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015 (Contained with this report)
2. A copy of the relevant sections of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (contained within this report)
3. Draft Part 16 - Advertising and Signage (contained within this report)
4. Draft Part 17 - Boarding Houses (contained within this report)
5. Previous report to Council regarding Amendment No 1 of the Campbelltown (Sustainable City) Development Control Plan 2015 (contained within this report)

#### **Purpose**

1. To advise Council of a proposed draft Amendment No 2 to Campbelltown (Sustainable City) Development Control Plan 2015
2. To seek Council's approval to place the proposed draft Amendment No 2 on public exhibition for community input
3. To seek Council's approval to repeal Development Control Plan No 99 Advertising Signs
4. To seek Council's endorsement to adopt Amendment No1 to the Campbelltown (Sustainable City) Development Control Plan 2015.

#### **History**

Council at its meeting held 16 February 2016 adopted draft Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015). The SCDCP 2015 came into effect on 11 March 2016 to coincide with the commencement of Campbelltown Local Environmental Plan 2015 (CLEP 2015).

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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The SCDCP 2015 is the product of a staged internal consolidation process of Council's stand-alone Development Control Plans (DCPs). To date, five stages of the SCDCP have been completed with over a hundred and twenty stand-alone DCPs being revised and either repealed or incorporated into the SCDCP 2015.

Council on 19 April 2016 endorsed Amendment No 1 to the SCDCP 2015 for public exhibition. Amendment No 1 to the SCDCP aims to consolidate the SCDCP 2014 and the SCDCP 2015 into the one document. The public exhibition of Amendment No 1 to the SCDCP 2015 concluded on 3 June 2016.

This report presents to Council the final stage (Stage 6) of the consolidation process. Stage 6 comprises the following:

A proposed amendment to certain sections of Volume 1 of the SCDCP 2015 to address the following:

- some minor matters that been identified during the implementation of the SCDCP 2015; and
- a previous Council resolution in regard to the management of junk mail within high destiny residential development.

A review of Development Control Plan No 99 Advertising Signs (DCP 99); and

The preparation of two newly proposed parts as follows:

- Draft Part 16 - Advertising and Signage; and
- Draft Part 17 - Boarding Houses.

Councillors were briefed on the above proposed amendments to the SCDCP on 24 May 2016.

### **Report**

This report presents to Council the following:

1. Proposed Amendments to Volume 1 of the SCDCP 2015
  2. A review of DCP 99 Advertising Signs
  3. Signage and Advertising - Legislative context
  4. Proposed Draft Part 16 - Advertising and Signage
  5. Boarding Houses – Legislative Context
  6. Proposed Draft Part 17 - Boarding Houses
  7. Legislative Requirement - One DCP
  8. Public exhibition of Stage 6 of the SCDCP 2015
  9. Amendment No1 to the SCDCP 2015.
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## 1. Proposed Amendments to Volume 1 of the SCDCP 2015

A number of amendments have been identified during the implementation of Volume 1 of the SCDCP 2015 as follows:

### (a) Potential redevelopment of existing narrow lots for semi-detached dwellings within zone R2 Low Density Residential and zone R3 Medium Density Residential

Clause 3.6.4.1.a) currently reads:

A semi-detached dwelling shall only be permitted on an allotment having a minimum width of 7.5 metres measured between the extended property side boundaries, or in the case of a corner allotment, the secondary street where they intersect with the kerb line.

Under the above clause, semi-detached dwellings may only occur on lots with a minimum width of 7.5 metres. This requirement inadvertently restricts the redevelopment of existing narrow allotments within Ingleburn and Macquarie Fields for the purpose of semi-detached dwellings.

#### Recommended approach

To address the above matter, it is proposed that an additional Clause 3.6.4.1 b) be added after Clause 3.6.4.1.a) that reads:

Despite Clause 3.6.4.1 a) above semi-detached dwellings shall be permitted on an allotment having a minimum width less than 7.5 metres, where each individual lot existed prior to the commencement of the CLEP.

### (b) Management of junk mail and newspapers within high and medium density development

Council at its meeting held 16 February 2016 resolved:

That a report be presented to Council investigating waste management strategies for the control of junk mail and newspapers within high density dwellings.

#### Recommended approach

The most suitable way to address this matter via the SCDCP 2015 is to require that residential flat buildings, boarding houses, mixed use development and multi dwelling development be provided with a special built-in newspaper/advertising container for the use by distributors of advertising materials and newspapers. The container is suggested to be incorporated into the letter box design and be located behind the property recycling line, away from public view.

It is recommended that all relevant Sections of the SCDCP 2015 be amended to include an additional control that generally reads, (for example residential flat buildings):

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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- as part of the letter box design for residential flat buildings, a separate enclosure shall be provided for the placement of all advertising and newspaper materials for the development. Such enclosure shall be located behind the building line and designed to be incorporated into the letter box arrangement for the development
- the newspaper/advertisement enclosure shall be regularly emptied by the manager/caretaker of the building.

The details of each section of the SCDCP 2015 to be amended are included under attachment 1 of this report.

### **2. Review of DCP No 99 - Advertising Signs**

DCP 99 came into force on 22 February 2002, at the same time as the commencement of LEP 2002 and prior to the commencement of SEPP 64, CLEP 2015 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the code SEPP).

A review of DCP 99 has been completed which revealed that the plan is out-dated and includes a number of inconsistencies with LEP 2002, CLEP 2015, SEPP 64 and the Codes SEPP.

The review also identified that the various sign permissibility tables and controls across the plan were found to be difficult to read and with this, sometimes subject to misinterpretation.

Notably, the majority of business signs that are covered by DCP 99 are identified as exempt or complying development under the Codes SEPP and as such may be erected outside the scope of DCP 99.

DCP No 99 does not include development controls to regulate digital signs, which is a sign type being increasingly used within the Campbelltown Local Government Area (LGA).

### **3. Signage and Advertising – Legislative context**

A review of the legislative/policy context under which advertising and signage are assessed within the LGA was undertaken to ensure that any proposed controls are consistent with current legislation/policy position.

#### **(a) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)**

Exempt development refers to minor development works that do not require development consent under the NSW planning system. Complying development is a form of development consent that can be granted by an accredited certifier or a Council through a complying development certificate. Exempt or complying development can only be carried out where the proposed development strictly satisfies all development standards under the Codes SEPP.

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In February 2014, the Codes SEPP was expanded to include certain types of signage as exempt and complying development. Previously, local provisions for exempt and complying signs were exclusively included under each council's LEPs.

The Codes SEPP allows a number of common business identification signs and building identification signs as exempt development.

The types of exempt business identification signs under the Codes SEPP include:

- wall signs
- fascia signs
- under awning signs
- top hamper signs and
- window signs.

In addition to the above signs, other common types of signage, including internal signs, the replacement of existing signs, community notice and public information signs, temporary event signs, real estate signs and election signs, are also specified as exempt development under the Codes SEPP.

The relevant sections of the Codes SEPP that apply to advertising and signage are shown under attachment 2 of this report.

The Codes SEPP allows a total number of six signs to be displayed without consideration under Council's DCP. For example, a typical building in Queen Street that is not within the heritage conservation area could potentially have up to six business identification signs displayed without the need to obtain any form of approval.

The Codes SEPP also specifies two types of business identification signs as complying development. These include:

- projecting wall signs and
- freestanding pylon signs.

The provisions under the Codes SEPP do not allow building identification signs, wall signs, top hamper signs, projecting wall signs and freestanding pylon signs to be exempt or complying development in heritage conservation areas or on heritage items. This means that a development application for those types of signs would need to be submitted and assessment would be required under SEPP 64 and Council's development control plan.

Where proposed signage is in excess of the standards in the Codes SEPP or does not meet all of the relevant requirements under the Codes SEPP, Council local plans (LEPs and DCPs) will apply. Only in these cases does a development application need to be submitted and approved by Council before the sign can be displayed.

#### **(b) State Environmental Planning Policy No 64 Advertising and Signage**

State Environmental Planning Policy No 64 Advertising and Signage (SEPP 64) applies to all signs and advertisements that are not identified as exempt development under any Environmental Planning Instruments (EPIs).

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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The main objectives of SEPP 64 are:

1. To ensure that signage (including advertising):
  - is compatible with the desired amenity and visual character of an area;
  - provides effective communication in suitable locations;
  - is of high quality design and finish; and
2. To regulate the display of advertisements in transport corridors.

SEPP 64 does not contain specific numerical development standards for small scale building identification signs, business identification signs and advertisements that are less than 20sqm in area. However, all signage applications submitted to Council, regardless of their scale, must be assessed against the objectives and the assessment criteria contained in Schedule 1 of SEPP 64 including:

- impacts on the character of the area
- impacts on views and vistas
- appropriateness with the streetscape, setting or landscape
- compatibility with the site and building
- acceptable illumination levels
- public and driver's safety.

The Transport Corridor Outdoor Advertising and Signage Guidelines (guidelines) is a supporting document to SEPP 64. The guidelines provide design guidance for large format advertising structures proposed in close proximity to transport corridor land.

The Department of Planning and Environment in consultation with Transport for NSW and the Outdoor Media Association updated the guidelines to include requirements for the design, location and operation of electronic/digital signage. The revised draft guidelines introduced numerical controls for acceptable luminance levels for digital advertisements.

The public exhibition of the draft guidelines concluded in February of this year, however, the Department is yet to formally adopt the revised draft guidelines.

### **(c) Campbelltown Local Environmental Plan 2015**

Schedule 2 - Exempt Development of CLEP 2015 currently includes provisions that primarily allow signs used by a public authority for public notices, information, education or direction purposes to be exempt development. The exempt provisions under CLEP 2015 are in addition to the provisions contained under the Codes SEPP.

### **(d) Campbelltown (Urban Areas) Local Environmental Plan 2002**

Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002) applies to the areas that have been deferred from CLEP 2015. Clause 31 (Controls for outdoor advertising) of LEP 2002 provides development controls for advertising and specify a number of signs that are exempt development. The signage provisions under LEP 2002 are not generally consistent with the Codes SEPP. In this regard, the Codes SEPP overrides the provisions of LEP 2002.

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One of the main issues with LEP 2002 relating to signage is the broad definition of business identification signs. However, given that LEP 2002 only applies to part of the Campbelltown LGA and would eventually be repealed, it is not considered necessary to undertake any further amendments to LEP 2002.

**(e) DCP 99**

As discussed earlier, DCP 99 is out dated, lacks appropriate contemporary controls and is inconsistent with higher order planning policy i.e. SEPP. Currently development applications are primarily assessed on merits and Schedule 1 of SEPP 64.

**4. Proposed Controls under Draft Part 16 - Advertising and Signage**

Draft Part 16 - Advertising and Signage (Draft Part 16) is provided under attachment 3. Draft Part 16 proposes to replace the existing development standards under DCP 99 with a revised set of development controls that are consistent with current planning legislation/policy.

The use of digital signs within the Campbelltown LGA has increased over recent years. Digital signs are increasingly being utilised by schools, service stations, clubs, car dealers, restaurants and many other businesses because of their instant ability to change the displayed messages without additional cost to the operators.

Digital signs emit various levels of light and colour and as such have the potential to impose adverse impacts on drivers, nearby residents and the visual character of streetscapes within the City. Therefore, it is important that Council regulates the amount of light produced or reflected by digital signs.

A main feature of the proposed development controls under Draft Part 16 is a new set of proposed controls for electronic and digital signs.

Draft Part 16 is proposed to have a simple structure comprising eight sections. An explanation of the provisions under each section is provided below:

**(a) Proposed Section 16.1 - Applications and objectives**

Draft Part 16 is proposed to apply to the whole of the Campbelltown LGA except signage that is classified either as exempt or complying development under the Codes SEPP and/or Council's EPIs.

The main objectives of Draft Part 16 are to encourage signage that provides identification and information about the land use of premises in a manner that complements the design of the building and streetscapes and discourages the proliferation of signs and advertising structures that collectively become meaningless and cluttered.

**(b) Proposed Section 16.2 - Types of Signs and Definitions**

This section provides definitions for the various types of signs. This section proposes additional types of signs as follows:

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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A digital sign is proposed to be defined as any sign that uses digital technology to display bright, high quality electronic images which are uploaded and changed using a computer and modem via a secure network. A central feature of these devices is the use of Light Emitting Diode (LED) technology allowing luminance to be controlled and adjusted automatically and include Electronic Static Displays (ESDs), Variable Message Signs (VMS) and Dynamic Electronic Displays (DEDs).

Dynamic electronic displays are proposed to be defined as any sign that displays animations, videos or flashing images and have active display changes. DEDs, either permanent or portable, including any signs which contain any portion of video and/or animated content that face a road reserve and are visible to road users are proposed to be prohibited.

Draft Part 16 also proposes a set of numerical controls in relation to the maximum allowable daytime luminance of illuminated signs and digital signs. These controls are based on the numerical controls proposed by the draft guidelines under SEPP 64.

### **(c) Proposed Section 16.3 - Relationships to other Environmental Planning Instruments, Australian Standards, State Policies and Guidelines**

This section provides a brief explanation of the relationship to SEPP 64, the Codes SEPP, the relevant Australian Standards and the relevant state guidelines.

### **(d) Proposed Section 16.4 - General Requirements - Signs and Advertisement**

This section proposes to carry over from DCP99 existing prohibitions for a number sign types that are not considered appropriate within the Campbelltown LGA as follows:

- above awning signs
- banner or flag signs in zones other than business and industrial zones including bunting
- inflatable signs
- portable or movable signs
- moving signs
- A frame signs
- roof or sky signs
- posters on poles or other structures in public places
- flashing signs
- dynamic electronic displays that are visible to drivers and
- billboard signs.

In addition, this section includes provisions relating to public safety, maintenance of signs, location of signs, illumination and contents. Similarly to DCP99 it is proposed that signs that contain wording in a language other than English shall have an English translation of that wording to a minimum font size of 50 per cent of the non-English word/s.

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**(e) Proposed Section 16.5 - Signs within Residential, Rural and Environmental Protection Zones**

This section proposes to limit the number of signs within residential, rural and environmental protection zones to one business identification sign that has a maximum area of 1.5sqm and no higher than 1.5 metres.

The proposed controls under this section would ensure that residential, rural and environmental protection zones maintain their existing character.

**(f) Proposed Section 16.6 - Signs within Business and Industrial Zones**

The development standards under this section address the total number of building and business identification signage that can be displayed on a building, as well as specific development standards for wall signs, fascia signs, under awning signs, top hamper signs, window signs, projecting wall signs and freestanding pylon and directory signs.

It is proposed that the total number of signs shall not result in more than six signs being constructed or installed upon any one premise or a building elevation facing a public space.

The proposed development controls for wall signs, fascia signs, under awning signs, top hamper signs, window signs, projecting wall signs and freestanding pylon and directory signs under Draft Part 16 are generally similar, but slightly more relaxed compared to the development standards under the Codes SEPP. This will allow businesses to apply for a development application with Council where a proposed sign does not strictly comply with the development standards under the Codes SEPP.

Notably, the proposed development standards for business identification signs will only apply where the proposal does not strictly comply with the development standards under the Codes SEPP, for example where the proposed sign is slightly larger in area than the maximum area specified under the Codes SEPP or slightly higher, or proposed within a heritage conservation area.

**(g) Proposed Section 16.7 - Signs on Heritage items and within Heritage Conservation Areas**

This section proposes controls for signs within heritage conservation areas or on a heritage item.

The Codes SEPP allows fascia signs, under awning signs and window signs on heritage items and within heritage conservation areas as exempt development.

Section 16.7 - Signs on Heritage items and within heritage conservation areas allows the following types of signs to be placed on heritage items and within heritage conservation areas, providing they meet specific development controls under this section:

- wall sign (but only on a building not heritage listed) within a heritage conservation area
  - top hamper sign
  - fascia sign
  - under awning sign and
  - window sign.
-

It is proposed that the number of signs on heritage items and within heritage conservation areas be limited to those necessary to display the name of the business and the name of the building (if applicable).

#### **(h) Proposed Section 16.8 - Service Station Signs**

This section aims to allow service stations the opportunity to advertise their business, whilst minimising the visual impact of signs on the streetscape and adjoining properties.

It proposes to limit signage to one sign per street frontage.

### **5. Boarding Houses – Legislative Context**

Due to the rapid rising cost in the rental market in Campbelltown and the evolving medical and educational precincts in Macarthur, a need for boarding house type accommodation has emerged. As a result, Council is experiencing a rapid increase in the number of development applications for boarding houses compared to previous years. These development applications are lodged under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

Currently boarding house development at the state level is regulated by the following:

- *NSW Boarding Houses Act 2012*
- State Environmental Planning Policy (Affordable Rental Housing) 2009.

A number of Councils are currently preparing or have prepared and endorsed development control plans for boarding houses within their LGA's including Parramatta City Council, Wollongong City Council, Sydney City Council, Bankstown Council, Lane Cove City Council and Randwick City Council. The boarding houses DCPs generally aim to supplement the development standards under the ARH SEPP by providing controls for waste management, setbacks and privacy and solar access.

#### **(a) NSW Boarding Houses Act 2012**

The *Boarding Houses Act 2012 (BH Act)* was introduced as a whole-of-government response to concerns around safety and conditions of people living in boarding houses. In addition to establishing responsibilities to Government organisations (including Council), the BH Act aims to improve the standards of registered boarding houses by:

- establishing a publicly available register of registrable boarding houses in NSW
- increasing inspection powers for local councils
- introducing occupancy rights for people living in boarding houses
- modernising the laws that apply to boarding houses accommodating people with additional needs.

The BH Act also provides for occupancy agreements between boarding house proprietors and residents, and gives the NSW Civil and Administrative Tribunal power to deal with some disputes.

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Under the BH Act, Council has a primary role in inspecting and enforcing safety and accommodation standards in existing boarding houses. Councils also have the power to fine operators of unregistered boarding houses or to issue orders for boarding houses to meet certain building, safety and accommodation standards.

**(b) State Environmental Planning Policy (Affordable Rental Housing) 2009**

The main aim of the ARH SEPP is to increase the supply of affordable rental housing in NSW. The ARH SEPP was introduced in 2009 and makes boarding houses permissible within the following zones:

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- R1 General Residential (this zone is not applicable to Campbelltown LGA)
- R2 Low Density Residential (within 400m of B2 Local Centre or B4 Mixed Use)
- R3 Medium Density Residential and
- R4 High Density Residential.

Under the ARH SEPP councils are not able to refuse development applications for boarding houses on grounds of building heights, landscaping, solar access, private open space, parking and accommodation size, where the development proposal complies with the following development standards as specified under the ARH SEPP:

**(i) Building height**

The building height is consistent with the maximum height allowed under Council's LEP.

**(ii) Landscaped area**

If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.

**(iii) Solar access**

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

**(iv) Private open space**

If at least the following private open space areas are provided (other than the front setback area):

- one area of at least 20sqm is provided for the use of the lodgers
  - one area of at least 8sqm for the manager (where relevant).
-

**(v) Parking**

If at least one car parking space is provided for every five rooms (potentially 10 residents), and one parking space is provided for every person employed in connection with the development.

**(vi) Accommodation size**

Where each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- 12sqm in the case of a boarding room intended to be used by a single lodger, or
- 16sqm in any other case.

The ARH SEPP also includes controls to take into account the character of the local area and restrictions to any strata subdivision or community title subdivision of a boarding house.

**(c) Issues with the ARH SEPP**

The ARH SEPP encourages both the traditional form of boarding houses, being those with shared facilities as well as new generation boarding houses, being those that are buildings with self-contained rooms. As a result, the end product under the ARH SEPP varied significantly in terms of design standards, quality, scale and appearance of developments.

Development applications for boarding houses received by Council under the ARH SEPP, fall under the following main types:

**(i) Purposely built boarding houses**

Purposely built boarding houses contain generally self-contained rooms with a small kitchen, toilet and a shower.

An example of this type of boarding houses is the boarding house at No: 3 Bradbury Avenue, Bradbury. This boarding house comprises seven self-contained studio apartments and is located within a short walking distance of the Campbelltown CBD precinct.

**(ii) Conversion of existing buildings/houses into boarding houses**

Council has received a number of development applications for boarding houses which are basically a conversion of an old single dwelling into a boarding house. These lower market boarding houses provide lodgers with minimal internal residential amenity; however comply with the requirement under the ARH SEPP.

Examples of this type of boarding house are the boarding house at No.23 Turimetta Avenue in Leumeah and No: 141 Lindesay Street Campbelltown.

Council staff have identified a number of issues with the current boarding housing provisions under the ARH SEPP. In summary those matters include:

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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- the development standards under the ARH SEPP are not sufficiently detailed. For example the reference that the front setback area shall be compatible with the streetscape in which the building is located is considered very generic
- the requirement of one car parking space for five rooms (potentially 10 residents) is not considered sufficient
- the requirement that no boarding room will be occupied by more than two adult lodgers does not necessarily exclude children
- the solar access requirement does not include development standards to maintain a reasonable solar access for adjoining residential properties
- the capped private open space requirement of 20sqm does not take into account the number of lodgers and the scale of development, and may potentially be insufficient
- the reference to adequate bathroom and kitchen facilities to be available within the boarding house for the use of each lodger is subjective. More stringent controls need to be provided in this regard
- the lack of controls available to prevent the wholesale proliferation of boarding houses in one particular area or within inappropriate locations such as cul-de-sacs
- the trigger of 20 or more lodgers for an on-site manager is considered disproportionate, particularly where lodgers have to use shared kitchen, bathrooms and laundry facilities, as this living arrangement is likely to result in frequent disputes between residents
- the bulk and scale impacts of boarding houses on the streetscape in low density residential areas
- the absence of detailed requirements for setbacks, privacy and waste management
- the absence of a requirement to develop a management plan for the ongoing use/operation of the boarding house so to limit impacts on adjoining neighbours amenity.

### 6. Draft Part 17 Boarding Houses

Draft Part 17 has been prepared to provide additional detailed controls to supplement the provisions under the ARH SEPP as under Section 74C (5) of the Act, a DCP will have no effect if it is inconsistent or incompatible with a provision of a planning instrument that applies to the same land. As such some of the identified issues with the ARH SEPP cannot be addressed by a DCP. The ARH SEPP would need to be revised to address issues related to car parking provisions and the requirement for a manager where less than 20 people occupy a boarding house.

In February this year, Council staff met with staff from the Department of Planning and Environment (the Department) and discussed the need to revise the development standards under the ARH SEPP with the view to include local development standards for boarding houses under CLEP 2015 and to ultimately seek exemption from the ARH SEPP. Council staff are currently working on a formal submission to the Department in this regard.

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In the interim Draft Part 17 - Boarding Houses proposes to provide additional controls to guide boarding houses development within Campbelltown LGA. Draft Part 17 - Boarding Houses is shown as attachment 4 to this report. An explanation of the proposed provisions under each section is provided below:

**(a) Proposes Section 17.1 - Applications**

Draft Part 17 - Boarding Houses is proposed to apply to the whole of the Campbelltown LGA.

**(b) Proposed Section 17.2 - General Requirements for Boarding Houses**

This section aims to:

- ensure that boarding houses are of high quality design and consistent with the desired future character of the locality;
- ensure that boarding houses do not adversely impact on the residential amenity of adjoining residents; and
- provide appropriate levels of amenity (internal and external) for residents within boarding houses.

This Section proposes the following main development controls:

- restrict the development of boarding houses within low density residential zones to allotments that have a site area of not less than 700sqm, (similar to the current restriction on dual occupancy and semi-detached dwellings) and restrict the number of boarding rooms to eight
- restrict the development of boarding houses on battle-axe allotments
- provide development controls for setbacks for boarding houses within residential areas as proposed in the Table below:

**Table1: Proposed Setbacks for Boarding houses within residential areas**

Area	Setbacks
Low and medium density residential areas	5.5 metres from the primary street boundary 3 metres from the secondary street boundary 0.9 metres from any side boundary for the ground level 1.5 metres from any side boundary for all levels above the ground level 5 metres from the rear boundary for the ground level; and 10 metres from the rear boundary for all levels above ground level within land zoned Zone 2(b) Residential B Zone under LEP 2002 or land zoned R2 under the CLEP 6.5 metres from the rear boundary for all levels above ground level within land zoned Zone R3 under the CLEP 6 metres from any street boundary for garages.
High density areas	5.5 metres from any street boundary; and 6 metres from any other boundary.

- provide setbacks for boarding houses within local and neighbourhood centres and mixed use areas, similar to the requirements for mixed used development within those areas
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**(c) Proposed Section 17.3 - Car Parking and Access**

This section provides development controls in relation to driveway width and vehicles entering and exiting the site.

**(d) Proposed Section 17.4 - Landscaping**

This section provides detailed requirements regarding the minimum width of the landscaped area and requires that boarding house applications include a landscape plan. In this regard a boarding house shall be provided with a three metre wide landscaping strip along the primary and secondary street frontage (other than vehicle driveways) and 1.5 metre wide landscaping strip along the full width of the rear boundary.

**(e) Proposed Section 17.5 - Waste Management**

This section specifies detailed requirements in relation to the required waste and recycling bin rates and location of bins.

**(f) Proposed Section 17.6 - Management Plan**

This section requires that boarding house applications include a management plan that provides the following information:

- provide additional development controls in relation to the size and rates of shared facilities, indoor communal areas and outdoor private open-space where the boarding house is greater than 400m from a park
- provide additional development controls to safeguard the visual privacy and solar access to adjoining residential premises
- 24 hour contact details of the manager/caretaker (including phone number and mobile phone number)
- proposed staffing arrangements during the daytime and at night-time
- proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality
- proposed safety and security measures to be employed within the boarding house including prominent display boards within the building of emergency telephone numbers and other essential telephone numbers
- proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00 am; and
- professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.

**7. Legal Context – One DCP Legislative Requirement and Recommendation to Repeal DCP No 99**

Under Section 74 (c) of the *Environmental Planning and Assessment Act 1979* (the Act) only one DCP made by the same relevant planning authority (Council) may apply in respect of the same land. Where more than one DCP applies to the same land, the Act stipulates that all DCPs would have no effect.

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There are a number of standalone DCPs that currently apply to certain sites within Campbelltown LGA, however, such DCPs have been prepared by the State Government and not Council, and as such their existence is not inconsistent with the 'one DCP' requirement under the Act. These include the following:

- 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
- 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*.

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

CLEP 2015 commenced on 11 March 2016, and as such Council has until 11 September 2016 to comply with the one DCP requirement.

DCP 99 is Council's last remaining standalone DCP that is yet to be revised and included under the SCDCP 2015. DCP 99 applies to the whole of Campbelltown LGA, in addition to the SCDCP 2015. Council has a legal obligation to fulfil the one DCP legislative requirement under the Act otherwise all Council's DCPs would have no effect.

Given the timing of Council's election, it would not be possible for Council, prior to 11 September 2016, to adopt this Draft Amendment and repeal DCP 99. To ensure that Council complies with the one DCP requirement of the Act, it is recommended that Council repeal DCP No 99 prior to 11 September 2016.

As discussed earlier, DCP 99 is out-dated and for this reason it is not currently given much weight when assessing development applications for advertising and signage within the Campbelltown LGA. Further as Draft Part 16 - Advertising and Signage would, (subject to Council's resolution) have been placed on exhibition it would be required to be considered as part of the assessment of any Development Application lodged during this time. As such, there would not be any major implications for Council, if DCP 99 were to be repealed prior to the adoption of Draft Part 16 - Advertising and Signage.

For the above reasons, it is recommended that DCP No 99 be repealed by a public notice, prior to 11 September 2016. The requirement to repeal a DCP by way of public notice, as specified under Section 23 of the Regulation, has two steps:

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

Accordingly, should Council endorse the repeal of DCP No 99 as recommended by this report, an advertisement will be placed in the local newspapers, as well as Council's website, advising of Council's intention to repeal the DCP 99. As required, this would be followed by a final public notice of the repeal of DCP 99, 14 days after the initial notice and prior to 11 September 2016.

### **8. Public Exhibition of Draft Amendment No 2 to the SCDCP 2015**

It is recommended that the Draft Amendment 2 to SCDCP 2015 be publicly exhibited for a period of 28 days, in line with the legislative requirements under the Act and its Regulation at a number of locations across the city including Council's Civic Centre, all libraries and on Council's website. An advertisement will be placed in the local newspapers advising of the details of the public exhibition of Draft Amendment No 2 to SCDCP 2015.

In addition Council will write to the Campbelltown Chamber of Commerce, Ingleburn Chamber of Commerce and the Outdoor Advertising Association requesting their feedback on Draft Part 16 - Advertising and Signage and offer to provide their organisation with a separate briefing on the draft controls.

### **9. Amendment No 1 to the SCDCP 2015**

Council on 19 April 2016 endorsed Amendment No 1 to the SCDCP for public exhibition. Amendment No 1 to the SCDCP aims to consolidate the SCDCP 2014 and the SCDCP 2015 under the one document by extracting the development controls that apply to the deferred areas and include them as Volume 3 Deferred Areas DCP of the SCDCP 2015.

As reported, Amendment No. 1 does not propose any new policies. It is merely a tidying up exercise that proposes to combine Council's various DCPs under the one umbrella of the SCDCP 2015. A copy of the report that was provided to Council's meeting of 19 April 2016 is shown as attachment 5 of this report. The attached report provides additional information on the details of Amendment No 1.

In accordance with Council's resolution (Draft Amendment 1 to the SCDCP was placed on public exhibition from 4 May 2016 until 3 June 2016), Council did not receive any submissions during the public exhibition period of Amendment No 1 and as such, it is recommended that Council proceed to adopt Amendment No 1 as publicly exhibited in accordance with the Environmental Planning and Assessment Regulation.

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## Conclusion

In conclusion the following summary is provided:

- Draft Amendment No 2 to SCDCP 2015 primarily proposes a revised Council policy on advertising and signage and newly proposed development controls for boarding houses to supplement the ARH SEPP
- To comply with the legislative requirement of 'one DCP' under *Environmental Planning and Assessment Act 1979*, it is recommended that Council repeal its last stand-alone DCP 99, prior to 11 September 2016
- Amendment No 1 to the SCDCP 2015 has been placed on public exhibition, and as no submissions were received, it is therefore recommended that Council adopt Amendment No 1 to the SCDCP 2015 in accordance with the legislation.

## Officer's Recommendation

1. That Council endorse Draft Amendment No 2 to Volume 1 of Campbelltown (Sustainable City) Development Control Plan 2015 (contained in attachment 1), Draft Part 16 - Advertising and Signage (attachment 3) and Draft Part 17 - Boarding Houses (attachment 4) for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation.
2. That at the conclusion of the public exhibition, a separate report be provided to Council on the outcome of the public exhibition of the Draft Amendment 2 to Campbelltown (Sustainable City) Development Control Plan 2015
3. That Council repeal Development Control Plan No 99 Advertising Signs prior to 11 September 2016 in accordance with the manner prescribed by the Environmental Planning and Assessment Regulation 2000.
4. That Council adopts Amendment No1 to the Campbelltown (Sustainable City) Development Control Plan 2015 as publicly exhibited.

## Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

## CARRIED

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

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

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**Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 93**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### **Attachment 1: Draft Amendment No 2 to Volume 1 of the Campbelltown (Sustainability City) Development Control Plan 2015**

It is proposed to amend Volume 1 of the Campbelltown (Sustainability City) Development Control Plan 2015 in the following manner:

1. Insert an additional clause after clause 3.6.4.1a) that reads:
  - b) Despite Clause 3.6.4.1 a) above semi-detached dwellings shall be permitted on an allotment having a minimum width less than 7.5 metres, where each individual lot existed prior to the commencement of the CLEP.
2. Insert the following sub-section under Section 3.4 General Requirements for Low and Medium Density Residential Development:

#### **3.4.1.3 Advertising Material**

- a) As part of the letter box design for multi-dwelling houses, a separate enclosure shall be provided for the placement of all advertising and newspaper materials for the development. Such enclosure shall be located behind the building line and designed to be incorporated into the letter box arrangement for the development
  - b) The newspaper/advertisement container shall be regularly emptied by the manager/caretaker of the building
3. Insert the following additional new sub-section under Section 5.4 General Requirements for Residential Flat Buildings and Mixed Use Development.

#### **5.4.10 Advertising Material**

- a) As part of the letter box design for multi-dwelling houses, a separate enclosure shall be provided for the placement of all advertising and newspaper materials for the development. Such enclosure shall be located behind the building line and designed to be incorporated into the letter box arrangement for the development
  - b) The newspaper/advertisement container shall be regularly emptied by the manager/caretaker of the building.
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## ATTACHMENT 2

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- (i) satisfy any applicable legislative requirements relating to pollution control, and
- (ii) not be undertaken for the purpose of remediating contaminated land, and
- (h) not reduce the amount of light penetration to any water below, and
- (i) not increase the area of the existing footprint of any building, and
- (j) not change the classification of any building under the *Building Code of Australia*, and
- (k) not involve disturbance of, or injury to, the bed of any waterway or marine vegetation (within the meaning of the *Fisheries Management Act 1994*), and
- (l) not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building, and
- (m) use recessive colours sympathetic to the existing natural landscape and built form, and
- (n) be consistent with the terms of any applicable development consent, and
- (o) if an approval is required under the *Fisheries Management Act 1994*—be approved under that Act, and
- (p) if a licence is required under the *Protection of the Environment Operations Act 1997*—be licenced under that Act.

### Subdivision 41 Windmills

#### 2.81 Specified development

The construction or installation of a windmill for purposes other than the generation of electricity is development specified for this code if it is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6.

#### 2.82 Development standards

The standards specified for that development are that the development must:

- (a) be free standing, and
- (a1) be located at least 20m from any road boundary and 5m from each other lot boundary, and
- (b) be designed by a professional engineer, and
- (c) be located at least 1m from any registered easement.

**Note.** There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

## Division 2 Advertising and Signage Exempt Development Code

### Subdivision 1 General requirements for advertising and signage

#### 2.83 General requirements

- (1) To be exempt development under this code, development specified in this Division must:
  - (a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and

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- (b) be approved under section 138 of the *Roads Act 1993*, if the sign or part of the sign projects over a public road, including a footway, and
  - (c) not be carried out on or in relation to a building being used as restricted premises, and
  - (d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and
  - (e) not obstruct or interfere with any traffic sign, and
  - (f) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and
  - (g) not result in more than 6 business identification signs being constructed or installed in relation to any building, and
  - (h) not result in more than one business identification sign being constructed or installed in relation to a home business, home industry or home occupation in a residential zone.
- (2) This clause does not affect any other requirement of this Policy in relation to exempt development.

**Note.** The *Summary Offences Act 1988* regulates or prohibits certain business signs.

### Subdivision 2 Building identification signs

#### 2.84 Specified development

The construction or installation of a building identification sign on the facade of a building for the purpose of identifying or naming a building is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.

#### 2.85 Development standards

The standards specified for that development are that the development must:

- (a) have only one sign displayed on each street frontage, and
  - (b) not be more than 2.5m<sup>2</sup> in area, and
  - (c) be mounted flat against an exterior wall or parapet and must not protrude more than 300mm from the face of the wall or parapet, and
  - (d) not be located higher than:
    - (i) the parapet or eaves of the building, or
    - (ii) 15m above ground level (existing),
 whichever is the lower, and
  - (e) not cover any window, door or architectural feature, and
  - (f) be securely fixed to the building in accordance with:
    - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0:General principles*, and
    - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2:Wind actions*, and
  - (g) not include any advertising of goods, products or services, and
  - (h) if the sign is illuminated:
    - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
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- (ii) not be animated, flashing or moving, and
- (iii) comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
- (i) if the sign is on a building on land that is within a residential, rural or environment protection zone, or is within 50m of and faces toward land that is within one of those zones—only be illuminated:
  - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
  - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

### Subdivision 3 Wall signs

#### 2.86 Specified development

The construction or installation of a business identification sign (including a business identification sign for a home business) that is flat mounted or painted on the exterior wall of an existing building, or on an existing boundary fence or wall, is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.

#### 2.87 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation of the building, and
  - (b) be attached to the building in which the business identified in the sign is located, and
  - (c) if it is a sign that is located in a residential, rural or environment protection zone:
    - (i) for a sign for a home business, home industry or home occupation—not be more than 1m<sup>2</sup> in area, and
    - (ii) for a sign for any other use—not be more than 2.5m<sup>2</sup> in area, and
  - (d) if it is a sign that is located in a business zone or Zone RU5—not be more than 5m<sup>2</sup> in area, and
  - (e) if it is a sign that is located in an industrial zone:
    - (i) not be more than 16m<sup>2</sup> in area if the sign is a wall sign attached or fixed to a building (other than a wall sign referred to in subparagraph (ii)), or
    - (ii) not be more than 20% of the surface area of the wall of the building if the sign is a wall sign painted or applied by adhesive material on a building, and
  - (f) not project beyond the parapet or eaves of the building to which it is attached, and
  - (g) not be more than 2.5m above ground level (existing) in a residential zone, and not be more than 8m above ground level (existing) in any other zone, and
  - (h) not cover any window, door or architectural feature, and
  - (i) be securely fixed to the building in accordance with:
    - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
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- (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (j) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
  - (ii) not be animated, flashing or moving, and
  - (iii) comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
- (k) if the sign is on a building, fence or wall on land within a residential, rural or environment protection zone, or is within 50m of and faces toward land within one of those zones—only be illuminated:
  - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
  - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

#### **Subdivision 4 Fascia signs**

##### **2.88 Specified development**

The construction or installation of a business identification sign on the existing fascia of the awning of a building is development specified for the purposes of this code.

##### **2.89 Development standards**

The standards specified for that development are that the development must:

- (a) be mounted flat and securely fixed to the fascia, and
- (b) involve a rigid signboard or a signboard within a rigid frame, and
- (c) not project below, above or beyond the sides of the fascia, and
- (d) be at least 600mm behind the alignment of any kerb within the adjacent road, and
- (e) not be illuminated.

#### **Subdivision 5 Under awning signs**

##### **2.90 Specified development**

The construction or installation of a business identification sign suspended below the existing awning of a building is development specified for the purposes of this code.

##### **2.91 Development standards**

The standards specified for that development are that the development must:

- (a) not result in more than one sign of this type for each ground floor tenancy, and
  - (b) not be more than 1.5m<sup>2</sup> in area, and
  - (c) not be more than 2.5m in length, and
  - (d) be erected with the lower edge at least 2.6m above ground level (existing), and
  - (e) be suspended at right angles to the building, and
  - (f) not project beyond the awning fascia, and
  - (g) be securely fixed to the building in accordance with:
    - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
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- (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (h) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
  - (ii) not be animated, flashing or moving, and
  - (iii) comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

### Subdivision 6 Top hamper signs

#### 2.92 Specified development

The construction or installation of a business identification sign above a display window or attached to the transom of a doorway in an existing building is development specified for the purposes of this code if it is not constructed or installed on a heritage item or a draft heritage item.

#### 2.93 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 2.5m<sup>2</sup> in area, and
- (c) not be more than 600mm in height, and
- (d) be erected with the lower edge at least 2.1m above ground level (existing), and
- (e) not project below the transom of any doorway, and
- (f) if constructed or installed in a heritage conservation area or in a draft heritage conservation area:
  - (i) be fixed flush to the transom, and
  - (ii) not project below the top of the doorway or display window, and
  - (iii) not be externally illuminated, and
- (g) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
  - (ii) not be animated, flashing or moving, andcomply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

### Subdivision 7 Window signs

#### 2.94 Specified development

The construction or installation of a business identification sign inside any window of an existing building is development specified for the purposes of this code.

#### 2.95 Development standards

The standards specified for that development are that the development must:

- (a) not cover more than 20% of the surface of the window in which it is displayed or 6m<sup>2</sup>, whichever is the lesser, and
  - (b) not be illuminated, and
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- (c) if it involves a sign advertising a home business, home industry or home occupation—not result in more than one sign per premises.

### **Subdivision 8 Replacement of identification signs**

#### **2.96 Specified development**

The replacement of:

- (a) an existing building identification sign or the content of such a sign, or
  - (b) an existing business identification sign or the content of such a sign,
- is development specified for this code.

#### **2.97 Development standards**

The standards specified for that development are that the development must:

- (a) replace a lawful sign, and
- (b) not be greater in size than the sign that it replaces, and
- (c) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and
- (d) not involve any alteration to the structure or vessel on which the sign is displayed, and
- (e) not obstruct or interfere with traffic signs.

### **Subdivision 9 Internal signs**

#### **2.98 Specified development**

The construction, installation or display of advertisements or signs within an area enclosed by a building (for example, a sports stadium or shopping centre) is development specified for the purposes of this code.

#### **2.99 Development standards**

The standards specified for that development are that the development must:

- (a) not be visible from any public place outside the site of the building concerned, and
- (b) be securely fixed and installed in accordance with:
  - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
  - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*.

### **Subdivision 10 Community notice and public information signs**

#### **2.100 Specified development**

The construction or installation of a sign that provides information on, or advertises services or activities on a site for, a public or community institution or organisation is development specified for the purposes of this code.

#### **2.101 Development standards**

The standards specified for that development are that the development must:

- (a) not result in more than one sign facing any road frontage, and
  - (b) not have a surface area of more than 3.5m<sup>2</sup>, and
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- (c) not be higher than 5m above ground level (existing), and
- (d) be located wholly within the boundaries of the site, and
- (e) be securely fixed and installed in accordance with:
  - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
  - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (f) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (g) not be illuminated.

### Subdivision 11 Temporary event signs

#### 2.102 Specified development

The construction or installation of a sign or banner that advertises a commercial, community or retail event or a private function (including sponsorship of the event or function) is development specified for the purposes of this code.

#### 2.103 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- (b) not have a surface area of more than 6m<sup>2</sup>, and
- (c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- (d) not be higher than 5m above ground level (existing), and
- (e) not be permanently fixed to a building, fence or wall, and
- (f) if advertising a commercial or retail event—not be constructed or installed in a residential zone, and
- (g) not be illuminated, and
- (h) not be displayed earlier than 14 days before the event, and
- (i) be removed within 2 days after the event.

### Subdivision 12 Real estate signs

#### 2.104 Specified development

The construction or installation of a temporary sign to advertise real property for sale or rent, being a sign that is located on the property for sale or on the site of the property for sale, is development specified for the purposes of this code.

#### 2.105 Development standards

- (1) The standards specified for that development are that the development must:
  - (a) if it is advertising a parcel of land or one or more dwellings in a multi dwelling development with less than 10 dwellings:
    - (i) not result in more than one sign for each parcel of land or dwelling (except that dwellings in the same ownership must be advertised on one sign), and

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- (ii) not be more than 1.5m<sup>2</sup> in area, and
  - (iii) not be more than 3m above ground level (existing), and
  - (iv) not be externally illuminated, and
  - (v) if the development is advertising the sale or lease of a dwelling—be removed within 14 days after the sale or lease, and
  - (vi) if the development is advertising the sale or lease of vacant land—be removed no later than the commencement of any construction on the land, and
- (b) in any other case—not result in more than one sign on any road frontage and each sign must:
- (i) not be more than 10m<sup>2</sup> in area, and
  - (ii) not be more than 5m above ground level (existing), and
  - (iii) if the sign is more than 3.5m<sup>2</sup> in area—be securely fixed and installed in accordance with:
    - (A) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
    - (B) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
  - (iv) not be illuminated, and
  - (v) if on the site of a heritage item or draft heritage item—not be attached to a building, and
  - (vi) be removed within 14 days after the sale or lease of the property.
- (2) Despite subclause (1) (b), a sign that complies with the following development standards may be constructed or installed if the sign is advertising the sale of all the lots in a subdivision with more than 10 lots or all the dwellings in a multi dwelling development with 10 dwellings or more:
- (a) the sign must:
    - (i) not be more than 10m<sup>2</sup> in area, and
    - (ii) not be more than 5m above ground level (existing), and
    - (iii) if the sign is more than 3.5m<sup>2</sup> in area—be securely fixed and installed in accordance with:
      - (A) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
      - (B) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
  - (b) the sign must be removed when 90% (rounded down to the nearest whole number) of the lots in the subdivision or dwellings in the multi dwelling development are sold or at the expiration of 2 years, whichever occurs first,
  - (c) the sign may be additional to any sign permitted under subclause (1) (b), but only one such additional sign may be constructed or installed.

### Subdivision 13 Election signs

#### 2.106 Specified development

- (1) The display of any poster that contains electoral matter in relation to an election held under the *Commonwealth Electoral Act 1918* of the Commonwealth, the *Parliamentary Electorates and Elections Act 1912* or the *Local Government Act 1993* is development specified for the purposes of this code.

## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]  
Part 2 Exempt Development Codes

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- (2) In this clause, *electoral matter* means:
- (a) any matter that is intended or calculated or likely to affect or is capable of affecting the result of an election or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at an election, or
  - (b) the name of a candidate at an election, the name of the party of any such candidate and the picture of any such candidate (including any photograph of the candidate and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate).

### 2.107 Development standards

The standards specified for that development are that the development must:

- (a) not be more than 0.8m<sup>2</sup> in area, and
- (b) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (c) be displayed by or on behalf of a candidate at an election referred to in clause 2.106 or the party (if any) of any such candidate, and
- (d) be displayed in accordance with any relevant requirements of the Act under which the election is held, and
- (e) be displayed only during the following periods:
  - (i) 5 weeks immediately preceding the day on which the election is held,
  - (ii) the day on which the election is held,
  - (iii) 1 week immediately following the day on which the election is held.

## Division 3 Temporary Uses and Structures Exempt Development Code

### Subdivision 1 General requirements for temporary uses and structures

#### 2.108 General requirements

- (1) To be exempt development under this code, development specified in this Division must:
- (a) have the consent in writing of the owner of the land on which the development is carried out or, if a council or public authority has the control or management of the land, the consent in writing of the council or public authority,
  - (b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
  - (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
  - (d) not result in damage to any protected tree growing on the land or on adjacent land,
  - (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
  - (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
-

## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]  
Part 5 Commercial and Industrial Alterations Code

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### Subdivision 7 Projecting wall signs

#### 5.13 Specified development

The construction or installation of a business identification sign that projects from the exterior wall of an existing building is development specified for the purposes of this code if:

- (a) it is not carried out on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area, and
- (b) it is carried out on land that is in a business, industrial or special purpose zone.

#### 5.14 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation of the building, and
- (b) not project beyond the parapet or eaves of the building to which it is attached, and
- (c) if located in an industrial zone—be no more than 2.5m<sup>2</sup> in area and not project more than 1.5m horizontally from the facade of the building, and
- (d) if located in any other zone—be no more than 1.5m<sup>2</sup> in area and not project more than 0.75m horizontally from the facade of the building, and
- (e) be securely fixed to the wall in accordance with:
  - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
  - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (f) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
  - (ii) not be animated, flashing or moving, and
  - (iii) comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
- (g) if the sign is on land that is within a residential zone or within 50m of land that is within a residential zone and the sign faces the residential zone—only be illuminated during the following periods:
  - (i) if the hours of operation of the business identified on the sign have been approved—during those hours,
  - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

**Note.** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

### Subdivision 8 Freestanding pylon and directory board signs

#### 5.15 Specified development

The erection of a business identification sign that is displayed on a freestanding structure that is mounted on the ground on one or more supports is development specified for this code if:

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]  
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- (a) it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (b) it is carried out on land that is in a business, industrial or special purpose zone.

#### 5.16 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located that is more than 15m in width, and
- (b) not be higher than 6m from ground level (existing), and
- (c) not have an area for the sign of more than 8m<sup>2</sup> unless paragraph (d) applies, and
- (d) if the development is located on premises with more than one commercial tenant—not have an area for the sign of more than 16m<sup>2</sup>, and
- (e) not be located within 3m of any protected tree, and
- (f) be constructed and installed in accordance with:
  - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
  - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (g) not obstruct the visibility sight lines of, or interfere with, any traffic control device, including traffic control lights, and
- (h) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
  - (ii) not be animated, flashing or moving, and
  - (iii) comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
- (i) if the sign is on land that is within a residential zone or within 50m of land that is within a residential zone and the sign faces the residential zone—only be illuminated during the following periods:
  - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
  - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

**Note.** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

### Subdivision 9 Development ancillary to the use of land

#### 5.17 Specified development

Development, or the carrying out of works, that is or are ancillary to the use of land is development specified for this code if it is not carried out on a lot that:

- (a) contains a dwelling house, or
- (b) is a flood control lot.

#### 5.18 Development standards

The standards specified for that development are that the development must:

## **ATTACHMENT 3**

# **Draft Part 16 Advertising and Signage**

Draft

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## 16.1 Application

### 16.1 Application

This Part sets out controls for all signage proposals within Campbelltown LGA, except signage that is classified as exempt or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*; and any signage undertaken by Campbelltown City Council.

**Note:** CLEP stands for Campbelltown Local Environmental Plan 2015

**Note:**

The following signs are types of business identification signs that are exempt development if designed and constructed in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and:

- Wall sign;
- Fascia sign;
- Under awning sign;
- Top hamper sign;
- Window sign;

The following signs are types of business identification signs and are complying development if designed and constructed in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and:

- projecting wall sign;
- freestanding pylon and directory board signs

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is available for view at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

**Objectives:**

- Encourage signage that provides identification and information about land uses of premises in a manner that complements the design of the building on which it is displayed on and the streetscape.
- Ensure signage that contributes positively to the appearance of the building, structure or place by encouraging coordinated signage of high-quality design and materials.
- Discourage the proliferation of signs and advertising structures that collectively becomes meaningless and cluttered.
- Ensure signs and advertising structures that do not detract from the level of safety for drivers, cyclists and pedestrians by obstructing sight lines and distracting road users.
- Ensure that the scale of the sign and advertising structures are appropriate to the size of the building and its surroundings.
- Ensure that signs and advertisements contribute to a high quality public domain.

## 16.2 Types of Signs and Definitions

Some of the signage types referred to in this section are shown in Figure 16.3.1 below.

**Note:**

**Advertisement** has the same meaning as in the Environmental Protection & Assessment Act 1979: a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**Advertising structure** has the same meaning as in the Environmental Protection & Assessment Act 1979: a structure used or to be used principally for the display of an advertisement.

1. Bill board Sign
2. Roof or Sky sign
3. Flush mounted wall sign
4. Vertical projecting wall sign
5. Horizontal projecting wall sign
6. Above awning sign
7. Fascia sign
8. Under awning sign
9. Top hamper sign
10. Window sign
11. Freestanding pylon and Directory Board sign

## 16.2 Types of Signs & Definitions

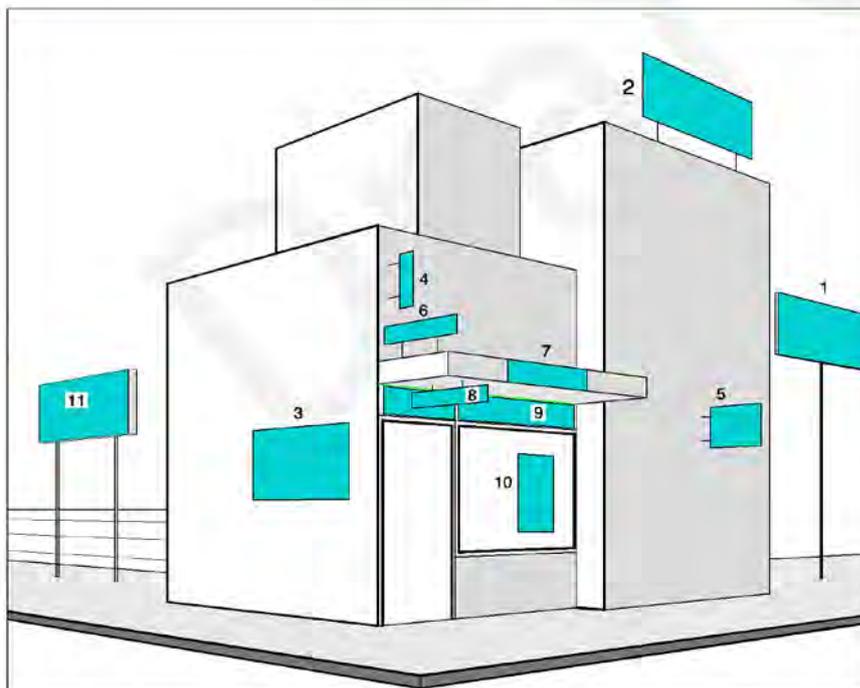


Figure 16.3.1 - Types of signs

## 16.2

### Types of Signs & Definitions

The following definitions shall apply for the purpose of this Part:

**'A' Frame Sign ( also known as a sandwich board )** means a portable, freestanding sign consisting of either two advertising boards supporting each other in an 'A' configuration, or one advertising board supported by one or more posts in an 'A' configuration.

**Above awning sign** means a sign that is located above an awning or veranda, attached to the awning and/or wall, but is contained entirely below the roofline and not protruding beyond the extent of the awning or veranda (but does not include a projecting wall sign).

**Banner or flag sign** means a piece of fabric supported on one or two sides by poles or ties and allowed to move freely, but not including national, state, regional or aboriginal flags.

**Billboard sign** means an advertisement supported by one or more columns or post which stands independent of any building and/or structure and which does not relate to the use of the site to which it is attached.

**Bunting** means a string of lightweight coloured material or plastic secured at both ends but allowed to move freely.

**Building identification sign** has the same meaning as in the CLEP (see note).

**Business identification sign** as the same meaning as in the CLEP (see note).

**Canopy fascia sign** means a sign that is located on the fascia of the structure erected over the pumps at a petrol station.

**Corporate identification** means building colour, decoration, symbols, logos and the like that attach a building use with a readily identifiable corporate brand

**Day time** means the time between sunrise and sun set, excluding twilight periods.

**Digital Signs** - Any sign that uses digital technology to display bright, high quality

**Note:**

Building identification sign (as defined under the CLEP) means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note:**

Business identification sign ( as defined under the CLEP) means a sign:

- (a) that indicates:
  - i) the name of the person or business, and
  - ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

electronic images which are uploaded and changed using a computer and modem via a secure network. A central feature of these devices is the use of Light Emitting Diode (LED) technology allowing luminance to be controlled and adjusted automatically and includes Electronic Static Displays (ESDs), Variable Message Signs (VMS) and Dynamic Electronic Displays (DEDs)

**Dwell duration** means the period of time that content on a sign remains static without any movement.

**Dynamic Electronic Displays (DEDs)** means any sign that displays animations, videos, flashing images, and have active display changes. DEDs signs, either permanent or portable, including any signs which contain any portion of video and/or animated content, that face a road reserve and are visible to road users are prohibited. DEDs are a type of digital signs.

**Electronic Static Displays (ESDs)** means signs that display static images only, which are presented successively at set intervals. They do not contain or imply motion such as vertical or horizontal scrolling, fade, dissolve or animation within the message itself and do not have any movement of any part of the advertising structure or surrounds. ESDs are a type of digital signs.

**Fascia sign** means a sign that is attached flush to the existing fascia of the awning of a building, which does not project above, below or beyond the awning of a building over a footpath.

**Flashing sign** means a sign that is illuminated at frequent intervals of 3 seconds or less by either an internal or external light, and whether or not included in any other type of sign.

**Flush mounted wall sign** means a flat mounted or painted sign attached to the exterior front or side wall of a building and does not project more than 100mm from the wall surface.

**Note:**

**Illuminance** has the same meaning as contained in AS/NZS 1158-2005: the physical measure of illumination. It is the luminous flux arriving at a surface divided by the area of the illuminated surface. Unit: lux (lx). The term includes 'Horizontal illuminance' (the value of illuminance on a designated horizontal plane at ground level) and 'Vertical illuminance' (the value of illuminance on a designated vertical plane at a height of 1.5m above ground level. Where the vertical illuminance is considered in the situation of potentially obtrusive light at a property boundary it is referred to as environmental vertical illuminance).

**Luminance** has the same meaning as contained in AS/NZS 1158-2005: the physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire or reflecting material such as the road surface) when viewed from a specified direction. Unit: candela per square metre (cd/ sqm).

**Note:**

A digital sign and/or an illuminated sign may take the form of any permissible sign under this plan (i.e fascia sign or a wall sign) and shall comply with all the relevant development controls under this part of the Plan.

## 16.2

### Types of Signs & Definitions

## 16.2

### Types of Signs & Definitions

**Freestanding pylon and Directory Board sign** means a sign which is supported by one or more columns, uprights or braces fixed to the ground and which is not directly attached to any building or other structure.

**General advertising** means signage that does not relate to the use of the land/building to which it is attached.

**Illuminated sign** means any sign illuminated by an artificial sources such as fluorescent and/or incandescent bulbs.

**Inflatable sign** means a sign that is located on an inflatable structure such as a balloon or blimp being of a temporary nature and used for the purpose of displaying information about a business, product, local event and/or attraction.

**Moving sign** means a sign that is capable of moving by any source of power, whether or not included in any other class of sign.

**Portable or movable signs** means an advertisement attached to the body of a vehicle or trailer which is principally designed for placement in a publicly viewable location.

**Poster sign** means a temporary sign that is usually in the form of a paper or lightweight cardboard or foam core board 'poster' used for the purposes of displaying information about a local event or attraction.

**Projecting wall sign** is a sign that projects from the exterior wall of an existing building but not protruding beyond the roadside edge of the awning or above the roofline of a building.

**Roof or sky sign** means a sign that is erected on or above the parapet of a building that is wholly or partly supported by the building.

**Signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- i) an advertising structure,
  - ii) a building identification sign,
-

iii) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**Temporary sign** means a sign which is used to promote an event, celebration etc organised by a community group, not for profit organisation or government body (including Council) that has a limited time of display.

**Top hamper sign** means a sign that is attached to the transom of a doorway or display window of a building.

**Twilight** means the time between sunrise and dawn in the morning and sunset and dusk in the evening.

**Under awning sign** means a sign that is suspended below the existing awning of a building

**Variable Message Sign (VMS)** means a sign that display electronic text messages and have the capacity for graphical displays. VMS are a type of digital signs.

**Wall sign** means a flat mounted or painted sign attached to the exterior front or side wall of a building and does not project more than 100mm from the wall surface.

**Window sign** means a sign that is painted or displayed inside a window of a building.

## 16.2

### Types of Signs & Definitions

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## 16.3

### Relationship to other Environmental Planning Instruments

#### 16.3 Relationship to other Environmental Planning Instruments, Australian Standards, State Policies and Guidelines.

##### 16.3.1 State Environmental planning Policy No 64 - Advertising and Signage (SEPP 64)

- a) Development applications for all forms of signage shall comply with SEPP 64.

##### 16.3.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- a) Development controls under this part shall apply to signs and advertisement that are not considered exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

##### 16.3.3 Transport Corridor Outdoor Advertising and Signage Guidelines

- a) This Guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under SEPP 64.

##### 16.3.4 Australian Standards (AS)

- a) Some AS contain provisions relating to the construction and external illumination devices for signage that need to be complied with. The relevant AS include:
  - i) AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting;
  - ii) AS/NZS 1170.0:2002, Structural Design Actions, Part 0:General Principles;
  - iii) AS/NZS 1170.2:2011, Structural Design Actions, Part 2: Wind Actions; and
  - iv) AS 4852.1-2009 Variable Message Signs

**Note:**

Where signs are erected without prior development consent (where consent is required), Council may commence action under the provisions of the Environmental Planning and Assessment Act 1979, requiring removal of the signs, issuing fines or commencing court action.

**Note:**

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain types of signs as exempt or complying development. Exempt development does not require development consent from Council. Complying development requires a complying development certificate (CDC) to be issued by an accredited certifier or council, prior to work undertaken by the applicant.

**Note:**

Signs that may fall outside the type of signs defined under Section 16.2 Types of Signs and Definitions will be assessed on their merits.

## 16.4 General Requirements - Advertising and Signage

# 16.4

General  
Requirements

Advertising  
and  
Signage

### 16.4.1 Restrictions

- a) The following types of advertising and signage shall not be permissible within the Campbelltown LGA:
  - i) Above awning signs;
  - ii) Banner or flag signs in zones other than business and industrial zones including bunting;
  - iii) Inflatable signs;
  - iv) Portable or movable signs;
  - v) Moving signs;
  - vi) 'A frame' signs on public land;
  - vii) Roof or sky signs;
  - viii) Posters on poles or other structures in public places;
  - ix) Flashing signs;
  - x) Dynamic Electronic Displays that are visible to drivers; and
  - xi) Billboard Sign.

**Note:**

All development applications for signs need to comply with Schedule 1 of SEPP 64, available from NSW legislation website at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### 16.4.2 Design and location

- a) Signage attached to buildings shall be designed, located, scaled and sized having regard to the architectural style, features scale and design of the facades of the building.
  - b) Signage shall not dominate landscaped and public domain areas.
  - c) Free standing signage shall be designed to have regard to the size, height and scale of nearby buildings and their architectural elements.
  - d) Signage shall not protrude above any parapet or eaves.
  - e) All signage shall be designed to minimise opportunities for graffiti artists.
  - f) Signs shall be constructed of a material
-

## 16.4

### General Requirements

### Advertising and Signage

that is of high quality and durable.

- g) Signage shall not contain reflective materials, colours and finishes.
- h) Signage shall not cause any nuisance to nearby occupants as a result of glare or light spillage.

#### 16.4.3 Public Safety

- a) Signs and their supporting structures shall be structurally sound and constructed in manner to maintain pedestrian and traffic safety.
- b) Signs shall be designed and erected so to:
  - i) not to compromise driver and pedestrian safety;
  - ii) avoid confusion with road traffic signs and signals;
  - iii) not obscure a road hazard, oncoming vehicles, pedestrians; and
  - iv) avoid advertising messages, designs or bright lighting that may distract motorists.

#### 16.4.4 Contents

- a) Signs that contain wording in a language other than English shall have an English translation of that wording to a minimum font size of 50% of the non-English word/s.

#### 16.4.5. Maintenance of signs

- a) All signs shall be maintained to a high standard, including any advertising surface, structure and finish.

*Note: Council may direct the owner of an advertising sign that is unsightly, unsafe or likely to threaten public safety, to take any necessary action to remove or repair the sign/structure.*

#### 16.4.6. Illumination

- a) Illuminated signs shall:
    - i) have its means of illumination, including any associated cables,
-

concealed or integrated within the frame of the sign; and

- ii) not be animated, flashing or moving.

**16.4.7 Development Application for Signs**

- a) All development applications for a signage shall include photomontages of the sign and its relationship to the adjacent road environment, particularly traffic control devices or areas such as junctions/intersections and curves or crests.

**16.4.8 Digital Signs**

- a) Digital Signs shall meet the following criteria:
  - i) Advertisements shall not include videos or animations or animated effects such as 'fade', 'zoom' or 'fly-in'.
  - ii) The display screen shall not be split to display multiple advertisements on the one electronic display.
  - iii) Each change of content shall be completed instantaneously (i.e. within 0.1 of a second).
  - iv) Each content shall have a self contained message that is simple, effective and easily understood at a glance.
  - v) Sequential messages shall be avoided.
  - vi) Where changing content is proposed Dwell times for image display are:
    - 10 seconds for areas where the speed limit is below 80km/h.
    - 25 seconds for areas where the speed limit is 80km/h and over. Longer dwell times may be required by Council depending on the surrounding environment.
  - vii) In the event of a malfunction or failure of either the advertising copy display, or hardware/system/software the device must display (default to) a blank black screen.

**16.4**  
**General Requirements**  
**Advertising and Signage**

**Note:**  
 There has been a recent increase in the use of digital signs. This has necessitated a need to provide additional controls for these types of signs within the Plan. Council may consider the provision of digital signs at any location where a standard static sign is considered appropriate, providing the digital sign is managed in such a way that it does not create any additional road safety concerns or negatively impact on adjoining residents.

**16.4**  
**General Requirements**  
**Advertising and Signage**

- viii) All digital signs must be equipped with a sensor to measure the ambient light level of the surrounding environment and adjust the sign luminance levels accordingly. Such control systems shall be programmed to adopt a set of minimum levels of stepped dimming to suit a range of ambient light levels.
- ix) Luminance levels of digital signs shall comply with the requirements in Table 16.1.
- x) Luminance levels of illuminated signs shall comply with the requirements in Table 16.2.
- xi) Renewable energy sources should be considered to power digital signs.
- xii) A digital sign shall not be located higher than 3 metres from ground floor level (existing).
- xiii) In addition to the requirement under Section 16.4.7 of this part, the development application for a digital sign shall include:
  - details of the location of any other, electronic signs within 200 metres of the site;
  - details of the electronic system to be used including intensity control limits and methods (including light sensor) and error detection;
  - details of the proposed dwell time for any non-static images;
  - details of the power supply and cables.

**Note:**

A digital sign shall generally exhibit the same level of brightness in all lighting conditions, by maintaining a consistent ratio between the ambient light (illuminance) and light emitted by the sign (luminance).

This allows the sign to be easily read and reduces the time taken for drivers to view its content.

Due to the fast rate of change in ambient light during dusk and dawn periods, particular attention needs to be given to the luminance levels that are output during these periods to ensure that a consistent apparent brightness is maintained. This removes the risk that a driver will be distracted by changing sign brightness.

**Table 16.1 Maximum Luminance levels for Digital Signs**

Lighting conditions	Areas 1 and 2	Area 3
Day Time Luminance	6000 cd/sqm	6000 cd/sqm
Morning and Evening Twilight and Inclement Weather	700 cd/sqm	500 cd/sqm
Night	350 cd/sqm	zero

Source: Based on the information provided under the Draft Transport Corridor Outdoor Advertising and Signage Guidelines - November 2015

**Table 16.2 Maximum Allowable Daytime Luminance of Illuminated Signs ( Not Digital Signs)**

Illuminated Area (sqm)	Areas 1	Area 2	Area 3
less or equal to 0.5	2900 cd/sqm	2000	1000 cd/sqm
Greater than 0.5 and less than or equal 2.0	2300cd/sqm	1600	800 cd/sqm
Greater than 2.0 and less than or equal 5.0	2000cd/sqm	1200	600
Greater than 5.0 and less than or equal 10	1500	1000	600
Greater than 10.0	1200	800	400

Source: Based on the information provided under the Draft Transport Corridor Outdoor Advertising and Signage Guidelines - November 2015

**Areas 1, 2 and 3 under Tables 16.1 and 16.2 above**

Area 1 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.(eg Blaxland Road)

Area 2 covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/ commercial centres (eg Queen Street) .

Area 3 covers areas with generally low levels of off- street ambient lighting e.g. rural and residential areas.

# 16.4

## General Requirements

### Advertising and Signage

## 16.5

### Signs within Residential, Rural & Environmental Protection Zones

#### 16.5 Signs within Residential, Rural and Environmental Protection Zones

##### Objectives:

- Ensure that the amenity of residential, environmental protection and rural areas is not adversely affected by the provision of outdoor signage for non-residential uses.

##### Design Requirements

- a) Only the following types of business identification signs shall be permissible on land zoned for residential, rural and environmental protection zones (subject to Council's consent):
  - i) wall signs;
  - ii) window signs; and
  - iii) freestanding pylon and directory board signs;

##### 16.5.1 Wall Signs

- a) A wall sign shall:
  - ii) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building);
  - iii) be attached to the building in which the business identified in the sign is located; and
  - iv) not cover any window, door or architectural feature
- b) Wall signs within residential, rural and environmental protection zones associated with a home business, home industry or home occupation shall be:
  - iii) illuminated only during approved hours of operation;
  - iv) not reflective;
  - v) not to exceed a height greater than 2.0 metres above natural ground level; and
  - vi) not larger than 1.5 sqm in area.
- c) Wall signs within residential, rural or environmental protection zones for uses other than a home

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business, home industry or home occupation shall be:

- iv) illuminated only during approved hours of operation;
- v) not reflective;
- vi) not exceeding a height greater than 2.5 metres above natural ground level and not be larger than 3.0 sqm in area;

### 16.5.2 Window Signs

- a) Windows sign shall not be illuminated
- b) Window signs within residential, rural and environmental protection zones associated with a home business, home industry or home occupation shall be:
  - i) restricted to one sign per property;
  - ii) not cover more than 25% of the surface of the window in which it is displayed on or 6sqm, whichever is the lesser.

### 16.5.3 Freestanding pylon and directory board signs

- a) Freestanding pylon and directory board signs within residential, rural and environmental protection zones associated with a home business, home industry or home occupation shall be:
  - i) restricted to one sign per property;
  - ii) not exceed 1sqm in area;
  - iii) not exceed 2.0 metres in height; and
  - iv) not be illuminated
- b) Freestanding pylon and directory board signs within residential, rural and environmental protection zones associated with a use other than a home business, home industry or home occupation shall:
  - i) not exceed 1.5sqm in area;
  - ii) not exceed 3.0 metres in height; and
  - iii) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located.

## 16.5

### Signs within Residential, Rural & Environmental Protection Zones

## 16.6

### Signs within Business, Industrial Zones and Special purpose zones

#### 16.6 Signs within Business, Industrial and Special Purpose Zones

##### Objectives:

- Reduce signage clutter throughout Business centres.
- Provide for the orderly display of signs.
- Encourage the use of sign themes in commercial areas.
- Ensure that advertising signs complement the existing streetscape; and
- Ensure that signs are designed to minimise impacts on residential areas.

##### 16.6.1 Number of signs per premises

- a) Notwithstanding any other requirement of this part, the total number of signs installed on any building elevation facing a public space shall not exceed 6.

##### 16.6.2 Building Identification Signs

- b) Building identification signs shall:
- i) be limited to one sign per street frontage.
  - ii) incorporate a maximum area of 3.0sqm.
  - iii) contain only the name of buildings; and
  - i) not be located higher than the parapet or eaves of the building, or 15 metres above ground level (existing) whichever is lower.

##### 16.6.3 Business identification signs

- a) Corporate colour schemes associated with business identification shall only be permitted where the consent authority is satisfied that the colour scheme is compatible with the desired future character of the area and will not detract from the appearance of the building and its surroundings.

##### 16.6.3.1 Wall Signs

- a) Only one wall sign per building elevation shall be permitted.
- b) A wall sign shall:
- iii) not result in more than 4 business identification signs of this type for the

- building (which may refer to more than 1 business within the building);
- iv) be attached to the building in which the business identified in the sign is located;
- v) where located on land zoned for commercial purposes, excluding areas zoned B5 under the CLEP, not be more than 6 sqm in area or 20% of the building elevation, whichever is the lesser;
- vi) where located on land zoned for industrial zone or zone B5 under the CELP, not be more than 18sqm in area or 20% of the building elevation, whichever is the lesser;
- vii) not project beyond the parapet or eaves of the building to which it is attached; and
- viii) not cover any window, door or architectural feature

#### **16.6.3.2 Fascia signs**

- a) Fascia signs shall:
  - ii) be securely fixed to the fascia;
  - iii) not be more than 2sqm in area;
  - iv) not project below, above or beyond the sides of the fascia;
  - v) be at least 600mm behind the alignment of any kerb within the adjacent road; and
  - vi) not be illuminated.

#### **16.6.3.3 Under awning signs**

- a) Under awning signs shall:
  - i) not result in more than one sign of this type for each ground floor tenancy;
  - ii) not be more than 2.0sqm in area;
  - iii) be erected with the lower edge at least 2.6 metres above ground level (existing);
  - iv) be suspended at right angles to the building;
  - v) not project beyond the awning fascia;
  - vi) be at least 600mm behind the edge of the kerb;

## **16.6**

### **Signs within Business, Industrial Zones and Special purpose zones**

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## 16.6

### Signs within Business, Industrial Zones and Special purpose zones

- vii) include a separation distance of 3 metres from other under awning signs

#### 16.6.3.4 Top hamper signs

- a) Top hamper signs shall:
  - i) not result in more than one sign of this type for each ground floor tenancy;
  - ii) not be more than 3.0sqm in area;
  - iii) not be more than 600mm in height,
  - iv) not be more than 100mm in depth;
  - v) be erected with the lower edge at least 2.1m above ground level (existing), and
  - vi) not project below the transom of any doorway or display window.

#### 16.6.3.5 Window Signs

- a) Window signs shall:
  - i) not cover more than 30% of the surface of the window in which it is displayed or 8sqm, whichever is the lesser.

#### 16.6.3.6 Projecting wall signs

- a) Projecting wall signs shall:
    - i) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation of the building;
    - ii) not project beyond the parapet or eaves of the building to which it is attached;
    - iii) where located in a business zone:
      - not project more than 0.9 metre horizontally from the facade of the building;and
      - be no more than 1.8sqm in area;
    - iv) where located in an industrial or special purpose zone:
      - not project more than 1.5 metre horizontally from the facade of the
-

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building;;

- be no more than 3.0sqm in area.

### **16.6.3.7 Freestanding pylon and directory board signs**

- a) Freestanding pylon and directory board signs shall:
- i) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located;
  - ii) not exceed a height of 8 metres, above natural ground level to the highest point of the sign/structure;
  - iii) not have an area for the sign of more than 8sqm where the lot is occupied by one commercial tenant;
  - iv) where the building is occupied by more than one tenant, the minimum area of 8sqm shall be increased by 1 additional square meter per additional occupancy to a maximum of 18sqm;
  - v) be only permitted where the building has a minimum 10 metre building setback from the primary road frontage.

### **16.6.3.8 Banner or flag sign**

- a) Banner or flags signs shall:
- i) not result in more than one sign of this type per site;
  - ii) not exceed a height of 8 metres above natural ground level to the highest point of the sign/structure;
  - iii) not be more than 3.0sqm in area;
  - iv) be erected with the lower edge at least 2.6 metres above footpath pavement level and 5 metres above vehicle pavement level.

### **16.6.3.9 'A' Frame Sign**

- a) 'A' Frame Sign signs shall:
- i) not result in more than one sign of this type per occupancy;
  - ii) not located on footpath or public land;and
  - iii) not be more than 0.8sqm in area.

## **16.6**

**Signs  
within  
Business,  
Industrial  
Zones and  
Special  
purpose zones**

## 16.7

### Signs on Mixed Use Residential Development

#### 16.7 Signs on mixed use residential development

This section applies to signs on mixed use development, where the upper levels consist of residential dwellings (shop top housing or residential apartment buildings) regardless of the zoning of the land.

##### Objectives:

- Ensure that advertising signs complement the existing streetscape; and
  - Ensure that signs are designed to minimise impacts on the occupants of residential dwellings located at higher levels.
- a) Signs on the commercial component of the building shall comply with section 16.6 of this part as it applies to business zones.
  - b) No advertisement shall be permitted on any part of the residential component of the building.
  - c) Signs shall not impact negatively on the residential amenity of the occupants of the residential component of the building.
  - d) Illuminated signs shall only be permitted where they do not impact on the residential amenity of the occupants of the residential dwellings .
-

**16.8 Signs on Heritage items and within Heritage Conservation Areas**

**Objectives:**

- Minimise the impact of signs on the heritage significance of heritage items and heritage conservation areas.
- Ensure that the size, colour, location and design of signs do not dominate the architectural elements of heritage items and heritage conservation areas.

**16.8**

**Signs on  
Heritage  
Items  
&  
within  
Heritage  
Conservation  
Areas**

- a) Advertising signs on heritage items and within heritage conservation areas shall be in harmony with the character of the heritage item or place and its heritage setting.
- b) Only the following types of signs shall be permissible on land occupied by a heritage item or on land located within a heritage conservation area (subject to Council's consent):
  - i) wall sign (only on buildings that are not heritage listed);
  - ii) top hamper sign;
  - iii) fascia sign;
  - iv) under awning sign; and
  - v) window sign.
- c) The number of signs is limited to those necessary to display the name of the business and/or proprietor and the name of the building (if applicable).

**16.8.1 Wall Signs**

- a) Wall signs shall:
  - i) not be constructed or installed on a heritage item;
  - ii) not exceed 2.0sqm in area;
  - iii) be limited to one sign per building;
  - iv) not exceed a height of 600mm; and
  - v) not project beyond the parapet or eaves of the building to which it is attached, but in any case shall not project more than 100mm;

## 16.8

### Signs on Heritage Items & within Heritage Conservation Areas

#### 16.8.2 Top hamper Signs

- a) A top hamper sign shall:
- i) not be more than 2.5sqm in area;
  - i) not be more than 600mm in height;
  - i) not project below the transom of any doorway;
  - i) not project below the top of the doorway or display window;
  - ii) be permitted on heritage buildings only where a specified advertising space has been provided within the building fabric;
  - iii) be flush to the external face of the elevation, but in any case shall not project more than 100mm; and
  - iv) not cover any window or architectural features of the building;and
  - v) not be illuminated

#### 16.8.3 Fascias Signs

- g) Fascias signs shall:
- i) be permitted on heritage buildings where a specified advertising space has been provided within the building fabric;
  - ii) be permitted providing architectural features are not painted over or obscured;and
  - iii) not project above or beyond the edges of the fascia.

#### 16.8.4 Under Awning Signs

- g) Under awning sign shall:
- i) be permitted on heritage buildings where a specified advertising space has been provided within the building fabric;
  - i) have a minimum clearance of 2.6 metres above the footpath,
  - ii) not be more than 2.5m in length,
  - iii) be erected with the lower edge at least 2.6m above ground level (existing),
-

- i) be suspended at right angles to the building, and
- i) not project beyond the awning fascia.

#### **16.8.5 Window Signs**

- a) Window signs shall:
  - i) not dominate or clutter the shop front window;and
  - i) not cover more than 20% of the surface of the window in which it is displayed or 6sqm, whichever is the lesser.

## **16.8**

### **Signs on Heritage Items & within Heritage Conservation Areas**

Draft

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## 16.9

### Service Station Signs

#### 16.9 Service Station Signs

Given the location of service/petrol stations within various land use zones within the City, specific controls are required. This Section sets out the requirements for signs on service stations across the Campbelltown LGA.

##### Objectives:

- Allow service stations the opportunity to advertise, whilst minimising any visual impact.
- a) Freestanding pylon signs on sites used as a service station (including petrol price pole signs and advertising pole signs) shall:
    - i) be limited to one per street frontage;
    - ii) be no more than 6.0 metres in height,
    - iii) not exceed a total area of 8.0 square metres ;
    - iv) contain only corporate identity and pricing details; and
    - v) be located adjacent to vehicular entrance to the site.
  - b) Canopy fascia signs shall be limited to trade name and corporate identification only.
  - c) Illuminated signs and floodlighting of work and service areas shall not be permitted for use outside of approved trading hours.
-

## **ATTACHMENT 4**

# **Draft Part 17 Boarding Houses**

Draft

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# 17.1

## Application

### 17.1 Application

This Part of the Plan sets out development controls relating to boarding houses including newly proposed boarding houses or the conversion or adaptation of an existing building to a boarding house within the Campbelltown LGA.

**Note:**

All boarding houses shall be subject to annual fire safety and compliance inspections by Council.

The Boarding House Act 2012 (BH Act) sets out registration requirements and occupancy principles for 'registrable boarding houses' (as defined under the BH Act) to ensure delivery of quality accommodation services and protection of the wellbeing and living amenity of residents.

The BH Act is available for view the NSW legislation website at:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**Note:**

This Part shall be read in conjunction with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

**Building Code of Australia**

Boarding houses may be classified as Class 1b or Class 3 under the BCA, depending on the number of residents. Class 3 buildings are subject to more stringent fire safety requirements. For further information refer to the BCA.

**Note:**

Under the CLEP, and the ARH SEPP boarding houses are permissible within the following zones:

- R2 Low Density Residential;
- R3 Medium Density Residential;
- R4 High Density Residential;
- B1 Neighbourhood Centre
- B2 Local Centre; and
- B4 Mixed Use;



Fig 17.1 A boarding house in Campbelltown

## 17.2 General Requirements for Boarding Houses

# 17.2

## General Requirements for Boarding Houses

### Objectives:

- Ensure that boarding houses are of high quality design and consistent with the desired future character of the locality;
- Ensure that boarding houses do not adversely impact on the residential amenity of adjoining residents.
- Provide appropriate levels of amenity (internal and external) for residents within boarding houses.
- Ensure that boarding houses are designed to provide sufficient communal facilities for the occupants in terms of communal indoor and outdoor areas, kitchen and laundry facilities.

### 17.2.1 Site and Size Requirements

- a) Boarding houses located within low density residential areas shall only be located on sites with a minimum area of 700sqm and a road frontage of 15 metres.
- b) Boarding houses located within land zoned R2 Low Density Residential zone under the CELP or land zoned Zone 2(b) Residential B Zone under LEP 2002 shall have a maximum of 8 boarding rooms.
- c) Boarding houses shall not be erected on battle-axe allotment.
- d) Boarding houses shall only be permitted on a site where no part of the allotment is within 50 metres of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.
- e) Boarding houses shall only be allowed on streets that provide for on street parking.
- f) Boarding houses within local, neighbourhood centres and mixed use areas are not permitted to be located at the ground floor level.

### Note

For the purpose of this Part:

Low and medium density residential areas shall be taken to mean any land zoned R2 Low Density Residential, R3 Medium Density Residential, under the CLEP, or where relevant, any land zoned Zone 2(b) Residential B Zone under LEP 2002.

High density residential areas shall be taken to mean any land zoned R4 High Density Residential under the CLEP, or where relevant any land where residential apartment buildings are permissible under LEP 2002.

Local and neighbourhood centres shall be taken to mean any land zoned B1 Neighbourhood Centre or B2 Local Centre under the CLEP or where relevant areas zoned Zone 3(c) Neighbourhood Business Zone under LEP 2002.

Mixed use areas shall be taken to mean any land zoned B4 Mixed Use under the CLEP, or where relevant areas zoned Zone 10 (a) Regional Comprehensive Centre Zone under LEP 2002.

## 17.2

### General Requirements for Boarding Houses

#### 17.2.2 Streetscape

##### Design Requirements

- a) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of the surrounding development, and the desired character of the locality.
- b) New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.
- c) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.

#### 17.2.3 Setbacks - Low and medium density Residential Areas

- a) A boarding house development shall be set back a minimum of:
  - i) 5.5 metres from the primary street boundary;
  - ii) 3 metres from the secondary street boundary;
  - iii) 0.9 metres from any side boundary at the ground level;
  - iv) 1.5 metres from any side boundary for all levels above the ground level;
  - v) 5 metres from the rear boundary at the ground level; and
  - vi) 10 metres from the rear boundary for all levels above ground level within land zoned Zone 2(b) Residential B Zone under LEP 2002 or land zoned R2 under the CLEP.
  - vii) 6.5 metres from the rear boundary for all levels above ground level within land zoned R3 under the

**Boarding Houses** (as defined under the CLEP) means a building that:

- i) is wholly or partly let in lodgings, and
- ii) provides lodgers with a principal place of residence for 3 months or more, and
- iii) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- iv) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

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CLEP.

- b) Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 metres from any street boundary.

### 17.2.4 Setbacks - (High density residential areas)

- a) A boarding house development within high density residential areas shall be setback a minimum of:
- i) 5.5 metres from any street boundary; and
  - ii) 6 metres from any other boundary.

### 17.2.5 Setbacks - (Local and neighbourhood centres)

- a) Boarding houses located on land within neighbourhood and local centres shall be setback a minimum of:
- i) 3 metres from the primary street boundary;
  - ii) 3 metres from the secondary street boundary;
  - iii) 3 metres from any side boundary where it adjoins residential properties or public open space;
  - iv) 0.9 metres from the side boundary in any other case;
  - v) 6 metres from the rear boundary where it adjoins residential properties or public open space;
  - vi) 3 metres from the rear boundary in any other case.
- b) Despite clause 17.2.5 a) iv) above, boarding houses shall be permitted to be built on the side boundary where in Council's opinion the proposed development is considered as a continuation of an adjacent development within the same section of the streetscape.
- c) Despite clause 17.2.5 a) vi), reduced rear setbacks shall be considered on merits.

### 17.2.6 Setbacks - (Mixed Use areas)

- a) Boarding houses within mixed use areas shall

## 17.2

### General Requirements for Boarding Houses

## 17.2

### General Requirements for Boarding Houses

be setback a minimum of:

- i) zero metres from any street boundary; and
- ii) 6 metres from any other boundary.

#### 17.2.7 Shared facilities

- a) Where shared bathroom facilities are proposed, they shall be provided at the following rates:
  - i) A minimum of 1 bath or shower for each 10 occupants or part thereof; and
  - ii) 1 closet pan and washbasin with hot and cold running water for each 10 occupants or part thereof.
- b) Where communal kitchen facilities are proposed, they shall be provided at the following rates:
  - i) a minimum area of 8sqm for up to 10 occupants and 1 sqm additional area for every 2 occupants thereof.
- c) Laundry and clothes drying facilities are to be provided at a rate of:
  - i) 1 washing machine and washing tub for every 10 occupants or part thereof; plus
  - ii) 1 clothes dryer for every 10 occupants or part thereof and;
  - iii) 1 fixed clothesline of at least 30 metres for every 10 occupants or part thereof.

#### 17.2.8 Indoor Communal living areas

- a) Indoor communal living areas shall be provided with a minimum dimension of 3 metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater.

#### 17.2.9 Solar Access

- a) Dwellings on adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June.
  - b) Where existing adjoining development currently receives less sunlight than this
-

requirement, this should not be unreasonably reduced. In order to demonstrate what can be achieved, shadow diagrams may be required with the development application.

## **17.2**

### **General Requirements for Boarding Houses**

#### **17.2.10 Site Services Boarding Houses**

- a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.
- b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).
- c) All site services shall be placed underground.
- d) All communication dishes, antennae and the like shall be located to minimise visual prominence.

#### **17.2.11 Visual Privacy**

- a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened.
  - b) Notwithstanding Clause 3.4.3.2a) any window of a living room located on an upper level shall:
    - i) be offset by 2 metres to limit views between windows and balconies; or
    - ii) have a sill height 1.7 metres above the floor level; or
    - iii) be splayed to avoid direct views between windows; or
    - iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.
  - c) Notwithstanding 17.2.11 a), a balcony will only be considered where the private open space area of any adjacent dwelling is screened from view.
-

## 17.2

### General Requirements for Boarding Houses

#### 17.2.12 Signage

- a) Signage shall be limited to a maximum of 1 sign per building, detailing only the name and address of the premises and contact details of the managing agent.
- b) Signage must be affixed to the front elevation and not to the fence.
- c) The sign shall have a maximum area of 0.25sqm and a maximum height of 0.5 metres.
- d) Signage shall be non-illuminated.

#### 17.2.12 Private Open Space

- a) A minimum of one private open space area of 20 square metres with a minimum dimension of 3 metres shall to be provided for use by lodgers.
  - b) Where the boarding house is not within walking distance (400 metres) to a park it should provide 30 square metres of communal private open space.
-

**17.3 Car Parking and Access**

**17.3**

**Car Parking and Access**

**Objectives:**

- Ensure that the location and design of driveways and parking areas, waste access and collection areas are practical, easily maintained, convenient, safe and suitably landscaped.
- Ensure that the surrounding street network and intersections continue to operate safely and effectively.
- Minimise parking arising from boarding houses on local streets.

**17.3.1 Car Parking**

**Design Requirements**

- a) Car parking areas shall be setback a minimum of 3 metres from the front boundary and any secondary boundary.
- b) Off street parking and loading shall be designed in accordance with *Australian Standards 2890 (as amended)*, except as otherwise provided by this Plan.
- c) No required car parking space shall be designed in a stacked configuration.
- d) A boarding house shall have a maximum of one ingress and one egress driveway.
- e) The minimum width of a driveway serving a boarding house shall be 3 metres.
- f) Driveways shall :
  - i) be located a minimum distance of 6 metres from the tangent point of any unsignalled intersection; and
  - ii) be sealed.

*Note: In circumstances where an intersection is controlled by lights, a roundabout or the like, applicants are requested to contact Council for*

**Note:**

Clause 29 (2) of the ARH SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

‘(e) parking  
if:

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,’.

Additionally, clause 30 (h) of the ARH SEPP states:

‘(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms’.

## 17.3

### Car Parking and Access

*specific requirements, as the location of the driveway may vary.*

- g) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.
- h) All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.
- i) Car parking areas shall be designed and sized so that only one three-point turn is required for exiting/entering the site in a forward direction.

#### 17.3.2 Access for People with Disabilities

##### Design Requirements

- a) Boarding houses shall comply with the minimum access requirements contained within the BCA and *Australian Standard 1428 - Design for Access and Mobility* (as amended).
-

## 17.4 Landscaping

# 17.4

## Landscaping

### Objectives:

- To encourage the planting of native and low water consumption plants and trees.
- To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, while maintaining opportunities for passive surveillance.

### Design Requirements

- a) Landscaping shall be provided to a minimum of a:
  - i) 3 metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and
  - ii) 1.5 metre wide strip along the full width of the rear setbacks.
- b) Native mature trees on site shall be retained.
- c) Car parking areas located in the front building setbacks must be screened by appropriate hedging plant species at suitable spacing.
- d) Development applications for boarding houses shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:
  - i) species, location and mature height of proposed planting;
  - ii) driveway areas; and
  - iii) fencing height and materials.

## 17.5 Waste Management

### 17.5 Waste Management

#### Objectives:

- Ensure that appropriate facilities are provided for the storage and collection of waste generated by boarding houses.

#### 17.2.5 Boarding Housing and Waste Management

- a) Boarding houses shall make provision for waste storage, allocated behind the primary and secondary setbacks and out of public view. Provision shall be made for the following rates of waste generation:
- i) Garbage: 1 x 240-litre bin for every 3 boarding rooms per week if bins are to be used on a shared basis, or 1 x 140-litre bin for every boarding room per week if bins are to be allocated to individual boarding rooms
  - ii) Recyclables: 1 x 240-litre bin for every 3 boarding rooms per fortnight if bins are to be used on a shared basis, or 1 x 240-litre bin for every boarding room per fortnight if bins are to be allocated to individual boarding rooms.
- b) All boarding house developments shall make provision for an appropriately sized waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors. Such storage shall:
- i) provide for storage of a sufficient number of bins, as outlined under Section 17.2.5 (a) above;
  - ii) be no more than 25 metres from the street;
  - iii) be covered;
  - iv) contain a hose connection;
  - v) have an impervious floor that is

#### Note:

Refer to Section 2.15 of Part 2 of Volume 1 for additional requirements on Waste Management.

connected to the sewer;and

- vi) incorporate design and construction (including colours, materials and finishes) that complement the development.
- c) The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house to reach the collection point.
- d) All bins located within waste/recycling bin storage facility shall be presented to the kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.
- e) Any development containing 20 or more bedrooms , and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing (for the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 metre which allows for a 300mm separation distance either side of each bin).

## 17.5

### Waste Management

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# 17.6

## Management Plan

### 17.6 Management Plan

#### Objectives:

- Ensure that boarding houses maintain the residential amenity of adjoining neighbours.
- Ensure that the residents of boarding houses are provided with a satisfactory level of residential amenity.

#### Design Requirements

- a) A management plan shall be prepared and lodged with the Development Application for any proposed boarding house.
- b) The management plan shall provide the following information:
  - i) 24 hour contact details of the manager / caretaker (including phone number and mobile phone number);
  - ii) proposed staffing arrangements during the daytime and at night-time;
  - iii) proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality;
  - iv) proposed safety and security measures to be employed within the boarding house including prominent display boards within the building containing emergency telephone numbers and other essential telephone numbers;
  - v) proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00 am.; and
  - vi) professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.

#### Note:

All boarding houses shall be subject to annual fire safety and compliance inspections by Council.

The Boarding House Act 2012 (BH Act ) sets out registration requirements and occupancy principles for 'registrable boarding houses' (as defined under the Act) to ensure delivery of quality accommodation services and protection of the wellbeing and living amenity of residents.

The BH Act is available for the NSW legislation website at:

[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## ATTACHMENT 5

### **TITLE    Amendment No. 1 to Campbelltown (Sustainable City) Development Control Plan 2015**

#### **Reporting Officer**

Manager Environmental Planning

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#### **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:

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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- 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:

- Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land
  - Part 15 Animal Boarding or Training Establishments.
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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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.

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.

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2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

**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.
Part 4 Non-Urban Land (Part 4)	No amendments are proposed to Part 4 apart from reformatting and	It is recommended that Part 4 be included under the draft V3 DADCP without any major

2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

SCDCP 2014	Officer's Comments	Recommended Action
	renumbering.	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)**

## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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 SCDCP 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 polices or variation to any of the adopted development controls under the SCDCP 2015 or the SCDCP 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**

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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

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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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.

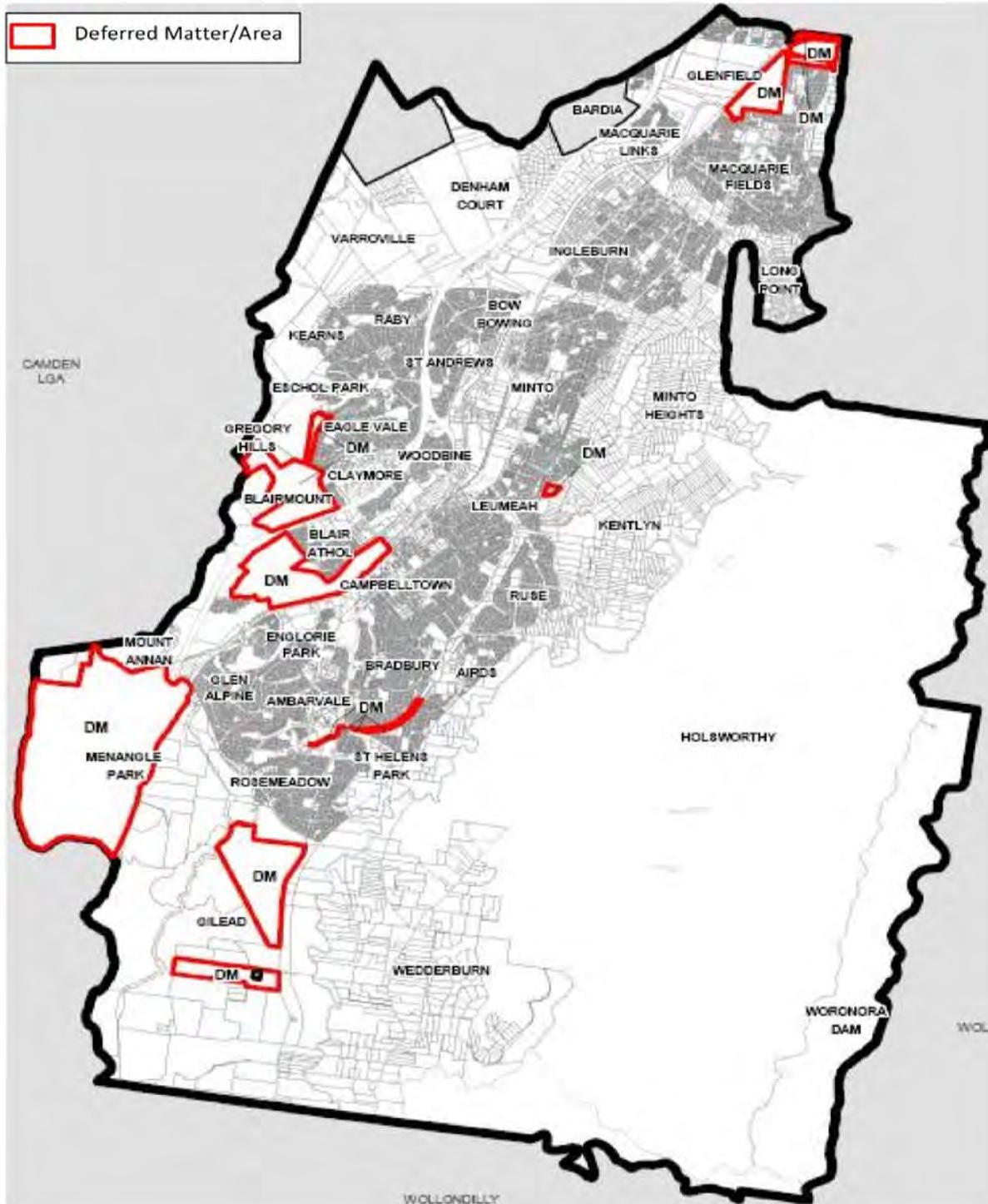
Given the above, it is recommended that Council place Amendment No 1 of the SCDCP 2015 on public exhibition for public comment for 28 days in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and its Regulation.

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.
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2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015



# 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](http://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.*

## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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](http://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](http://www.legislation.nsw.gov.au)

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## 1.1

### Introduction

#### 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:

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**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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- 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 ~~E&EP~~ 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](http://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**  
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**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.

## 1.4

### Definitions

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## 1.4 Definitions

**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,
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## 2.1 Draft Amendment No 2 - Campbelltown (Sustainability City) Development Control Plan 2015

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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

## 1.4 Definitions

## 1.4

### Definitions

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 suns 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.

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**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.

**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.

## 1.4 Definitions

# 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

## **2.2 Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Vale**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

Draft Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Vale (contained within this report).

### **Purpose**

To seek Council's support for the public exhibition of the draft Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale and the application for a Section 121 Occupier's Licence to Harm Fauna in New South Wales under the *National Parks and Wildlife Act 1974*.

### **History**

The Australian White Ibis (AWI) is a common native avian species and is therefore protected in New South Wales (NSW) under the NSW *National Parks and Wildlife Act 1974*. The eastern seaboard of Australia is considered an important refuge for AWI populations displaced from traditional inland breeding sites through years of drought and sometimes ecologically damaging water management practices.

On the 18 August 2015 Council endorsed the Australian White Ibis Management Plan for Lake Mandurama, Ambarvale following increased numbers of complaints from residents regarding an increase in the AWI population at the reserve. This report and management plan also identified increased numbers of AWI at other locations within Campbelltown, one of these locations being Eagle Vale Pond, Eagle Vale (the pond). Based on public concern and the outcomes of site inspections by Council staff, it is apparent that AWI numbers at the Pond have increased to levels that require management, similar to those that previously existed at Lake Mandurama, Ambarvale.

Prior to 2015 AWI at the pond were present in small numbers alongside a range of other bird species and there had been no recorded impacts on the environment and/or surrounding residents. During 2015 the AWI population at this location was observed to significantly increase from a small number of birds (<10) to over 100 birds. This rapid population increase within a small area has prompted concern from local residents and park users regarding the damage to vegetation in the area, the loud noises emanating from the nesting birds and the odours generated from concentrated fouling in nesting areas. It is uncertain if this population trend will continue, particularly as a result of changes in other food resources and management of other AWI colonies within the Sydney region. If an increase in population does continue it would most likely result in even more significant environmental and social impacts. Following the implementation of the AWI Management Plan at Lake Mandurama, Ambarvale, Council staff have observed a significant reduction in AWI numbers however, the population fluctuates based on breeding cycles and bird movements and monitoring of the

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## 2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

colony will continue. Consequently, Council staff are of the view that AWI management action similar to that undertaken at Lake Mandurama is now warranted at Eagle Vale Pond, Eagle Vale.

## Report

During consultation undertaken as part of the AWI Management Plan for Lake Mandurama, Ambarvale, Council staff consulted with various organisations including National Parks and Wildlife Service (NPWS), Centennial Parklands Trust and other impacted councils (Camden and Bankstown) to determine appropriate measures to effectively manage any future AWI population increase at Eagle Vale Pond.

Under the *National Parks and Wildlife Act 1974* Council must obtain a Section 121 *Occupier's Licence to Harm Fauna in New South Wales* prior to any action being undertaken to regulate bird numbers. To qualify for the licence, Council must prepare a draft management plan for the site that includes population survey data and management actions to be delivered over the life of the licence (one year). Council will need to reapply for the licence on an annual basis.

Council staff have therefore prepared a draft Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Vale (see attachment) which is consistent with the previously endorsed management plan at lake Mandurama. The draft plan aims to enable Council to effectively mitigate site-specific negative impacts associated with AWI by providing comprehensive and clear guidelines for on-site management. Objectives of the draft plan are to:

1. manage the AWI colony within Eagle Vale Pond, Eagle Farm Reserve, in order to achieve/restore a sustainable balance between the environment, recreational users, and local residents
2. increase community understanding of AWI
3. address environmental impacts to Eagle Vale Pond and Eagle Farm Reserve from AWI
4. manage public health impacts of the AWI colony at Eagle Vale Pond
5. monitor the AWI colony at Eagle Vale Pond to ensure appropriate and effective management practices are employed for the colony.

The draft management plan subsequently identifies a series of management strategies and corresponding actions designed to achieve these objectives, based on experience and advice from relevant agencies and the previously endorsed management plan at Lake Mandurama. These strategies and actions are provided in Table 1.

**Table 1. Management strategies and actions under the draft management plan**

Management Strategy	Management Action
Reduce breeding success	Undertake egg-oiling program during breeding season
	Undertake nest burning outside breeding season
Reduce exotic vegetation	Undertake bush regeneration and weed treatment
Reduce odours	Remove decaying eggs and carcasses routinely
	Undertake nest burning outside breeding season
Maintain site and surrounds	Manage litter and food waste within the area through inspections, rubbish removal, bin clearing and grass mowing
Control AWI feeding opportunities	Encourage residents not to over-fill household bins

## 2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

Revegetation of native species	Removal of exotic vegetation
	Planting of native species
	Reinstallation of vegetation on floating reed bed
Undertake community education campaign	Design and install signage around the perimeter of the lake discouraging litter and feeding of birds
	Design and distribute brochures for community on AWI, their impacts and appropriate behavioural practices
	Update Council's website to include information about AWI, their impacts and appropriate behavioural practices
Monitor AWI population	Undertake population counts of AWI colony at Eagle Vale Pond
	Participate in state-wide surveys to assist in national management of species
Support research opportunities	Investigate research opportunities to achieve a better understanding of AWI.

The draft management plan contains a detailed description of each of the management actions. These actions must only be performed by adequately trained personnel wearing the necessary personal protective equipment and in accordance with protocol and procedures to be developed under an operational plan.

If at any time, an AWI (of any age) is harmed while performing any of these management actions, they must be immediately taken to a wildlife carer or a registered veterinary surgery. The draft management plan is proposed to be implemented over the next three years. At the conclusion of this time its need and relevance will be reviewed. In the interim it will be reviewed on an annual basis (concurrently with the licence re-application) and/or when significant changes in legislation or management direction warrant a review.

In order to fund the activities outlined within the Plan, Council will be required to allocate sufficient funds to the programs. Although a number of the actions listed within the draft AWI Management Plan are already allocated within Council's existing operational budget, additional funds will be required. In this regard, the amount of \$16,200 has been allocated for feral animal management in the 2016-2017 budget. Funding requirements for the implementation of the management Plan will continue to be reviewed as the plan is delivered.

Due to the public interest surrounding AWI populations in Campbelltown and the proximity of the respective colony to residents it is considered appropriate to consult the community on the draft management plan. It is therefore recommended that the draft management plan be placed on public exhibition via newspaper advertisements and Council's website for a period of 28 days. In addition, written notification will be sent to landholders adjoining Eagle Farm Reserve advising that the draft management plan will be on exhibition and inviting their comment.

During the public exhibition period it is proposed to submit the draft management plan along with a Section 121 Licence Application for determination by the NSW NPWS. Given the preference to initiate the plan as early as possible within the AWI breeding season (June – February), and the potential impact of the Local Government elections, it is recommended that at the conclusion of public exhibition, should no negative submissions regarding the draft plan be received, the plan be adopted and implementation commence. Should Council receive submissions objecting to the management plan a further report will be submitted to the next available meeting following the conclusion of the public exhibition period.

### **Officer's Recommendation**

1. That Council endorse the attached draft Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Vale for public exhibition.
2. That subject to no submissions of objection being received during the exhibition period, the draft Management Plan for Australian White Ibis at Eagle Vale Pond, Eagle Vale be adopted on the first day after the end of the exhibition period.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 92**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1



Management Plan for  
**Australian White Ibis (*Threskiornis molucca*)**  
Eagle Vale Pond  
Eagle Farm Reserve, Eagle Vale



May 2016

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## 1. Executive Summary

The Australian White Ibis (AWI) is a common native avian species, it is therefore protected in New South Wales (NSW) under the *NSW National Parks and Wildlife Act 1974*. The eastern seaboard of Australia is considered an important refuge for AWI populations displaced from traditional inland breeding sites through years of drought and ecologically damaging water management practices.

During 2015 the AWI population at Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale significantly increased affecting the local environment, public amenity and prompting management action response from Council.

Council has developed this Management Plan for AWI at Eagle Vale Pond, Eagle Vale to ensure that it is meeting legislative requirements for managing a native species in an urban area and to assist in managing:

- AWI in the area in a strategic and sustainable way
- conflict between AWI and the local community
- impacts of AWI on the local environment.

This plan identifies the site management objectives and makes recommendations for active management of the AWI population at Eagle Vale Pond, Eagle Vale. Management actions proposed under this plan include population reduction through egg oiling and nest burning, community education, environmental improvement through removal of exotic vegetation and monitoring to understand the AWI population, their impacts and the effectiveness of management actions.

This management plan is proposed to be implemented over the next three years. At the conclusion of this time period its need and relevance will be determined. In the interim it will be reviewed on an annual basis and/or when significant changes in legislation or management direction warrant a review.

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## 2. Introduction

The AWI is distinguishable by its almost entirely white body plumage and black head and neck. The head is featherless with a long black down-curved bill around 16 centimetres in length. Adult birds have a tuft of cream plumes on the base of the neck. During the breeding season the skin on the under-surface of the wing changes from dull pink to dark scarlet. Young birds are similar to adults with slightly smaller, shorter bills.

In flight, flocks of AWI form distinctive V-shaped flight patterns. Breeding season usually occurs between June and February, with between one and three clutches per season. AWI nest in large colonies, often with the Straw-necked Ibis. Eggs incubate for 23 days on average.

The AWI can be observed in all but the driest habitats. Traditional breeding locations for this species were inland wetlands such as the Macquarie Marshes. However modifications to the hydrology of these wetlands over the last two decades have resulted in dramatic reductions in populations in these areas and populations have increased in the Eastern seaboard. Natural preferred habitats include swamps, lagoons, floodplains and grasslands, but it has also become a successful inhabitant of urban parks and gardens.

The AWI traditionally diet on both terrestrial and aquatic invertebrates, however they are increasingly feeding on human food waste. Many AWI populations have learnt to exploit human food waste in urban environments. As a result AWI are becoming more common in urban areas and less common in their natural habitat.



**Figure 1. Adult AWI and juvenile in nest**

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### 3. AWI Management

Since 2004 AWI have expanded their roosting and nesting sites in the Sydney Region. The large number of AWI in urban areas has affected public amenity, aircraft safety, water quality and biodiversity; creating conflict with local communities and prompting the need for management of AWI in the Sydney Region.

During 2009/10 relevant government organisations including local Councils, NSW NPWS and the Centennial Parklands Trust formed an AWI Regional Task Force with the aim of developing a Sydney Regional Ibis Management Plan. This document is now in the form of a working draft plan awaiting adoption by the NSW Government.

The working draft Sydney Regional Ibis Management Plan categorises colonies of AWI into three different types based on their population size with corresponding different management strategies and licensing requirements applicable for each colony category (see Table 1).

As AWI are a native species a licence is required under the *National Parks and Wildlife Act 1974* before any intervention can be undertaken. Where local government authorities, private organisations or landholders determine the need to manage breeding AWI colonies, a Section 121 Occupier's Licence to Harm Fauna in NSW must be obtained from NSW National Parks & Wildlife Service (NPWS). In addition a Section 120, General Licence must be obtained for anyone carrying out works resulting in harm.

For colonies of greater than 50 birds the landowner must also prepare a detailed site management plan.

**Table 1. Licence requirements for AWI management**

Colony Category	Population size	Management/licensing requirements
<b>Small colony</b>	<50 individuals	<ul style="list-style-type: none"><li>• A Section 120 General Licence under the <i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works)</li><li>• A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands</li></ul>

2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

<b>Medium-large colony</b>	>50 individuals	<ul style="list-style-type: none"> <li>• A Section 120 General Licence under the <i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works)</li> <li>• A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands</li> <li>• Development of a Site Management Plan for the species</li> </ul>
<b>Refuge colony</b>	<p>Specific colonies determined by the NSW Government eg Lake Annan, Lake Gillawarna</p>	<ul style="list-style-type: none"> <li>• A Section 120 General Licence under the <i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works)</li> <li>• A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands</li> <li>• Development of a Site Management Plan for the species, specifying that at least 50% of active nests will be left undisturbed during control activities.</li> </ul>

The working draft Sydney Regional Ibis Management Plan recommends that a Sydney Region population of at least 6,500 AWI individuals be maintained. If the population falls below this number the management strategies for colonies will be reviewed.

## **4. AWI Distribution**

### **4.1 AWI in South-Western Sydney**

Within the South Western Sydney Region large AWI colonies are present at:

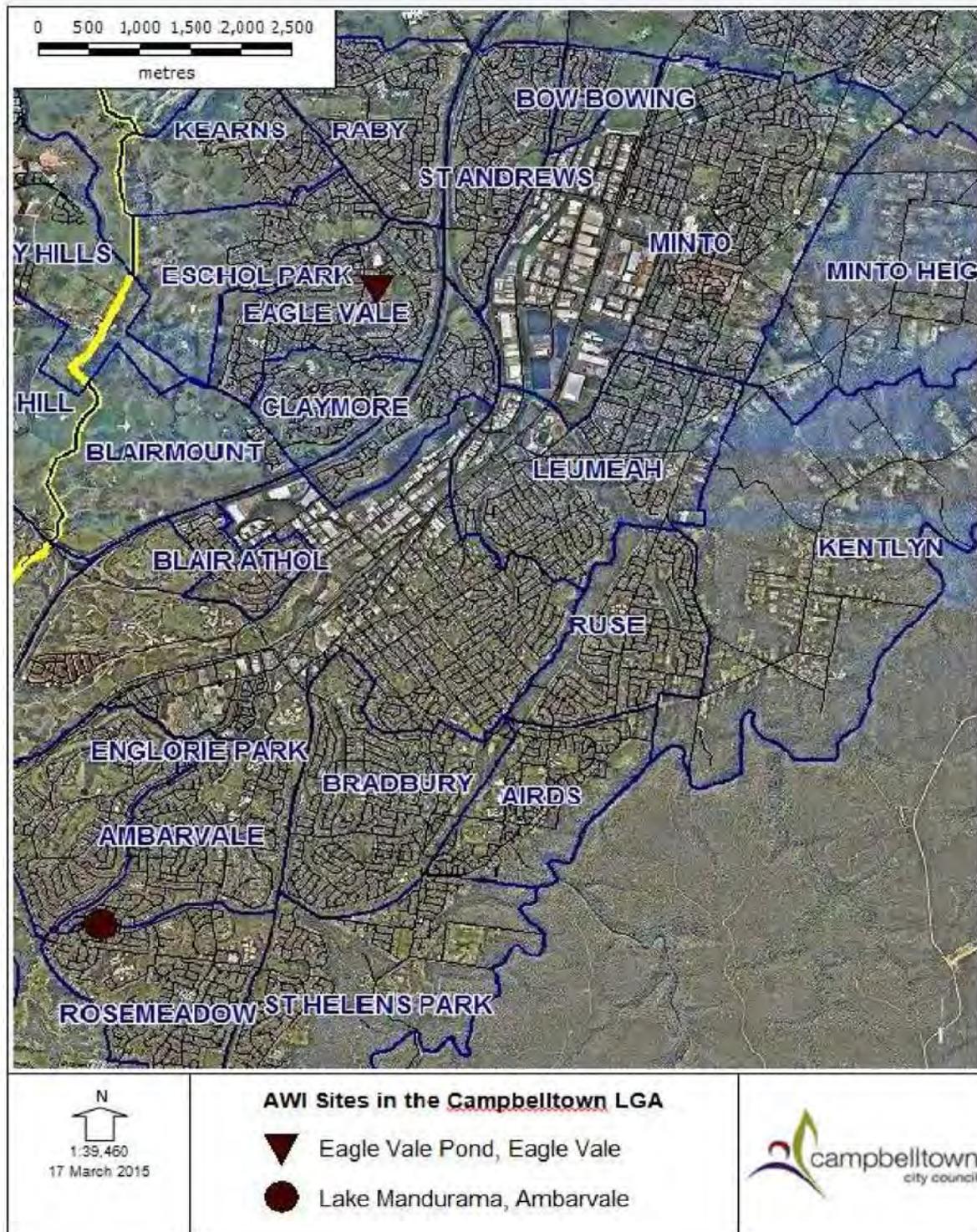
- Spring Farm Advanced Resource Recovery Technology Facility
- Lake Annan in Mt Annan, Camden.
- Lake Gillawarna, Georges Hall
- Eastern Creek Advanced Resource Recovery Technology Facility, Eastern Creek.

As waste processing facilities close down or modify their practices the AWI move looking for sources of food and suitable habitat in different areas, thus establishing new colonies which commonly result in community and environmental conflicts.

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### 4.2 AWI in Campbelltown

Within Campbelltown emerging colonies of AWI have been observed at Eagle Vale Pond, Eagle Vale and Lake Mandurama, Ambarvale.



### **Figure 2. AWI sites in the Campbelltown LGA**

AWI have been known to roost at Eagle Vale Pond, Eagle Vale in small numbers alongside a range of other bird species over the past few years. Until 2015 there have been no recorded effects on the environment, surrounding residents and park users.

However during 2015 population numbers were observed to significantly increase, prompting concern from local residents and park users regarding the damage to vegetation in the area, the loud noises emanating from the nesting birds and the odours generated from concentrated fouling in nesting areas.

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## 5. Site Description

This Management Plan applies to the area of Eagle Vale Pond, Eagle Vale and the surrounding Eagle Farm Reserve (Lot 758 DP 870673). A map identifying the area covered by the Plan is provided in Figure 3 below. The area covered by the Plan encompasses 170,300m<sup>2</sup> and is herein referred to as Eagle Vale Pond.

Eagle Vale Pond is located in the suburb of Eagle Vale approximately four kilometres from the Campbelltown CBD. The pond was constructed in or around the 1950s as a farm dam. In the early 1980s it was converted into water quality control pond, to capture run-off from construction in the surrounding suburb. The lake is 1.9 hectares in size and contains a refuge island for fauna which is approximately 2000m<sup>2</sup> in area.

The pond is adjacent to a passive recreational space which is part of the reserve, which includes a large open grass lands and a significant portion of Critically Endangered Cumberland Plan Woodland vegetation to the south east of the pond. The site is in close proximity to residences and is bordered by, Emerald Dr, Hyalin Pl, Barite Pl, Granite Pl, Marl Pl, Aquamarine Dr, Euclase Pl, Spinel St and Gould Rd.



Figure 3. Management area covered under this plan

## 6. Site Significance

### 6.1 Historical

Thomas Clarkson – ‘founding father’ of the Eagle Vale area arrived at Sydney Cove under a 14-year sentence in 1806 and thanks to hard work, business acumen, and a touch of luck, he quickly prospered as both a publican and a baker.

Within two years of receiving his 100 acre (40ha) grant at the foot of what is now the Scenic Hills in 1816, Clarkson had acquired several adjoining grants. He named his enlarged property Woodland Grove an indication of the thick bushland that once covered the slopes.

By the time Clarkson died in 1826, his total estate covered almost 1400 acres (560ha) and was one of the largest farms on Campbelltown's western hills.

It was two years later that a wealthy widow called Jemima Jenkins bought the property. She was a cousin of Lord Horatio Nelson but she discarded the name Woodland Grove and instead gave her address as ‘Eagle Farm, Eagle Vale’. An early map shows the property had two shallow streams: ‘Eagle Creek’ and ‘Vale Brook’.

The waterbody now known as Eagle Vale Pond, Eagle Vale was constructed in or around the 1950's to serve as a farm dam to service the property. In the early 1980's the lake was utilised to ameliorate impacts from construction of the surrounding suburb, to trap sediment and assist in protecting water quality of the creek and downstream river. The refuge island was installed at this time to provide a refuge for fauna and to add additional lake edge for macrophyte plants to assist in preventing erosion and to aid water purification.



**Figure 4. Eagle Vale Pond, Eagle Vale pictured as a farm dam in 1956**



**Figure 5. Eagle Vale Pond, Eagle Vale pictured as a stormwater detention basin in 2014**

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## 6.2 Environmental

Eagle Vale Pond and the adjoining Eagle Farm Reserve are home to a significant variety of plants and animals. Plant species found within the area include: She-Oak (*Casuarina Glauca*), Spiny Headed Mat Rush (*Lomandra longifolia*), Honey Myrtle (*Melalueca decora*), Sydney Green Wattle (*Acacia parramattensis*), Water Gum (*Tristaniopsis laurina*), various Eucalyptus spp as well as exotic species such as *Willow Spp*, African olive and Privet spp. Within the lake there are naturally occurring pockets of reeds (*Juncus*, *Baumea* and *Typha*) which provide ideal roosting habitat for birds. Additionally in 2013 Council constructed floating reed beds within the lake to assist in water filtration, species planted include: *Baumea articulate*, *Phragmites australis*, *Schoenoplectus validus*, *Eleocharis sphacelata*, *Cyperus exaltus* and *Carex appressa*. The reed beds installed have recently been removed as they were decimated by the AWI with new redesigned reed beds scheduled for installation in late 2016.

In regard to fauna, the area is predominately populated by bird species, including: Black Swans (*Cygnus atratus*), Purple Swamp Hens (*Porphyrio porphyrio melanotus*), Masked Lapwing Plovers (*Vanellus miles*), Domestic Goose (*Anser anser domesticus* or *Anser cygnoides*), Australian Wood Duck (*Chenonetta jubata*) and Little Black Cormorants (*Phalacrocorax sulcirostris*).

The small refuge island within the lake is vegetated with a range of trees and shrubs and offers protection from predators to a range of birds particularly during breeding season for roosting. The island was strategically placed at the inflow of the dam in a central location to disperse the flow of water and reduce short circuiting of the water movement around the lake.

The lake forms part of the highly modified headwaters of Thompson Creek, it now serves as a stormwater quality improvement device for the surrounding catchment (124.8 hectares). Overflow water from the lake immediately proceeds downstream through to a modified channel and ultimately to Bow Bowing Creek, Bunbury Curran Creek and then onto the Georges River.

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**Figure 6: Southern side of refuge island at Eagle Vale Pond.**

### 6.3 Landscape

The site is surrounded by residential housing, suburban roads and a large man made waterway downstream. The natural soil at the site has been highly disturbed, particularly at the time the lake was constructed. Topography at the site is slightly undulating with the natural slope running from northwest to southeast. Plantings on the refuge island are representative of the Ecological Community of River Flat Eucalypt Forest, however noxious and exotic weed species have also become established on the island. The surrounding landscape of the site is open parkland with the dominant tree species of the areas bordering the lake being *Eucalyptus Spp* and *Casurina Glauca*. A large patch of remnant of Cumberland Plain Woodland ecological community has been mapped approximately 200 metres to the southeast of the pond. The vegetation found at the Pond and the reserve is highly isolated within the urban sprawl with limited vegetation corridor links such as areas within the scenic hills.

### 6.4 Aboriginal significance

A search of the OEH Aboriginal Heritage Information Management System was undertaken on Tuesday 15 March 2015, it was noted that no aboriginal sites or places were recorded or declared in or near Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale (Lot : 758, DP:DP870673 with a buffer of 50 meters).

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As outlined previously, this area has been heavily developed for residential purposes and associated landscaping. However, it is not intended as part of this plan to disturb the soil. If in the future soil disturbance is required consultation and guidance will be sought from the NSW Office of Environment and Heritage.

## 6.5 Community and Recreation

Recreational use of the reserve is limited to the viewing platform opposite the island and the perimeter of the lake for passive activities including walking, jogging, picnicking, and bird watching. There is a concrete path around the southern and eastern perimeter of the lake and due to the relative inaccessibility of the refuge island from the mainland there is no recreational activity on the island. The area is predominately used by local residents within walking distance. A visual aspect of the lake and associated recreational infrastructure is provided in Figure 7.



**Figure 7: Path, tables and viewing platform at Eagle Vale Pond, Eagle Vale.**

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## 7. Site Issues

As stated previously, until 2015 AWI inhabited Eagle Vale Pond, Eagle Vale in small numbers (<10). Since 2015 this number has steadily increased, with counts of around 110 birds recorded on some occasions (see Section 8 - Colony Composition).

A significant number of nests have been observed in the trees on the refuge island, particularly in *Casurina spp* and *Melaleuca spp*. AWI have also been observed on the mainland around the perimeter of the lake and in particular foraging through the bins at the reserve and on the recently removed floating reed bed.

AWI appear to be attracted to the area as it provides safe roosting opportunities, on the refuge island and the floating reed bed as well as ample food sources.

Since AWI numbers have increased at the site recreational activities have been detrimentally impacted by the damage caused to the general appeal of the reserve including aesthetics of vegetation and grassed areas within the reserve and foul smells associated with defecation and breeding. Community feedback about the AWI has been negative, Council has received a significant number of complaints from park users and local residents either not wanting to use the reserve or concerned about the direct and indirect impact to their properties.

The following table outlines issues that have been identified as associated with AWI and their current applicability to Eagle Vale Pond and Eagle Farm Reserve.

**Table 2. AWI issues identified at Eagle Vale Pond and Eagle Farm Reserve**

Potential issues with AWI	Relevant to site?	Comments
<b>Smell</b>	✓	Offensive odours have been experienced at the site, assumed to be associated with bird defecation and decaying organic matter from rotting carcasses/eggs.
<b>Noise</b>	✓	Noise levels have increased at the site. Calls from the birds are observed primarily around sunrise and sunset.
<b>Water quality</b>	×	Water quality monitoring has been undertaken infrequently at the site in response to environmental concerns. Results generally indicate poor water quality, however generally within readings expected within this type of urban setting.  In April 2016 Blue Green Algae was detected at the site with tests showing concentrations were at Amber Alert level however no toxic species were detected. To date from visual observations no

2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

		impacts attributed to the bird population have been observed.
<b>Fauna displacement</b>	x	Avifauna such as Cattle Egret, Little Black Cormorant, Black Swans and Purple Swamp Hens and Masked Lapwing Plovers still co-exist and breed on the island and in the reed pockets within the lake. Previous numbers are unknown.
<b>Vegetation destruction</b>	✓	Vegetation on the island is being intensively used by AWI to make nests. Many of the larger trees have been effected and stripped of small amounts of foliage. Some residents have reported that AWI have collected large quantities of twigs from their gardens to aid nest building.
<b>Public nuisance</b>	✓	AWI have been observed foraging in local bins. Their presence has been a deterrent to the public using recreational facilities based on perceived aggressiveness and threatening size, particularly towards young children.
<b>Public health</b>	✓	Faecal matter and decaying organic matter poses a risk to public health, in particular children. Increase in nutrients within the lake may have resulted in blue-green algae blooms.
<b>Public image</b>	✓	The presence of AWI (and associated problems) is contributing to a declining image of Eagle Vale Pond and the adjoining reserve and its public amenity.
<b>Ecological sensitivity</b>	✓	The site is located at the head of Thomson Creek, a highly disturbed urban catchment. The pond itself supports surrounding vegetation in some areas as well as the refuge island that AWI are colonising.

## 8. Colony composition

AWI colony counts are designed to determine the number of AWI colonising at a given site. Council commenced colony counts in September 2015 at Eagle Vale Pond, Eagle Farm Reserve and have undertaken them periodically since that time. The results are provided in Table 3. All counts which include egg counts were undertaken on the refuge island, whilst the remainder of counts were undertaken from the shoreline due to WHS restrictions and available equipment.

**Table 3. Results of AWI colony counts undertaken at Eagle Vale Pond, Eagle Farm Reserve**

Date	Time started	Time finished	Eggs counted on-site	Total chicks on-site (a)	Total adults on-site (b)	# AWI flying in (c)	# AWI flying out (d)	Total adults (b+c-d=e)	Colony population (a+e)
18/9/15	4.30pm	6.00 pm	nr	8	24	nr	nr	24	32
2/10/15	1.30pm	2.30pm	nr	11	31	nr	nr	31	42
9/11/15	3.30pm	4.30pm	nr	9	44	nr	nr	44	54
30/1/15	3.00pm	4.00 pm	34	13	39	nr	nr	39	53
14/12/15	11.30am	12.30pm	nr	13	65	nr	nr	65	78
13/1/16	11.30am	12.30pm	nr	15	64	nr	nr	64	79
11/2/16	6.30pm	8.00pm	nr	14	76	36	13	99	113
9/3/16	6:45pm	8.15pm	nr	17	66	29	5	90	107
14/4/16	11.30am	12.30pm	nr	19	97	nr	nr	97	116

nr = not recorded / not observable

## **9. Site Management and Actions**

Council recognises that the AWI colony at Eagle Vale Pond, Eagle Farm Reserve is not a geographically isolated issue but part of a South-Western Sydney region-wide AWI population. The working draft Sydney Regional Ibis Management Plan did not acknowledge the Eagle Vale Pond colony, however based on the colony categorisation under the plan, the colony would be considered a medium colony (greater than 50 individuals).

Due to the environmental damage, public health and nuisance issues arising from the AWI colony at Eagle Vale Pond, Eagle Vale, the 'do nothing' approach is not considered adequate. Moreover, as indicated above, the population dramatically increased in one season, it is uncertain if this trend will continue, particularly as a result of changes in food resources and management of other colonies within the Sydney region. If an increase in population does continue it would most likely result in even more significant environmental and social impacts.

### **9.1 Past Management Actions**

In response to residents' feedback Council has undertaken regular colony population counts of the AWI population at Eagle Vale Pond, Eagle Vale. Council has also consulted with other affected Council's such as Bankstown, Camden and Fairfield to assist in determining the most effective management actions.

Council's outdoor staff undertake regular maintenance activities of the reserve and grassed areas surrounding Eagle Vale Pond, Eagle Vale which also includes the collection of any dead birds, however the data regarding numbers of carcasses removed is unavailable. Once collected the dead birds are taken to a Council facility for collection and disposal by a specialised contractor.

### **9.2 Site Management Objectives**

This site specific management plan aims to enable Council to effectively mitigate site-specific negative impacts associated with AWI by providing comprehensive and clear guidelines for on-site management. Objectives of this plan are:

1. Manage the AWI colony within Eagle Vale Pond, Eagle Farm Reserve, in order to achieve/ restore a sustainable balance between the environment, recreational users, and local residents.
  2. Increase community understanding of AWI.
  3. Address environmental impacts to Eagle Vale Pond, Eagle Farm Reserve from AWI.
  4. Manage public health impacts of the AWI colony at Eagle Vale Pond, Eagle Farm Reserve.
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5. Monitor the AWI colony at Eagle Vale Pond, Eagle Farm Reserve to ensure appropriate and effective management practices are employed for the colony.

### 9.3 Site Management Action Plan

With the above objectives in mind a series of management strategies and corresponding actions have been developed to assist in achieving these objectives. These actions will be delivered over the three year life of the management plan and their effectiveness will be monitored and reviewed on an ongoing basis.

These strategies and actions are specified in the action plan in Table 4 below. Further details about each of the actions are provided in Section 10.

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2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

Table 4. AWI Action Plan for Eagle Vale Pond, Eagle Farm Reserve

Objective #	Management Strategy	Management Action	Timeframe <sup>1</sup>	Responsibility	Comment
1	Reduce breeding success	Undertake egg oiling program during breeding season	Fortnightly during breeding season (June – February)	Council to engage contractor	Section 120 and 121 licences to be obtained Ensure chicks are not present or adjacent to nests
		Undertake nest burning outside breeding season	March – May each year	Council to coordinate RFS and SES to undertake pile burns on the island.	Application to be made to EPA for an ecological burn Ensure animals are not present in nests
2	Control AWI feeding opportunities	Encourage residents not to over-fill household bins	Ongoing	Council	Conduct education campaign targeting local residents
		Design and install signage around the perimeter of lake discouraging litter and feeding of birds	August – Dec 2016	Council	

<sup>1</sup> Breeding usually occurs between June and February (the following year), where actions relate to breeding season, the colony will be monitored to identify when AWI are breeding and therefore if relevant actions are appropriate

2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

Objective #	Management Strategy	Management Action	Timeframe <sup>1</sup>	Responsibility	Comment
		Design and distribute brochures for community on AWI, their impacts and appropriate behavioural practices	August – Dec 2016	Council	
		Update Council's website to include information about AWI, their impacts and appropriate behavioural practices	August 2016	Council	
3	Revegetation of native species	Removal of exotic vegetation.	August – December 2016	Council to engage contractor	To be removed during non-breeding season
		Planting of native species	Spring and Autumn annually as required	Council or Council Contractor	Using species representative of River Flat Eucalypt Forest
		Reinstall floating reed bed	July – Dec 2016	Council	Include protection for plants eg pyramid cage
4	Reduce odours	Remove decaying egg/ carcasses routinely	Fortnightly inspections and removal during breeding season (June – February)	Council to engage contractor	

2.2 Management Plan For Australian White Ibis At Eagle Vale Pond, Eagle Vale

Objective #	Management Strategy	Management Action	Timeframe <sup>1</sup>	Responsibility	Comment
		Undertake nest burning outside breeding season	March – May each year	Council to coordinate RFS and SES to undertake pile burns on the island.	Application to be made to EPA for an ecological burn Ensure animals are not present in nests
5	Monitor AWI population	Undertake population counts of AWI colony at Eagle Vale Pond	Fortnightly during breeding season (June – February) Monthly during remainder of year	Council Council contractor	
		Participate in statewide surveys to assist in national management of species	October/ November annually	Council	Survey of Eagle Vale Pond, Eagle Farm Reserve colony undertaken annually in conjunction with statewide survey
		Investigate research opportunities to achieve a better understanding of AWI.	Ongoing	Council	

## 10. Description of Management Actions

A detailed description of each of the management actions is provided below. Where appropriate these should only be performed by adequately trained personnel wearing the necessary personal protective equipment (PPE) and in accordance with relevant protocols and procedures.

If at any time, an AWI (of any age) is harmed while performing any of these management actions, the appropriate wildlife rescue company (WIRES or Sydney Wildlife) or alternatively transported to a wildlife carer or a registered veterinary.

### 10.1 Reduce breeding success

*Egg-oiling* - involves the coating of unhatched eggs with household cooking oil. The oil blocks air exchange through the pores of the egg preventing it from hatching. Egg-oiling is viewed as an environmentally safe and socially preferable to culling adult birds. Studies have shown that egg-oiling is 98-100% effective at preventing eggs hatching. Oiling can be conducted at any time during the 23 day incubation period and in 30% of cases parent AWI continued to brood the eggs for up to 54 days longer than the normal incubation period. This time spent brooding on unviable eggs reduces the opportunity for further egg laying.<sup>2</sup>

Egg-oiling is considered to be a humane method of euthanasia and has been deemed an acceptable method by ecological authorities both nationally and internationally. Locally, egg-oiling has been previously undertaken by Campbelltown, Bankstown, Camden and Fairfield Councils and it has been proven to be an effective management strategy. Thus far each council has engaged the services of a qualified contractor to undertake the oiling exercise.

*Nest Burning* - burning of AWI nests aims to reduce the availability of nesting habitat by destroying unused nests outside of the breeding season with all material piled in strategic locations (in this case on the island) for pile burning in accordance with the RFS Guidelines for Pile Burning. Nest burning also reduces the amount of odour that is generated from the area, which will provide long term benefit to local residents. The nests that are heavily contaminated with faecal material and abandoned will be targeted as a priority.

Due to the disturbance and loss of nesting materials (once an ecological burn has been implemented), the AWI are likely to disperse and look for food and nesting materials in nearby locations.

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To assist residents in this regard, an education campaign will be implemented simultaneously to provide residents with simple ideas how they can discourage AWI from visiting their properties; cleaning up vegetation debris from their front yards, making them less attractive to the AWI. This is described in more detail within Section 10.6 – Community Education.

## 10.2 Reduce Exotic Vegetation

Regular inspections and surveys at Eagle Vale Pond, Eagle Vale have identified AWI to be predominately nesting within exotic vegetation such as *Willow Spp.* Removal of exotic vegetation including *Willow Spp.*, African Olive, Privet spp and African Boxthorn from the refuge island will assist in promoting native biodiversity and reducing favourable nesting habitat.

Vegetation removal and weed treatment will be undertaken in a mosaic pattern to ensure that habitat remains for the AWI and other avifauna and to promote the resilience of the remaining native vegetation. Any exotic tree species supporting active AWI nests will be left in situ to ensure that they have the best chance of survival. All exotic species larger than 100mm in diameter that are not in risk of falling into the water will be drilled and injected with Glyphosate herbicide to ensure that they can still provide habitat for fauna species in the short term whilst native species are encourage to fill the void, through natural resilience or compensatory plantings where required. All weed species less than 100m diameter will be cut and painted using Glyphosate herbicide and left on island as habitat piles or placed in open locations for pile burning whilst nest burning is undertaken.

## 10.3 Reduce Odours

AWI nests are associated with foul odours as they are heavily contaminated with decaying organic material (hatched eggs) and faecal matter. In addition when AWI breeding colonies reach high densities, on-site mortality of individuals of any age is inevitable. The resulting carcass decomposition adds to the odour associated with AWI breeding colonies.

Nest burning will assist in removing organic material and faecal matter thereby reducing odours. Prompt removal of decaying carcasses will also help to reduce these odours and can be performed while on-site for other activities such as egg-oiling.

Inspection for carcasses and subsequent removal will be undertaken on a fortnightly basis, whilst other management activities are conducted.

## 10.4 Maintain Site and Surrounds

Council will endeavour to manage litter and waste at Eagle Vale Pond, Eagle Farm Reserve and surroundings to ensure that the availability of unnatural food sources for AWI is kept to a

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minimum. This includes ongoing regular mowing of grassed areas and regularly emptying bins to prevent overflow and collection of general rubbish within reserve.

### 10.5 Control AWI Feeding Opportunities

One of the main sources of food and attraction to the site for AWI is human food waste mainly generated from direct feeding of ducks and birds at the pond and littering from reserve users. This will be addressed through community education activities as outlined below. Previous bins at the reserve provided a food source for AWI however in response to this enclosed steel cage bins have been recently installed at Eagle Vale Pond are preventing birds (especially AWI) to forage for food in the bins.

### 10.6 Community education

Community education is an integral part of successful AWI management as many common practices such as feeding wildlife and incorrect disposal of rubbish greatly contribute to increased feeding opportunities. The community education campaign developed under the management plan will address community understanding of the species, human relationship and behavioural change. Education around conservation of native species is also important as many members of the general community may not be aware that AWI are a native species and may not understand why they have taken refuge in urban areas similar to Eagle Vale Pond, Eagle Farm Reserve within the Sydney Basin.

A public education campaign will be developed to address issues including:

- Impacts of the species
- Council's management actions
- Overfilling of household bins
- Bird feeding and rubbish dumping
- Management of vegetation on private property, to reduce foraging for nesting material.

Actions implemented through the education campaign will include:

- Development and distribution of education material such as brochures
  - Installation of signage around the reserve area
  - Update of Council's website with recommended behavioural practices for the public to discourage the presence and breeding of AWI
  - Issue of a media releases to encourage residents to report AWI breeding sites and to increase awareness of the issues associated with urban AWI populations.
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Creating community awareness of public feeding and general AWI issues can also be integral in communicating important and useful information about foraging, roosting and breeding sites within the area. It will also aid in community acceptance of this Management Plan.

### 10.7 Monitoring of AWI population

Monitoring of the Eagle Vale Pond, Eagle Farm Reserve AWI colony and reporting to the NPWS is required under the conditions of the Section 121 Occupier's Licence under the *National Parks and Wildlife Act 1974*. In addition it is appropriate to evaluate and assess the effectiveness of management actions prescribed within this management plan.

As indicated in the action table Council will engage a contractor to undertake egg-oiling and decaying egg and carcass removal on a fortnightly basis during breeding season. The contractor will also collect and record data relating to their activities including roost counts, egg counts, the number of eggs oiled, number of carcasses removed and general population counts. This will be supplemented by monthly population counts by Council staff throughout the year.

An annual census of the colony is to be undertaken in conjunction with the OEH annual community survey of the AWI population across Australia to be held October/November each calendar year. This helps to accurately calculate the population within the Sydney Basin and guide statewide management direction which may impact on licence conditions.

### 10.8 Support Research Opportunities

Council will endeavour to support research opportunities through local schools, TAFE and universities as they arise. This will greatly assist in better understanding the species whilst also helping to guide appropriate management actions into the future.

## 11. Review of AWI Management Plan

This AWI Management Plan for Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale will be reviewed annually to ensure that it remains relevant as management techniques, knowledge and ability advance in management of the species. This will also include a review of the efficiency and effectiveness of the management actions specified within Section 9 of this plan.

Significant legislative or policy changes affecting the management of native species and/or changes in recommended practices for the management of native species will also trigger a review of this plan.

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## 12. Glossary

Definition	
<b>AWI</b>	Australian White Ibis
<b>Dispersal</b>	The moving of individuals away from each other or away from a particular site.
<b>Foraging</b>	The process of searching for and obtaining food or materials for nests.
<b>NPWS</b>	NSW National Parks and Wildlife Service
<b>OEH</b>	Office of Environment and Heritage
<b>Roosting</b>	The process of birds congregating overnight at a specific place for rest and protection from predators.

## 13. References

Eco Sure (2009), *Sydney Basin Australian White Ibis Regional Management Plan*, Prepared for NSW National Parks and Wildlife Service.

Camden Council (2013), *Australian White Ibis Management Plan for Australian White Ibis at Lake Annan, Mt Annan*.

Campbelltown City Council (2015), *Australian White Ibis Management Plan for Australian White Ibis at Lake Mandurama, Ambarvale*.

Martin, JM, French, K, Major, RE (2007), 'The pest status of Australian white ibis (*Threskiornis molucca*) in urban situations and the effectiveness of egg-oil in reproductive control', *Wildlife Research*, 34(4), pp319-324.

## **2.3 Priority Investigation Areas (Campbelltown Local Environmental Plan 2015)**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Extract from the Council Extraordinary Meeting of Council held 28 April 2015 - draft Campbelltown Local Environmental Plan 2015 (Section 6.2.5) (contained within this report)
- 2a. Correspondence from Sydney Water (contained within this report)
- 2b. Correspondence from NSW Rural Fire Service (contained within this report)
3. Policy Position Priority Investigation Areas (CLEP 2015) (contained within this report)
4. Wedderburn supporting documents (distributed under separate cover due to size of document)
5. St Helens Park supporting documents (distributed under separate cover due to size of document)
6. East Edge Scenic Protection Lands supporting documents (distributed under separate cover due to size of document)
7. Menangle Road (Glen Alpine) supporting documents (distributed under separate cover due to size of document)

### **Purpose**

1. To advise Council of the outcome of preliminary investigations into further subdivisional potential of several priority urban fringe areas identified during Council's consideration of submissions to draft Campbelltown Local Environmental Plan 2014 (subsequently adopted as Campbelltown Local Environmental Plan 2015).
2. To establish a policy position for each specific area.

### **History**

The public exhibition of Campbelltown Local Environmental Plan 2015 (formerly draft CLEP 2014) resulted in a number of submissions seeking further subdivision opportunities in many of the City's urban fringe areas. These areas largely exhibit qualities of variable environmental sensitivity, hazard exposure and access to service infrastructure.

The subject submissions were summarised in a report to an Extraordinary Council Meeting held on 28 April 2015. The submissions were principally categorised as follows:

- B2 - merit/inconsistent with Policy (would trigger re-exhibition) – recommended for further investigation
  - C - considered to have insufficient planning merit/inconsistent with policy – No further action.
-

The localities/precincts identified for further investigation included:

- a. Wedderburn**
- b. Wedderburn Road, St Helens Park**
- c. East Edge Scenic Protection Lands**
  - i) Ruse
  - ii) Leumeah
  - iii) Minto South and North
  - iv) Ingleburn
  - v) Macquarie Fields.
- d. Menangle Road, Glen Alpine.**

An extract of the report on the draft Campbelltown Local Environment Plan 2014 at Council's Extraordinary Meeting on 28 April 2015 which considered these areas is provided (attachment 1).

A series of broad ranging investigations were subsequently undertaken having regard to immediately accessible information and initial enquiries of Sydney Water and Rural Fire Service (attachment 2). Much of the information has been captured graphically and is presented in map form. Constraints have been plotted, opportunities identified and preliminary suitability for low density residential/large lot residential development established.

It is noted that these investigations are not exhaustive but are sufficiently detailed to provide a framework for the development and/or review of a preliminary Council policy position and broad development principles in respect of each locality/precinct.

It is further noted that in some instances the subject development principles vary on a sub catchment basis within each locality/precinct.

Councillors are further reminded that in all cases, and despite a policy position of the Council, a Planning Proposal can be requested by anyone at any point-in-time in accordance with the plan making provisions of Part 3 of the *Environmental Planning and Assessment Act 1979* and Department of Planning and Environment document A guide to Preparing Planning Proposals.

## **Report**

- a. Wedderburn**

### **General/Background**

The Wedderburn locality (attachment 4A) comprises principally plateau like lands with deeply incised riparian focussed valleys connecting with the Georges River. The subject riparian areas are heavily vegetated as too are much of the fringing plateau lands. Indeed much of the plateau lands previously cleared for agricultural purposes have been subject to significant natural regeneration over recent decades as agriculture has declined.

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The Wedderburn precinct was the subject of a significant level of subdivision interest during the exhibition of draft CLEP 2014. Equally it was the subject of some very passionate opposition to further subdivision and a request for greater conservation initiatives, locality/precinct overview.

- **Land use**

Agricultural activities have declined over recent years and commercial entities are few in number and generally limited to the wider plateau (largely southern end) and comprise principally orchards. A large orchard straddles Aberfoyle Road at the northern end of the wider plateau.

The balance of the locality is principally used for rural/residential purposes and isolated retreat and artisan activities and animal boarding and breeding facilities.

- **Demographics**

The total resident population is approximately 584 people, comprising approximately 167 households, with an average occupancy rate of 3.5 persons per household. The median age at 41 years exceeds the Local Government Area average of 33 years.

- **Ecology**

The Wedderburn locality is characterised by its diverse and regenerating largely critically endangered flora. The principal ecological community represented is the critically endangered Shale Sandstone Transition Forest.

The extensive vegetation provides broad ranging habitat for many fauna species, including the vulnerable Koala.

Only isolated pockets of cleared land exist.

- **Bushfire**

Given the extensive vegetation, nature of the prevailing topography and general climatic setting the locality is overwhelmingly mapped as bushfire prone land, with only isolated pockets of cleared land not mapped as bushfire prone.

- **Access/flooding**

The Wedderburn locality has significant access limitations. There is only one formal road access with such being flood affected and subject to major bushfire hazard issues.

Council is committed to funding enhanced flood free access over the Wedderburn Road causeway, however, this upgrade will not alleviate to any significant level, the issues and constraints surrounding escape and Rural Fire Service access during bushfire events.

- **Heritage**

There are several items of local heritage significance clustered largely near the limited former village hub, together with the charcoal pits.

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- **Servicing**

Wedderburn is unsewered and also does not have access to reticulated water supply. Limited electricity and telecommunication facilities are available.

- **Principal Planning Controls**

The land is largely zoned E3 – Environmental Management with a 10 hectares minimum area of subdivision, but for a precinct focussed on Fairburn Road, Katanna Road, Winton Close and part of Hodgson Close which has a four hectares minimum area of subdivision. There are also creek/river focussed areas zoned RE1 – Public Recreation; whilst the Dharawal National Park is zoned E1 – National Parks and Nature Reserves. Additionally, a small precinct focussed on the intersection of Wedderburn Road and Kenwood Road is zoned RU5 – Village

### **Constraints/Opportunities and Suitability**

As previously cited a series of broad ranging investigations were undertaken. The result of these investigations are summarised in attachment 4B and 4C.

The mapping undertaken confirms the highly constrained nature of the locality highlighted by:

- the significant extent of the critically endangered Shale Sandstone Transition Forest, associated habitat and extent of known threatened species sightings
- the extensive area of Bushfire Prone Land, deemed by the NSW Rural Fire Service to be at the highest level of bushfire risk
- the relative isolation and access limitations highlighted by the single flood affected point of access and evacuation challenges.

The principal service authority Sydney Water has communicated that it has no plans to provide the area with reticulated water and sewer (attachment 2A).

Additionally, the NSW Rural Fire Service when consulted (attachment 2B) beyond their preceding summary risk statement have commented on:

- the challenges for emergency services and risk to fire-fighter's and residents
- the limited supply of static water for fire fighting
- the potential extensive impact on vegetation in providing Asset Protection Zone associated with subdivision/creation of dwellings.

Importantly the NSW Rural Fire Service concluded that it does not support the notion of reduced lot sizes or movement for more residential zonings in the Wedderburn area.

There are only a limited number of isolated patches that are not impacted by the prime order physical constraints. Many are remote to the main access spine and their suitability for subdivision/residential development further diminished.

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The suitability of the remnant isolated patches on the main spine is also questionable. If any development is to occur on any of these parcels it will need to present a truly unique and acceptable sustainable development solution and hazard management strategy. However, given the advice from NSW Rural Fire Service the risk associated with allowing additional dwellings will be difficult to overcome.

It is noted that Council is in receipt of a Planning Proposal Request (PPR) for a Lifestyle Village at 30 Minerva Road (adjacent to the constrained area zoned Rural Village RU5) which is promoting options of a cluster housing model (30 dwellings) or traditional large lot residential subdivision (15 lots/dwellings). This PPR is currently being reviewed and will be presented to Council shortly for consideration.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

Given the limited suitability, established to date, for further rural residential subdivision in Wedderburn, it is recommended that Council not resource/initiate any actions to rezone land at Wedderburn for such purposes.

### **Bushfire Hazard Management in Wedderburn generally**

The matter of significant vegetation regeneration over recent years and attendant bushfire hazard has been raised frequently in discussions relating to further subdivision in Wedderburn. It has been suggested by some supporters of further subdivision in Wedderburn area, that further subdivision and the consequential increase in resident population and resultant decrease in vegetation, would assist in bushfire hazard management.

A comprehensive suite of legislative controls and management protocols, aimed at bushfire protection and management, have been established in the following documents:

- Macarthur Bush Fire Risk Management Plan (RFS - Macarthur zone)
- *Rural Fires Act 1997*
- Planning for bush fire Protection 2006
- Bushfire Environmental Assessment Code 2006
- 10/50 Vegetation Clearing Code of Practice 2015
- AS 3959 covering the bushfire safety requirements of building in a bushfire prone area.

A structured hazard reduction burning program is the most economical means of maintaining fuel levels over large areas. Such a program should potentially be actively promoted and implemented by the Rural Fire Service in concert with property owners, in accordance with the MBFRM Plan. Importantly, burning is also noted to have essential ecosystem benefits.

Mechanical clearing for bushfire protection is permitted under the *Rural Fires Act 1997*, provided it meets the conditions of authority approval.

Further subdivision (as a potential bushfire management strategy to reduce significant vegetation regrowth) is however, not considered appropriate. Indeed, the mere subdivision of lands, does not necessarily allow a reduction in vegetation.

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## **b. Wedderburn Road, St Helens Park**

### **General**

The submission considered by Council in respect of draft CLEP 2014 related to one allotment, namely, No. 25 Wedderburn Road and a request to subdivide the allotment essentially in-half.

The subject land is zoned E3 – Environmental Management with a two hectares minimum area of subdivision.

The property is some 2.03 hectares in size with an existing house and shed situated on the north eastern side. It is extensively cleared of native vegetation (attachment 5A).

The land forms part of a small precinct comprising dwellings and small scale business activities in a general bushland setting. The precinct is to the north of the heavily vegetated Wedderburn Gorge and to the immediate south of the suburb of St Helens Park. It is also to the south of the intervening Smiths Creek Reserve and Georges River Parkway.

### **Constraints, Opportunities and Suitability**

Subdivision of the subject land so as to create two, one hectare allotments does not appear to be significantly constrained by prime order physical constraints with the exception of egress in the event of a bushfire. It appears that there is sufficient scope to subdivide the allotment and provide for the erection of a new dwelling, installation of an on-site waste water disposal system and comply with relevant access and likely asset protection zone requirements. Bushfire hazard management and in particular, satisfactory means of egress would need to be resolved.

Having regard to the nature of the subject land and surrounding development it would appear that such land and immediate precinct, should be more appropriately zoned E4–Environmental Living and subject to the one hectare lot averaging provisions contained in CLEP 2015.

The land importantly is considered to have attributes similar to those of the East Edge Scenic Protection Lands which is zoned E4–Environmental Living with a two hectares minimum area of subdivision and is subject to a one hectare lot averaging provision. The creation of one hectare allotments requires compliance with a range of environmental and service infrastructure requirements, including bushfire hazard management. Refer to attachments 5B and 5C which depict ecological and bushfire constraints.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

It is recommended that the precinct be zoned E4–Environmental Living with a two hectares minimum area of subdivision, inclusive of the one hectare lot average provision.

Any action in this regard should be initiated as a PPR by the owner of No. 25 Wedderburn Road, St Helens Park and should address its broader immediate context.

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### **c. East Edge Scenic Protection Lands**

#### **General**

The East Edge Scenic Protection Lands (EESPLs) lie between the existing eastern suburbs of Campbelltown City and the reservation of the proposed Georges River Parkway Road (GRPR). The area comprises of five general precincts (EEC1 - EEC5) located to the east of the main (north south aligned) ridge between the suburbs of Ruse and Macquarie Fields (attachment 6A).

The general landscape is largely gently sloping and abuts the heavily vegetated deeply incised valleys of the Georges River and its tributaries.

The EESPLs play an important role in providing a transition between the urban areas to the west and the scenically and ecologically significant Georges River landscape to the east. The area is recognised for its natural bushland/ecological values and related visual qualities, associated with the bushland character, habitat and are bushfire hazard management challenges.

It is however, punctuated as a landscape unit by areas of small holdings and scattered houses and some expansive cleared areas. The bushland proper tends to be located to the east of the GRPR reservation.

#### **Local Planning Strategy, 2014 – Development Principles**

The Local Planning Strategy (2014) established key directions and strategies in respect of the EESPLs. Many of the underlying principles which informed such directions and strategies generally remain relevant.

What has however, become clearer through the preliminary investigations which will be expanded upon below is that the GRPR forms a distinct edge between urban fringe and bushland housing. Land to the west is generally less heavily vegetated and bears a direct relationship with existing residential development. The land also tends to comprise a series of sub catchments with minor variations in character and land capability/suitability.

As a transitional landscape unit the nature/style of development opportunities may vary dependent upon the local precinct circumstances.

Generally however, the universal application of the bushland housing model in accordance with the one hectare lot averaging provision across the EESPLs (as advocated in the Local Planning Strategy and CLEP 2015) may not represent the most appropriate development outcome.

#### **i) Ruse – EEC5**

##### **General**

The subject land is known as No. 15 Botany Place Ruse, it comprises a heavily vegetated allotment of land of 1.01 hectares in size, with a dwelling situated amongst the subject vegetation.

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The land is situated adjacent to Mary Doherty Reserve a reserve with significant natural vegetation. Furthermore it is opposite a parcel of heavily vegetated land acquired in part for constructing the proposed GRPR in the subject locality.

Situated at the rear of the land is the local Catholic Church. To the east is a modified rural residential landscape.

The subject land is depicted in attachment 6B.

The precinct is zoned E4-Environmental Living with a two hectare minimum area of subdivision. It is also subject to the one hectare lot averaging provisions. Further subdivision as such is precluded given the allotment is approximately one hectare.

### **Constraints, Opportunities and Suitability (EEC5)**

The land and immediately surrounding lands are significantly impacted by vegetation and bushfire constraints (attachment 6C). It is clear that the significant removal of vegetation would need to accompany a subdivision proposal to create an additional dwelling entitlement.

There exists a significant question mark as to whether a desirable planning outcome would be achieved by facilitating clearing and subdivision for the creation of an additional dwelling.

Given the preceding conclusion it is recommended that Council not initiate any actions to vary the minimum lot size for subdivision in the subject case.

The owner is at liberty to undertake further investigations and potentially submit a PPR which seeks to vary the prevailing planning controls to facilitate further subdivision and the creation of an additional living opportunity.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

The current planning controls not be varied in the subject location. Council should not resource/initiate any actions to rezone land in this area.

### **ii) Leumeah – EEC4**

#### **General**

The subject precinct is situated on the eastern edge of the suburb of Leumeah to the immediate west of the proposed Georges River Parkway with frontage to Junction Road and Hansens Road. It is bisected by Leumeah Road/Peter Meadows Road and includes land proximate to the intersection of Leumeah Road and specifically Biehler Reserve, Leumeah Technology High School and the Amundsen Street proposed residential rezoning.

The land to the east of Junction Road includes significant built improvements in woodland clearings abutting the heavily vegetated and bushfire prone Peter Meadows Creek.

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A plan depicting the subject precinct is contained in attachment 6D.

The precinct is generally zoned E4-Environmental Living with a two hectares minimum area of subdivision with the exception of the Amundsen Street precinct (deferred area classification). It is also subject to the one hectare lot averaging provision.

#### **Constraints, Opportunities and Suitability (EEC4)**

The prevailing constraints and opportunities are summarised in the combined constraints and opportunities map in attachment 6E. The most significant constraints include the extensive critically endangered vegetation cover (related wildlife habitat) and associated bushfire hazard, most of which radiates from Peter Meadows Creek.

The Amundsen Street precinct is largely unconstrained, capable of generally being serviced and is the subject of a current planning proposal which proposes the rezoning of such area for generally low density residential purposes. There is scope for a potential small extension to such rezoning in a northerly direction (refer to future potential map in attachment 6F).

The balance of the land, comprises land to the east of Junction and Hansens Roads and is considered to have no potential greater than the two hectares standard supported by the one hectare lot averaging provision contained in CLEP 2015.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

#### **Policy Position**

With the exception of a slightly expanded proposed Amundsen Street low density residential precinct, it is recommended that the current planning controls not be varied in the subject location and Council should not resource/initiate any actions to rezone land in this area.

#### **iii) Minto South and North – EEC3**

##### **General**

The subject precinct is situated to the immediate east of Eagleview Road is bounded by the proposed GRPRR further to the east and located near Ben Lomond Road. Its northern and southern extremities align with north and south Minto respectively. More specifically the northern extremity abuts the east/west aligned special purposes corridor whilst the southern extremity is proximate to the One Minto Urban Renewal (attachment 6G).

The precinct is generally zoned E4-Environmental Living with a two hectares minimum area of subdivision. It is also subject to the one hectare lot averaging provision contained in CLEP 2015. A significant level of subdivision interest in the precinct accompanied the exhibition of draft CLEP 2014.

The following overview focuses separately upon each locality comprising the precinct.

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### **Minto South**

The land is situated to the west of the proposed GRPR generally within proximity of the Eagleview Road interface with the One Minto lands, is bounded to the north by Ben Lomond Road. The southern extremity abuts existing low density residential development (near Goodsell Street).

It comprises allotments ranging in size from 4,000sqm to two hectares.

### **Constraints, Opportunities and Suitability**

The area has largely been cleared of vegetation and is characterised by dwellings with large cleared curtilages, significant sheds and outbuildings and institutional type buildings.

The principal constraints are indicated to be expanses of the critically endangered Shale Sandstone Transition Forest (associated wildlife) and related bushfire hazard. Some significant relatively constraint free lands exist. These lands, however, vary in their relationship with existing development and their residential suitability.

It is also noted at the southernmost extremity that the former significant Eagleview Road ridge context has been transformed in part by the One Minto development. Specifically it no longer presents as a substantial transitional ridge landscape.

Some of the land can be serviced by existing reticulated water and sewer infrastructure. The limited constraints, available access to services and general overall urban capability of lands at the southernmost extremity of the precinct (near Goodsell Street) reinforce the potential for some low density residential development (attachment 6H).

It is noted in this regard that a group of property owners have commenced formative work in respect of a low density residential PPR in such locality (attachment 6I).

Most of the land immediately south of Ben Lomond Road is of a nature that the prevailing provisions inclusive of the one hectare lot average opportunity should largely remain unaltered.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

The land at the southernmost extremity of the precinct, in the vicinity of Goodsell Street, be considered on its merits for low density residential development, potentially through an owner initiated PPR.

The current planning controls for land to the immediate south of Ben Lomond Road should generally remain unchanged.

Council should not initiate/resource any planning amendments in the subject locality.

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### **Minto North**

The land is generally situated to the immediate west of the proposed GRPR between the special purposes corridor in the north and Ben Lomond Road to the south (attachment 6G).

#### **Constraints, Opportunities and Suitability**

Most of the land is constrained; the principal constraints being the presence of critically endangered shale sandstone transition forest, associated habitat and related bushfire hazard. With the exception of an area to the extreme north, adjacent to the special purpose (east/west aligned) corridor the land should retain its current zoning and two hectares minimum subdivision standard, subject to the one hectare lot average subdivision provision (attachment 6H).

The parcel of land immediately to the south of the public purposes corridor may have low density residential potential, subject to the ability to service same with reticulated water and sewer. The scale of the subject precinct may, however, mitigate against its economic development (attachment 6I).

The land to the immediate north of Ben Lomond Road is of a nature that may be able to accommodate large lot residential development in the order of 4,000sqm subject to provision of reticulated water and sewer (attachment 6I). It is noted that some of the development focussed on Longhurst Road (to the immediate west of Eagleview Road) has been developed in this form

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

#### **Policy Position**

The land to the immediate south of the public purpose corridor be considered on its merits for low density residential purposes.

The land to the immediate north of Ben Lomond Road be flagged as potentially suitable for large lot residential development with a 4,000sqm minimum area of subdivision, subject to provision of reticulated water and sewer.

Council should not initiate/resource any planning amendments in the subject locality.

#### **iv) Ingleburn – EEC2**

##### **General**

The subject precinct is bounded to the west by existing residential development and the east by the proposed GRPR. It extends from the public purpose corridor in the south to the immediate south of Oxford Road (attachment 6J).

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It comprises allotments largely averaging two hectares in size and is characterised by a mix of remnant vegetation, related habitat, associated bushfire hazard and cleared lands providing a rural residential setting for generally substantial dwellings in landscaped surrounds. There is also an operational poultry farm on the corner of Bensley Road and Mercedes Road. An historic narrow lot subdivision and heritage item are situated diagonally opposite the previously referenced poultry farm.

The precinct is zoned E4-Environmental Living with a two hectares minimum area of subdivision. It is also subject to the one hectare lot averaging provision contained in CLEP 2015.

The precinct was the subject of numerous submissions during the exhibition of draft CLEP 2014.

### **Constraints, Opportunities and Suitability**

The principal constraints focus upon the presence of the critically endangered Shale Sandstone Transition Forest (related habitat) and associated related bushfire hazard. There exist pockets of relatively constraint free land, which vary in their relationship with existing residential development (attachment 6K).

The developable areas can generally be serviced with reticulated water and sewer.

A key objective in developing any of the subject unconstrained land should be to ensure a transition in residential densities is achieved from the existing urban fringe. The streetscape presentation is also deemed critical. Rejuvenation of an informal woodland character of the street verges (Oxford, Mercedes and Bensley Roads) and fringing large lot residential character should be central to any development scheme.

Land to the north of Bensley Road should transition from the urban interface (500sqm allotments) to large lot residential (1,000sqm and 2,000sqm) where fronting Oxford and Bensley Roads respectively. The most significant remnant woodland should be retained and provision made for comprehensive storm water management. Any development should be serviced with reticulated water and sewer.

Generally land off Mercedes Road which interfaces with existing residential development, could be similarly explored for low density residential development (500sqm) opportunities.

Finally land to the east of Bensley Road could be explored for large lot residential (4,000sqm) development subject to reticulated water and sewer availability (attachment 6L).

A PPR for the area bounded by Mercedes, Bensley and Oxford Streets is in the final stages of revision, having been presented to Council in several Councillor Briefing Sessions. It is anticipated that this planning proposal will form a report to Council in July 2016.

The resourcing of any PPR to rezone any of the land should not be undertaken by Council, rather it should be privately funded, occur on a sub catchment basis and not compromise a holistic outcome.

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### **Policy Position**

Any future developments should reflect a transition from the existing residential density (generally 500sqm) to large lot residential development of 1,000sqm and 2,000sqm allotments.

Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character of perimeter roads should be pursued where practical.

Potential exploration of land to the east of Bensley Road for sewered 4,000sqm large lots residential development subject to agricultural constraints being resolved.

Council should not initiate/resource any planning amendments in the subject locality.

### **v) Macquarie Fields – EEC1**

#### **Background**

A combined submission on behalf of several submissions was received to the exhibition of draft CLEP 2014 seeking a variation to the proposed planning controls to permit the rezoning for residential purposes of the strip of land with direct frontage to Evelyn Street. An owner in Oakley Street also expressed subdivision aspirations.

#### **General**

The subject precinct is bounded to the north by Evelyn Street and existing fringing residential development (comprising the Macquarie Fields village) and to the south by the proposed GRPR and Oakley Road in part (attachment 6M).

It extends from Bensley Reserve in the west to Wills Road in the east and is zoned E4– Environmental Living with a two hectares minimum lot size. The one hectare limited lot averaging provision also applies.

Most of the subject land is at or below the existing road level of Evelyn Street.

The land has been selectively cleared for rural residential purposes and includes a range of structures.

#### **Constraints, Opportunities and Suitability**

Significant vegetation comprising the critically endangered Shale Sandstone Transition Forest (and related habitat) remains in clusters, with the attendant bushfire hazard.

Reticulated water and sewer is available to the fringe of the precinct.

There are two distinct precincts which appear to have development potential for low density residential development. The subject lands have direct frontage to Evelyn Street and related service infrastructure. Lot sizes ranging from 500sqm to 4,000sqm may be achievable and suitable.

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Any residue land should retain a 2 hectares minimum lot size and be subject to the one hectare lot averaging provision (attachment 6N and 6O).

It is noted that a group of property owners have commenced formative work in respect of a low density residential subdivision PPR in such locality.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

Any future developments reflect a transition from the existing residential density (generally 500sqm) to large lot sewerred 4,000sqm allotments.

Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character to Oakley Road where practical.

Council should not initiate/resource any planning amendments in the subject locality.

#### **d) Menangle Road (Glen Alpine)**

General

The subject precinct is identified in attachment 7A. It is a topographically variable tract of land bounded by the M31 Hume Motorway, the Main Southern Railway, Menangle Road and the Sydney Water Supply Canal. It is situated opposite the Glen Alpine Residential Estate.

- **Principal Planning Controls**

The land is zoned E4–Environmental Living with a two hectares minimum area of subdivision, pursuant to CLEP 2015.

The prevailing maximum height of buildings is nine metres. Further, there is no expressed maximum floor space ratio.

- **Land use**

The land is used principally for rural residential purposes and some informal business activities.

- **Ecology**

The precinct has been subject to past extensive clearing practices. Some isolated patches of the critically endangered Shale Sandstone Transition Forest (and related habitat) are present together with some African Olive infestations.

- **Bushfire Hazard**

The surrounding substantial infrastructure network and associated asset protection zones generally negate the onsite impact of any bushfire hazard.

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- **Heritage**

There are no heritage items on the subject land, nor is it impacted by a conservation area. The precinct's southern boundary abuts the Upper Canal – the Sydney Water Supply System, a heritage item of State significance.

- **Visual Landscape**

The precinct presents an interesting rural residential landscape with limited visual absorption capacity.

- **Flooding**

Some of the lower fringes are flood affected with flood waters generally characterised by modest flows and depths.

- **Infrastructure/Servicing**

Some of the land is impacted by a number of higher order pipelines and transmission lines and their related easements. Reticulated water and sewer are present in the locality. The precinct is however, only serviced with reticulated water.

- **Traffic/Transport/Accessibility**

The subject site has access limited to Menangle Road. Such road in the subject locality has a number of emerging challenges as the local and sub-regional volumes of traffic increase on a road with changes in elevation and alignment over a relatively short distance.

- **Geotechnical/Subsidence**

The subject precinct is situated in the South Campbelltown Mine Subsidence District and is characterised by some steep, prominent landforms which may have some disposition for soil movement.

- **Acoustic**

The precinct is exposed to not insignificant traffic noise associated with the M31 Hume Freeway, and Menangle Road and the operation of the Main Southern Railway.

### **Constraints, Opportunities and Suitability**

A series of broad ranging investigations were undertaken and are summarised in the plans forming attachment 7B. The subject mapping confirms some of the challenges confronting potential development of the land for more intensive residential purposes, including in summary:

- flood impacts
  - potential land stability
  - access limitations to Menangle Road
  - pipeline, mains and easement limitations
  - major adverse noise impacts
-

- visual prominence.

Should appropriate mitigation and management strategies be capable of being developed there may be an opportunity for some limited integrated low density large lot residential development of allotments ranging in size from 2,000sqm to 4,000sqm (attachment 7C).

An equitable distribution of potential development yield across the whole precinct may not be achievable given the variable quality of lands and ownership pattern. A holistic, master planned solution would provide the only potentially acceptable development outcome.

To date Council has had a limited number of formal submissions to draft CLEP 2014 during the period of public exhibition, seeking further subdivision opportunities and more recently some broad ranging individual representations for further subdivision.

It is not considered appropriate that Council resource the preparation of a planning proposal to facilitate further limited subdivisional opportunities, for the subject precinct.

Any PPR in the subject precinct should be resourced by the proponents and adopt a holistic approach.

### **Policy Position**

Any future residential development opportunities are potentially limited to integrated large lot residential development of allotments ranging in size from 2,000sqm to 4,000sqm.

Council should not initiate/resource any planning amendments in the subject locality.

### **Conclusion**

Extensive preliminary investigations in respect of further subdivision have been undertaken for a number of areas established by Council to be a priority during its deliberations in respect of draft CLEP 2014. These investigations are not purported to be exhaustive but are sufficiently robust to allow Council to establish a policy position in respect of each area.

The subject policy positions are collated and form attachment 6.

These policy positions should prevail in the event of any inconsistency with any earlier planning provision/policy. Further, these policy positions will form a further amendment to Councils Local Planning Strategy and Residential Development Strategy.

All property owners in the subject precincts should be advised of the contents of this report. It should be noted that it is not proposed that Council resource the rezoning of any of the subject precincts and that the opportunity of submitting relevant PPR rest with the property owners/developers.

Council should further note the potential significant resourcing implications of servicing the PPR that it is likely to receive in the near future.

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### **Officer's Recommendation**

1. That Council adopt the policy positions detailed in attachment 3 in respect of each priority investigation area.
2. That Council establish, in the event of any inconsistency with any other prevailing Council planning provisions, that the policy positions established in attachment 3 shall prevail.
3. That Council advise all property owners in the subject areas of the contents of this report.
4. That Council note the potential resourcing implications of serving potential future Proponent funded Planning Proposal Requests.

**Committee Note:** The following community members addressed the Planning and Environment Committee meeting with regards to this item:

Ms C Flood  
Mr A Kosiak  
Mr D Haskew  
Mr D Fairburn  
Ms A Ireland  
Ms S Russo  
Mr T Elazzi  
Mr M Bosnjak  
Mr M File  
Mr B McGarry  
Ms N Poker  
Mr M Ocokolijja  
Mr P Durovic  
Mr P Fuller

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

That the Officer's Recommendation be adopted.

**CARRIED**

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### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

It was **Moved** Councillor Greiss, **Seconded** Councillor Kolkman:

1. That Council adopt the policy positions detailed in attachment 3 in respect of each priority investigation area.
2. That Council establish, in the event of any inconsistency with any other prevailing Council planning provisions, that the policy positions established in attachment 3 shall prevail.
3. That Council advise all property owners in the subject areas of the contents of this report.
4. That Council note the potential resourcing implications of serving potential future Proponent funded Planning Proposal Requests.

### **Amendment: (Greiss/Mead)**

1. That Council endorses the planning positions detailed in attachment 3 in respect of each priority investigation area with the exclusion of the Wedderburn priority investigation area.
2. That Council undertake further investigation and community consultation regarding the Wedderburn priority investigation area.
3. That Council uses, in the event of any inconsistency with any other prevailing Council planning provisions, the planning positions endorsed in this motion as a guiding principle.
4. That Council acknowledges the endorsement of these planning positions does not prevent the lodgement of any future planning proposal requests or investigation being undertaken in respect of each priority investigation area.
5. That Council advises all property owners in the subject areas of the contents of this report, including the resolution.
6. That Council notes the potential resourcing implications of serving potential future Proponent funded Planning Proposal Requests.

### **LOST**

A **Division** was called in regard to the Amendment for Item 2.3 - Priority Investigation Areas (Campbelltown Local Environmental Plan 2015) with those voting for the Motion being Councillors Greiss, Hawker, Matheson, Mead, Rowell and Thompson.

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

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### **Further Amendment: (Greiss/Mead)**

1. That Council endorses the planning positions detailed in attachment 3 in respect of each priority investigation area.
2. That Council uses, in the event of any inconsistency with any other prevailing Council planning provisions, the planning positions endorsed in this motion as a guiding principle.
3. That Council acknowledges the endorsement of these planning positions does not prevent the lodgement of any future planning proposal requests or investigation being undertaken in respect of each priority investigation area.
4. That Council advises all property owners in the subject areas of the contents of this report, including the resolution.
5. That Council notes the potential resourcing implications of serving potential future Proponent funded Planning Proposal Requests.

### **LOST**

A **Division** was called in regard to the Further Amendment for Item 2.3 - Priority Investigation Areas (Campbelltown Local Environmental Plan 2015) with those voting for the Motion being Councillors Greiss, Hawker, Matheson, Mead, Rowell and Thompson.

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

### **Council Resolution Minute Number 94**

It was **Moved** Councillor Greiss, **Seconded** Councillor Kolkman:

1. That Council adopt the policy positions detailed in attachment 3 in respect of each priority investigation area.
2. That Council establish, in the event of any inconsistency with any other prevailing Council planning provisions, that the policy positions established in attachment 3 shall prevail.
3. That Council advise all property owners in the subject areas of the contents of this report.
4. That Council note the potential resourcing implications of serving potential future Proponent funded Planning Proposal Requests.

A **Division** was called in regard to the Resolution for Item 2.3 - Priority Investigation Areas (Campbelltown Local Environmental Plan 2015) with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Dobson, Glynn, Kolkman, Lake, Lound and Oates.

Voting against the Resolution were Councillors Greiss, Hawker, Matheson, Mead, Rowell and Thompson.

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## **ATTACHMENT 1**

### **Attachment 1 - Extract from Council Extraordinary Meeting DCLP 2015, 28 April 2015 (Section 62.5)**

#### **6.2.5 Proposals for further Subdivision and associated changes to zoning and development controls in non-urban areas**

##### **6.2.5.1 General comment on further subdivision**

The purpose of the Draft CLEP 2014 is largely to consolidate and update the controls contained within Council's eight existing principal planning instruments, generally on a 'best-fit' basis, into one new principal LEP that is based on the Standard Instrument LEP. It was never intended as a mechanism to allow significant additional subdivision potential and the associated increase in development intensity and settlement density in rural, scenic and environmental protection areas, as such significant changes to land use intensity require comprehensive justification and a detailed assessment of the environmental and infrastructure (both physical and social) impacts of such change.

It is important to recognise that Ministerial Direction 2.1 Environmental Protection Zones requires that a new LEP shall not reduce the environmental protection standards that apply to land within an environmental protection zone or otherwise identified for environmental protection purposes in an LEP (including by modifying development standards that apply to the land) unless such change can be justified by a strategy, an environmental study, is consistent with the relevant Regional Strategy or Sub-Regional Strategy, or is of minor significance.

However, a large number of submissions have been received as part of the consultation and public exhibition process which are supportive of further subdivision and increased development potential in areas located at the urban interface and in environmentally sensitive areas (as reflected by their current environmental zoning). These requests for further subdivision are discussed in additional detail in the following sections of this report.

It is important to note that while some of these requests may have some merit and warrant investigation to further explore their potential for possible future subdivision and associated development, doing so as part of the finalisation of the Draft CLEP 2014 would substantially extend the timeframe for finalising the LEP. This is due to the fact that further extensive investigations would be required and any such proposals for change would require the Draft CLEP 2014 to be re-exhibited. Therefore, where considered to have potential merit, it is recommended that such requests for further subdivision be further investigated at a later stage.

Additionally, it should be noted that support for further subdivision was, however, not unanimous with strong environmentally based opposition in some instances (and particularly for land within Wedderburn). Submission C125's objection to reducing the minimum lot size on any land within the E3 Environmental Management zone is also noted.

##### **6.2.5.2 Area 1: Wedderburn**

###### **Submissions in support of subdivision**

Submissions C6, C20, C44, C64 (and C64A), C115 and C133, request that 2 hectare subdivision (or similar subdivision of a rural-residential nature) be allowed in Wedderburn. C64 includes a petition with 148 signatures. Submission C76 requests more intensive subdivision. The current minimum lot sizes for subdivision in Wedderburn are 10ha for land covered by LEP

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1 and 4ha for land covered by LEP 32. Many residents are seeking opportunities for subdivision and a range of reasons are provided in support of their views and the subdivision request. A change of zoning to E4 Environmental Living or R5 Large Lot Residential is also advocated by some of the submissions.

The Draft CLEP 2014 proposes to zone the land at Wedderburn largely E3 Environmental Management, RE1 Public Recreation and E1-National Parks and Nature Reserves. The minimum area of subdivision proposed is 4ha and 10ha in accordance with existing minimum standards. Submission C120 supports the proposed E3 zone at Wedderburn, while some environmentally focussed submissions (including C17, C46 and C132) are concerned that the proposed zone will not deliver the desired environmental outcomes.

In addition, submissions C64, C76 and C115 request that detached dual occupancy/and or granny flats (with subdivision) be allowed and C44 also requests that both attached and detached dual occupancies that can be subdivided onto separate parcels, be allowed.

The controls included in the Draft CLEP 2014, representing a "best fit", did not propose any deliberate change to facilitate subdivision. The proposal for further subdivision is inconsistent with prevailing Council policy and also opposed by part of the Wedderburn community as referenced above and highlighted below.

It is noted, however, that Wedderburn has been the subject of on-going subdivisional aspirations for decades and in such light, together with the weight of current support, the area should be nominated as a priority area for further investigation, after adoption of Draft CLEP 2014.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the Wedderburn area should be identified as a priority area for review upon finalisation of Draft CLEP 2014.

It is further noted that the key matters to be addressed in any future investigation are likely to include, but are not necessarily limited to:

- ecological/threatened species investigations and potential impacts
- bushfire hazard
- total water cycle management including effluent disposal
- geotechnical issues
- service provisions and utilities
- road access
- emergency services issues
- heritage (European and Indigenous)
- rural land capability
- visual impact

(Category B2 – recommended for further investigation)

#### **Submissions opposed to further subdivision**

Submissions C15, C17, C38, C46, C48, C122 and C132 expressed strong opposition to further subdivision in Wedderburn. The principal reasons for objection are focussed on adverse

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environmental impacts, bushfire hazard, limited access and general adverse amenity impacts. Some enhanced environmental protection measures are promoted.

The planning provisions contained within the Draft CLEP 2014, which do not promote further subdivision, are recommended to be retained as exhibited in the finalisation of the Draft CLEP 2014. However, it should be noted that this report also recommends that the Wedderburn area should be identified as an area for review as discussed above.

(Category E – supports the Draft CLEP 2014 and encourages further enhancement)

#### **6.2.5.3 Area 2: Kentlyn**

Two submissions were received (C1 and C9) requesting that residents in Kentlyn, where a 2 hectare subdivision standard currently applies, be allowed to subdivide their properties. C1 requested 4000m<sup>2</sup> (1 acre) lots, while C9 requested at least halving the current subdivision standard but would be satisfied by any further potential granted by Council. The submissions provide reasons in support of this proposal and state that many other residents would likely be supportive of this change.

The Draft CLEP 2014 proposes to zone the subject land E3 Environmental Management with a minimum lot size of 2ha, generally consistent with Council's existing controls.

The proposals for more comprehensive subdivision at Kentlyn are contrary to existing Council policy for this particularly environmentally sensitive and bushfire prone precinct that is surrounded by the equally environmentally sensitive Georges River Regional Open Space Corridor.

Furthermore, such form of subdivision in the subject locality is not a priority matter for further investigation.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited.

(Category C – considered to have insufficient planning merit – no further action)

#### **6.2.5.4 Area 3: Minto Heights**

Submissions C34, C35, C36, C67, C68A, B, C, D, E, C69, A, C70 and C105 request that land in Minto Heights be zoned E4 Environmental Living or R5 Large Lot Residential and subdivision be permitted into either 1ha, 4000m<sup>2</sup> (1 acre), 2000m<sup>2</sup> or residential lots (1000m<sup>2</sup>). The requests covered the preceding spectrum of minimum lot sizes. Some reasons in support of this request are provided.

The Draft CLEP 2014 proposes to zone the subject land E3 Environmental Management with a minimum lot size of 2ha, generally consistent with Council's existing controls.

The proposal for further subdivision promoted in the submissions is inconsistent with Council policy. Furthermore, such form of subdivision in the subject locality is not a priority matter for further investigation. The precinct is clearly located on the eastern side of the proposed Georges River Parkway Road, in the limited access, sensitive Georges River environs, and is

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surrounded by the biologically diverse and bushfire prone Georges River Regional Open Space Corridor.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited.

(Category C – considered to have insufficient planning merit – no further action)

#### **6.2.5.5 Area 4: East Edge Scenic Protection Lands**

Submissions C77 and C90 provide general support for further subdivision within the Edge Lands area and C77 suggests that the Georges River Parkway Road Reservation may be the appropriate edge to separate urban and non-urban land on the eastern side of the LGA.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the precinct be identified as a priority area for further investigation.

(Category B2 – recommended for further investigation)

#### **Oxford, Bensley and Mercedes Roads, Ingleburn**

Submissions C23, C32, C49, C54, C77 and C90 acknowledge the 1ha lot averaging provision contained in the Draft CLEP 2014, however, sought and/or offered support for comprehensive subdivision of allotments of generally 500m<sup>2</sup> and a relevant low density residential zoning. Some of the submissions did seek permission to create lots of other sizes below 1ha but larger than 500m<sup>2</sup>. Some justification for the reduced minimum lot size is provided.

The Draft CLEP 2014 proposes to zone the subject land E4 Environmental Living with a 2ha minimum area of subdivision and to facilitate 1ha subdivision in accordance with Council's proposed lot averaging provision in certain circumstances.

The proposal for more comprehensive and dense subdivision detailed in the submissions is inconsistent with Council policy. It is noted, however, that some of the subject lands have been promoted for subdivision for over a decade and have certain qualities that potentially warrant their further investigation.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the area should be identified as a priority area for further investigation.

(Category B2 – recommended for further investigation)

#### **Evelyn Street and Oakley Road, Macquarie Fields**

Submission C98 was received on behalf of six property owners in the subject locality. The submission sought more comprehensive urban subdivision of allotments of 450m<sup>2</sup> for that part of the precinct fronting Evelyn Street and a relevant low density residential zoning. The balance of the land was proposed to retain the E4 Environmental Living zone (as applied under the Draft CLEP 2014), but with a 4,000m<sup>2</sup> minimum area of subdivision. Some justification for the subdivision proposal is provided.

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### 2.3 Priority Investigation Areas (Campbelltown Local Environmental Plan 2015)

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The Draft CLEP 2014 proposes to zone the subject land E4 Environmental Living with a 2 ha minimum area of subdivision and to facilitate 1ha subdivision in accordance with Council's proposed lot averaging provision in certain circumstances.

The proposal for more intensive subdivision of the Macquarie Fields urban interface outlined in the submission is inconsistent with current Council policy. The unique interface location, however, potentially warrants the further investigation of the precinct.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the precinct be identified as a priority area for further investigation.

(Category B2 – recommended for further investigation)

#### **Eagleview Road, Minto (a)**

Submissions C59, C63, C95 and C123 objected to the proposed E4 Environmental Living zone and more particularly the 2ha minimum area of subdivision and 1ha lot averaging provision. An alternative subdivision minimum of 4,000m<sup>2</sup> was promoted as appropriate and at the Councillor forum a 1,000m<sup>2</sup> minimum was introduced as part of a subdivision approach considered to be appropriate by the proponents. Some justification for the proposal is provided.

The subject land is zoned 7(d4) Environmental Protection 2ha minimum under LEP 2002. The Draft CLEP 2014 provisions that apply to the land are summarised above.

The proposal for more intensive subdivision in the subject locality is inconsistent with Council policy. The setting, however, potentially warrants further investigation for the purposes of further subdivision.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the precinct should be identified as a priority area for further investigation.

(Category B2 – recommended for further investigation)

#### **Corner Eagleview and Ben Lomond Roads, Minto (b)**

Submissions C110 and C119 represent the aspirations of six property owners for more intensive subdivision beyond the 1ha lot averaging provision. Low density residential lots zoned R2 with a minimum lot size of 450m<sup>2</sup> and 4,000m<sup>2</sup> lots zoned E4 Environmental Living, are sought. Some reasons in support of the proposal are provided.

The subject lands are currently zoned 7(d4) Environmental Protection 2ha minimum under LEP 2002. The Draft CLEP 2014 proposes to zone the locality E4 Environmental Living with a 2 hectare minimum area of subdivision and facilitate 1 ha subdivision in accordance with Council's proposed lot averaging provision.

The proposal for more intensive subdivision in the subject locality is inconsistent with Council policy. The setting, however, potentially warrants the further investigation for subdivisional purposes.

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The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the precinct should be identified as a priority area for further investigation.

(Category B2 – recommended for further investigation)

#### **Eagleview Road, Minto (c)**

Submissions C12 and C22 request that land at Nos. 223 and 225 Eagleview Road be zoned R2 Low Density Residential, with the ability to subdivide the frontages of the two properties into residential lots. The rear of the properties would retain the existing dwellings on large allotments. Some reasons supporting the request are provided.

The subject land is currently zoned 7(d6) Environmental Protection 0.4ha minimum under LEP 2002. The Draft CLEP 2014 proposes to zone the subject land E4 Environmental Living and to maintain the current minimum area of subdivision.

The proposal for further subdivision is inconsistent with Council policy. The unique interface location, however, potentially warrants the further investigation of the parcels as a priority matter.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the subject land should be identified as a priority for further investigation.

(Category B2 – recommended for further investigation)

#### **Botany Place, Ruse**

The submissions C86 (and 86A) seek to have the minimum area of subdivision reduced from 2ha (or 1 ha subject to the requirements of Council's proposed lot averaging provision) under the Draft CLEP 2014 to 4,000m<sup>2</sup> and to adopt a more relevant zoning, given the unique circumstances of surrounding subdivisions.

The subject lands are currently zoned 7(d4) Environmental Protection 2ha minimum under LEP 2002. The Draft CLEP 2014 proposes to zone the land E4 Environmental Living with a 2ha minimum area of subdivision and provision for 1ha subdivision, pursuant to Council's proposed lot averaging provisions. The proposal is inconsistent with Council policy. However, the size and location of the site warrant its inclusion for further investigation.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. Furthermore, the site should be identified as a priority for future investigation.

(Category B2 – recommended for further investigation)

#### **Concern regarding environmental impacts of further subdivision beyond 1ha**

Submission C51 raises concerns that any further subdivision of land that drains to the Georges River would have serious environmental impacts.

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## 2.3 Priority Investigation Areas (Campbelltown Local Environmental Plan 2015)

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The concerns are initially noted. Any further subdivision of the East Edge Scenic Protection Lands would need to satisfy total catchment management principles in a holistic and sustainable manner.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited although it is further recommended that investigations be undertaken to review those provisions in light of the extent of community interest in further subdivision, together with the differing character and circumstances that appear to exist across these areas.

(Category D – supports the Draft CLEP 2014 - no further action)

### **6.2.5.6 Area 5: Menangle Road, Glen Alpine**

Submissions C79 and C108 seek rezoning and further subdivision (to facilitate residential development) of the “fringing” non-urban lands, located along Menangle Road at Glen Alpine. A particular minimum area of subdivision or zoning has not been put forward in the submissions.

Some reasons in support of the proposal have been presented. It is also requested that a review be undertaken to determine a more appropriate zoning and/or subdivision standard for these properties.

The land is currently zoned 7(d4) Environmental Protection with a 2ha minimum area of subdivision under LEP 2002. The Draft CLEP 2014 proposes to zone the land E4 Environmental living with a 2 hectare minimum area of subdivision.

Land in this precinct is significantly constrained by a range of factors including:

- drainage and flooding
- close proximity of the railway and M31 Freeway
- the presence of significant service corridors including high voltage transmission lines

Notwithstanding, the land does comprise a residual precinct and may be capable of accommodating limited additional residential development in accordance with a highly refined development template.

The subject proposal is inconsistent with Council policy, however given the location of the land, potential suitability for further subdivision warrant investigation.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited. However, further future investigations are foreshadowed as being appropriate.

(Category B2 – recommended for further investigation)

### **6.2.5.7 Area 6: Rural Land, Menangle Road, Menangle Park**

Submission C106 outlines a strategy for the future development of the 200 ha property situated at No. 33 Medhurst Road, Menangle Park, including limited 1ha large lot R5 Residential development. The strategy is accompanied by supporting preliminary analysis.

The author of the submission in the Councillor Forum presentation suggested that the land potentially be deferred and addressed as a future Planning Proposal.

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### 2.3 Priority Investigation Areas (Campbelltown Local Environmental Plan 2015)

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The land is currently zoned 1 Non-Urban under IDO 15 with a 100ha minimum lot size for subdivision. The Draft CLEP 2014 proposes to zone the subject land and nearby land RU2 Rural Landscape with a 100 ha minimum area of subdivision.

The proposal is inconsistent with current Council policy. The land, however, falls within the Greater Macarthur Urban Investigation Area as identified by the Metropolitan Strategy, and is likely to be the subject of further investigation in a broader context.

The planning provisions contained in the Draft CLEP 2014 are recommended to be retained as exhibited.

Furthermore, it is recommended that the land be included for assessment as part of, or following the completion of a development assessment framework likely to arise from the Investigation Area project.

The submission also makes reference to a number of uses that already exist on the site and that should be reflected in the Draft CLEP 2014. This is a matter for further consideration. The authors of the submission need to provide Council with a comprehensive list of all uses that are currently being undertaken on the site and these can be examined. In the interim, the existing lawful land uses will retain 'existing use rights'.

Submission C131 requests that land at No. 101 Menangle Road (and also referred to as No. 6 Medhurst Road in the submission) Menangle Park be allowed to be subdivided – no further details are provided.

The land is currently zoned 1 Non-Urban under IDO 15 with a 100ha minimum lot size for subdivision. The Draft CLEP 2014 proposes to zone the subject land and nearby land RU2 Rural Landscape with a 100 ha minimum area of subdivision.

As per the recommendation for Submission C106, it is recommended that the planning provisions contained in the Draft CLEP 2014 be retained as exhibited.

Furthermore, it is recommended that the land be included for assessment as part of the Macarthur South Investigation project, or in accordance with any development assessment framework arising from that project.

(Category F2 – action deferred - pending detailed technical investigation or similar)

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## ATTACHMENT 2A



9 November 2015

Andrew Spooner  
Manager, Environmental Planning  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

**Re: Water related servicing advice – Wedderburn, Glen Alpine Fringe, East Edge Scenic Protection Lands**

Dear Andrew

Thank you for your letter of 28 October 2015 requesting water related servicing advice for the above areas. Sydney Water has recently completed Growth Servicing Strategies for all of our water and wastewater systems. As these sites have not been identified by Department of Planning and Environment or Council as future growth areas, the development of these sites was not included in the capacity assessment completed for our Growth Servicing Strategies.

We will need to complete more detailed investigations to determine if there is capacity in our existing systems to cater for future development of all three sites. If Council would like us to complete further investigations we require the following information:

- Proposed zoning
- Development potential
  - Broken down into the following horizons – 2020, 2031, 2036
  - For East Edge Scenic Protection Lands this should also be broken down into the areas identified in the map provided by Council.

Sydney Water provides the following high level information for Council's consideration:

**Menangle Road, Glen Alpine & East Edge Scenic Protection Lands**

There is existing trunk water and wastewater infrastructure servicing adjacent developments. Further investigations would need to be completed to identify whether there is capacity available to service future development of these sites. Extensions / adjustments to our assets would also be needed to allow connection of the properties to the trunk infrastructure. The complexity of these extensions / adjustments will be dependent on the proposed development and local conditions.

**Wedderburn**

The closest existing systems to Wedderburn are the Rosemeadow water, and Glenfield wastewater systems to the north of the site. We currently do not have a water related servicing



strategy for the Wedderburn area. A servicing strategy needs to be developed to identify whether there is capacity in the adjacent systems for future development of the site and the trunk infrastructure that would be required to service the development.

If you need any further information please contact Cassie Loughlin on 8849 5243 or email [cassandra.loughlin@sydneywater.com.au](mailto:cassandra.loughlin@sydneywater.com.au)

Yours sincerely

A handwritten signature in blue ink, appearing to be "G. Joblin", written over a thin horizontal line.

Greg Joblin  
Manager, Growth Strategy

## ATTACHMENT 2B



**NSW RURAL FIRE SERVICE**



The General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

Your reference: N/A  
Our reference: L13/0010

26 March 2016

Dear Sir/Madam,

### **Future Subdivision opportunities/residential development – Wedderburn**

Reference is made to Council's correspondence dated 11 January 2016 seeking comment from the New South Wales Rural Fire Service (NSW RFS) in respect to the capability/suitability of land in the suburb of Wedderburn for further subdivision and related erection of dwelling houses.

The suburb of Wedderburn is located predominately on a natural plateau and is bounded in all directions by an extensive forest hazard that rises steeply from the surrounding valleys and incised gorges. In turn, the majority of the suburb has been listed as either subject to Category 1 bushfire prone vegetation or its associated buffer zone on the Campbelltown City Council Bush Fire Prone Land Map. Given the extent of the surrounding hazard, and the steep slopes on which the vegetation exists, this is an area at the highest level of bush fire risk. Consequently there are concerns for further development in area that would result in placing additional residents at threat and ultimately add to the overall evacuation load in a bush fire event.

In regards to bush fire planning and design, the following concerns are also raised:

- The suburb is considered an isolated area and evacuation in an emergency would be limited due to the constrained access afforded by the surrounding hazard. Incoming emergency vehicles and evacuating residents would be constrained by the presence of the 'pinch point' along Wedderburn Road, whereby a hazard is located immediately along either side of the road preventing a safe passage for movement. It is also considered any other proposed alternative access route to the west connecting to Appin Road would have a similar issue.
- According to NSW RFS records the suburb is not connected to a reticulated water supply. Thus, in the event of a bush fire, emergency services would be required to rely on a very limited volume of static water located in the area. New development would therefore place additional stress on already constrained resources placing both residents and firefighters at threat.
- On bush fire prone land the erection of a dwelling on a new allotment requires an asset protection zone to be provided in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*. Considering the substantial slopes in the vicinity of the identified development area, dwellings may require asset protection zones up to 50/60 metres in depth as measured from the identified building envelope. Council should note this would require the substantial clearing of native vegetation to provide for the required separation distances. In addition, any land on a >18° slope cannot be considered as part of any identified asset protection zone potentially preventing some sites from development.

**Postal address**

NSW Rural Fire Service  
Records Management  
Locked Bag 17  
GRANVILLE NSW 2141

**Street address**

NSW Rural Fire Service  
Glendenning Customer Service Centre  
42 Lamb Street  
GLENDENNING NSW 2761

T 1300 NSW RFS  
F (02) 8741 5433  
E [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Based on the matters discussed above, any future subdivision development is unlikely to meet the aims and objectives of *Planning for Bush Fire Protection 2006*. As such, the NSW RFS does not support the notion of reduced lots sizes or movement for more residential zonings in the Wedderburn area.

If you have any queries regarding this advice please contact Aaron Howard, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
Manager – Customer Service Centre East

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## **ATTACHMENT 3**

### **1. Wedderburn**

#### **Policy Position**

Given the limited suitability, established to date, for further rural residential subdivision in Wedderburn as defined in attachment 4A, it is recommended that Council not resource/initiate any actions to rezone land at Wedderburn for such purposes.

### **2. Wedderburn Road, St Helens Park**

#### **Policy Position**

It is recommended that the precinct as defined in attachment 5A, be zoned E4 – Environmental Living with a two hectares minimum area of subdivision, inclusive of the one hectare lot average provision.

Any action in this regard should be initiated as a Planning Proposal Request by the owner of No. 25 Wedderburn Road, St Helens Park and should address its broader immediate context.

### **3. a. East Edge Scenic Protection Lands - Ruse - EEC5**

#### **Policy Position**

The current planning controls not be varied in the subject location as defined in attachment 6B.

Council should not resource/initiate any actions to rezone land in this area.

### **3. b. East Edge Scenic Protection Lands - Leumeah - EEC4**

#### **Policy Position**

With the exception of a slightly expanded proposed Amundsen Street low density residential precinct, it is recommended that the current planning controls not be varied in the subject location as defined in attachment 6F.

Council should not resource/initiate any actions to rezone land in this area.

### **3. c. East Edge Scenic Protection Lands - Minto South - EEC3**

#### **Policy Position**

The land at the southernmost extremity of the precinct as defined in attachment 6I, in the vicinity of Goodsell Street, be considered on its merits for low density residential development, potentially through an owner initiated Planning Proposal Request.

The current planning controls for land to the immediate south of Ben Lomond Road as defined in attachment 6I, should generally remain unchanged.

Council should not initiate/resource any planning amendments in the subject locality.

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**3. d. East Edge Scenic Protection Lands - Minto North - EEC3**

**Policy Position**

The land to the immediate south of the public purpose corridor as defined in attachment 6I be considered on its merits for low density residential purposes.

The land to the immediate north of Ben Lomond Road be flagged as potentially suitable for large lot residential development with a 4,000sqm minimum area of subdivision, subject to provision of reticulated water and sewer.

Council should not initiate/resource planning amendments in the subject locality.

**3. e. East Edge Scenic Protection Lands - Ingleburn - EE2**

**Policy Position**

Any future developments within the precinct defined in attachment 6L, should reflect a transition from the existing residential density (generally 500sqm) to large lot residential development of 1,000sqm and 2,000sqm allotments.

Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character of perimeter roads should be pursued where practical.

Potential exploration of land to the east of Bensley Road for sewerred 4,000sqm large lot residential development subject to agricultural constraints being resolved.

Council should not initiate/resource any planning amendments in the subject locality.

**3. f. East Edge Scenic Protection Lands - Macquarie Fields - EEC1**

**Policy Position**

Any future developments within the precinct defined in attachment 6O, reflect a transition from the existing residential density (generally 500sqm) to large lot sewerred 4,000sqm allotments.

Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character to Oakley Road where practical.

Council should not initiate/resource any planning amendments in the subject locality.

**4. Menangle Road, Glen Alpine**

**Policy Position**

Any future residential development opportunities within the precinct defined in attachment 7C are potentially limited to integrated large lot residential development of allotments ranging in size from 2,000sqm to 4,000sqm.

Council should not initiate/resource any planning amendments in the subject locality.

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## **2.4 Pool to Pond Program**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Ku-ring-gai Council Pool to Pond flyer (contained within this report)
2. Ku-ring-gai Council Pool to Pond plants and fish brochure (contained within this report).

### **Purpose**

To provide information on the Pool to Pond program delivered by Ku-ring-gai Council for Council's consideration.

### **History**

Council at its meeting held 22 March 2016 resolved:

That a report be presented outlining the feasibility of Campbelltown City Council implementing a pool to pond program similar to that being offered by Ku-ring-gai Council.

Council officers have subsequently undertaken research into the program and have spoken with staff from Ku-ring-gai Council involved in its operation. The following provides an overview of the program and its reported outcomes.

### **Report**

Ku-ring-gai Council's Pool to Pond program is a part of its broader WildThings program which aims to protect urban wildlife and create habitat in backyards to encourage the return of wildlife. Through the program local residents are encouraged to convert their unused pool into a pond as a local wildlife habitat for fauna such as birds and frogs (see Pool To Pond flyer in attachment 1). The ponds also act as a water reservoir purportedly for storage and irrigation purposes.

Ku-ring-gai Council promote a range of benefits associated with the program, including:

- reduced energy use and noise from not running a pool pump
  - reduced chemical use
  - reuse of existing infrastructure
  - provision of habitat and refuge for native wildlife
  - environmental awareness/education for owners, neighbours and friends (becomes a talking point)
  - flexibility to reconvert back to a pool later if desired (i.e. when selling house).
-

Ku-ring-gai Council supports the program by providing technical advice to pool owners wishing to convert their pool and undertakes inspections on the pool to ensure it is compliant with relevant safety legislation. Pool owners wishing to participate in the program are required to enter into an agreement with Council to guarantee that the pool will remain safe following conversion, protecting Council from any liability in case of an accident. The Council also provides some native aquatic plants and fish for each conversion which act to keep the water clean and control insects.

Ku-ring-gai Council has supported research by Sydney University into water quality and health issues that may be associated with the program. The research has delivered positive findings where it is found that mosquitoes are unable live in the deep water found in most pools and the ecosystems that develop assist in maintaining water health. The program also provides the opportunity to monitor and provide advice on aquatic weeds on private properties.

Ku-ring-gai Council has been running this program since 2006 and have so far been involved in converting more than 70 pools. Council funding for the program is approximately \$1500 per year, for the purchase of plants and fish but does not include staff time for advice and pool inspections.

Unlike Ku-ring-gai, Campbelltown City Council does not have the facilities to store and maintain aquatic plants and fish which would need to be accessed on a case by case basis. The majority of plant species offered by Ku-ring-gai Council (see Pool to Pond plants and fish brochure in attachment 2) are not readily available in the Campbelltown area or through Council's regular suppliers.

Should Campbelltown City Council wish to coordinate its own program, staff would need to be suitably trained to ensure that they had the requisite knowledge and expertise to provide sufficient technical advice. Council would also need to prepare promotional material and provide appropriate funding if it wished to initiate its own program. Ku-ring-gai Council is happy for Campbelltown City Council to use and adapt the content from their promotional material.

Of relevance, Council staff have recently received one enquiry relating to a pool conversion where information was provided on the Ku-ring-gai program. In this regard it is recommended that staff continue to monitor community interest and report back to Council should there be significant community interest to warrant investment in a Pool to Pond program for Campbelltown.

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

---

### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the information be noted.

#### **Amendment: (Greiss/Rowell)**

1. That in the event that Council receives any enquiries regarding the conversion of a Pool to a Pond, that we explain to them that while Council does not run this program point them to the information that is available to them.
2. That Pool to Pond information be added to Councils website.

### **LOST**

#### **Council Resolution Minute Number 92**

That the information be noted.

---

## ATTACHMENT 1



**Pool to Pond**

**Plant and Fish Guide  
for Sydney Ponds**

**9424 0000**  
[wildthings@kmc.nsw.gov.au](mailto:wildthings@kmc.nsw.gov.au)  
[www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)



**Ku-ring-gai  
Council**

*This brochure has been produced by Ku-ring-gai  
Council with Environmental Levy funding  
June 2012*



**Environmental Levy**  
Our Environment | Our Community | Our Ku-ring-gai

**Ku-ring-gai Council  
helps residents convert  
unused swimming pools  
into vibrant and beautiful  
natural ponds**

**More information**  
[www.kmc.nsw.gov.au/pooltopond](http://www.kmc.nsw.gov.au/pooltopond)  
[www.wildthings.org.au](http://www.wildthings.org.au)

*Cover photo: W Wheatley*

# ATTACHMENT 2

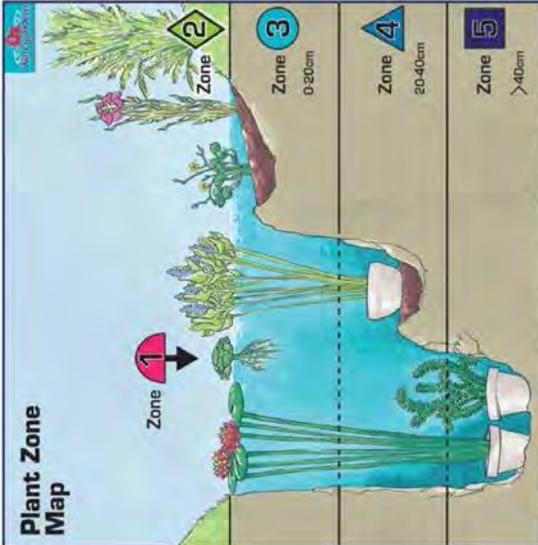
## Pool Pond

### Benefits

- 01** Save up to \$1,000 on your electricity bill by switching off the pool pump and filter.
- 02** Enhance your household sustainability by reducing toxic chemical use and providing a source of clean water for garden irrigation.
- 03** Free up your time because maintaining a pond, unlike a swimming pool, is not expensive or time-consuming.
- 04** Be a useful educational resource for kids - eg. dip netting to collect a range of aquatic wildlife.
- 05** Promote biodiversity in your own backyard.
- 06** Potentially become the custodian of a species of threatened native fish by using your pond as a biobank.

The conversion is reversible

**Contact us for more information**  
P 9424 0000  
E [wildthings@kmc.nsw.gov.au](mailto:wildthings@kmc.nsw.gov.au)  
W [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)



Plant Zone Map

Plant Zone Key

- Zone 1 Pond floaters
- Zone 2 For pond edges
- Zone 3 0-20cm plant depth. Substrate for marginal or bog plants
- Zone 4 20-40cm plant depth.
- Zone 5 40cm or more in depth.

### Aquatic species to avoid

As much as possible we recommend that you stick to native fish species. Some foreign species threaten native fish and aquatic wildlife. While your pool may be self-contained, there is always the risk that it could overflow or be drained accidentally, allowing species to enter watercourses.

The following should definitely be avoided:

Yabbies, White Cloud Mountain Minnow and Gambusia (Mosquito Fish)

### Prohibited Weeds

Some pond plants have been declared as weeds and must be controlled under the *Noxious Weeds Act 1993*. Weeds controlled in NSW are:

Alligator weed (*Alternanthera philoxeroides*), Cabomba (*Cabomba caroliniana*), Hygrophila (*Hygrophila costata*), Hymenachne (*Hymenachne amplexicaulis*), Leafy elodea (*Egeria densa*), Sagittaria (*Sagittaria platyphylla*), Salvinia (*Salvinia molesta*), Water hyacinth (*Eichornia crassipes*), Water lettuce (*Pistia stratiotes*).

Full list of prohibited weeds under *Pest and weeds management act* [www.dpi.nsw.gov.au/agriculture](http://www.dpi.nsw.gov.au/agriculture)

### Useful Tips

- Have some way (such as a tree branch) for wildlife to escape from the pond if they fall in.
- Obtain your pond plants from reputable and/or accredited nurseries and sellers. If you source plants from friends, have them checked for suitability.
- Converted swimming pools are essentially rainwater tanks without lids. This means 1,000s of litres of water are available for irrigation and other uses.
- Young children who can't swim should wear flotation jackets and be well supervised.



Photo: S. Gammeter



Photo: © Queensland Museum, Gary Cranitch

Crimson Spotted Rainbow

*Melanotaenia duboulayi*

**Size:** 9-13cm

**Appearance:** Silvery blue-grey with luminous rainbow colouring on tail.

**Tadpole-friendly:** No.

Most Rainbow fish species are suitable for ponds and are prolific breeders.



Photo: ANGEA

Pacific Blue Eyes

*Pseudomugil signifer*

**Size:** 5-8cm

**Appearance:** Attractive aquarium fish with brilliant blue eyes.

**Tadpole-friendly:** Yes.

Indigenous to Sydney. Some populations will not survive winter.



Photo: © Queensland Museum, Gary Cranitch

Silver Perch

*Bidyanus bidyanus*

**Size:** Large up to 40cm

**Appearance:** Grey to grey-brown with lighter belly. Small head and mouth.

**Tadpole-friendly:** No

Omnivorous, suitable for eating but will not breed in a pond.



Photo: ANGEA

Australian Bass

*Macquaria novemaculeata*

**Size:** Large up to 60cm

**Appearance:** Attractive, often bronze-coloured fish.

**Tadpole-friendly:** No.

Indigenous to Sydney. Bass are one of Australia's most popular sporting fish but will not breed in a pond.



Photo: ANGEA

Firetail Gudgeon

*Hypseleotris gairii*

**Size:** 4-5cm

**Appearance:** Small, grey to bronze with faint stripe along body and reddish tail.

**Tadpole-friendly:** Yes.

All Gudgeon species are suitable for ponds. Firetails are indigenous to Sydney and are prolific breeders.



Photo: David White

Purple Spotted Gudgeon

*Mogurnda adspersa*

**Size:** 10+cm

**Appearance:** Attractive and popular aquarium fish.

**Tadpole-friendly:** No.

Hardy and aggressive predator, will breed in a pond.



**Austral Water Gardens**  
 Growers of Waterlilies and other aquatic plants, native and cold water fish, solar and electric pumps, garden ornaments, friendly help and advice.

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**02 94765675**

**ANGFA**

Thanks to Australia New Guinea Fishes Association (ANGFA) NSW for some of the images in this brochure. ANGFA is about study, conservation, keeping and propagation of fish native to Australia and New Guinea. If you are interested, become a member at [www.angfa.org.au](http://www.angfa.org.au)



Photo: Colleen Miller

**Jointed Twigrush**  
*Baumea articulata*

Depth: Zone 4

Dark green rush to 1.5m. Robust, large clumps with round flower stalks from creeping rhizomes. Soft, tubular green leaves.

Excellent habitat plant.



**Watercress**  
*Nasturtium officinale*

Depth: Zone 2 EDIBLE

Fast-growing perennial with dark bronze green foliage and creeping clusters of small white flowers. This edible plant contains significant amounts of minerals and vitamins.



Photo: Wallis Creek Watergarden

**Grey Rush**  
*Lepironia articulata*

Depth: Zone 3

Long, round grey stems up to 2m tall. Height and grey colour makes it stand out from other freshwater plants. Excellent habitat plant.



**Water Chestnuts**  
*Eleocharis dulcis*

Depth: Zone 5 EDIBLE

Perennial grass-like sedge with tube-shaped, leafless green stems 1-1.5m. This plant is a must for the permaculture pond with edible corns that can be eaten raw, boiled, grilled or pickled.



Photo: Oz Watergardens

**Entire Marshwort**  
*Nymphoides germinata*

Depth: Zone 4-5

Hardy perennial. This plant will conjure up images of Monet with water lily shaped leaves and very attractive fringed, star-shaped yellow flowers extending above water.



Photo: Sturtwater Uni of Tech

**Swamp Lily**  
*Ottelia ovalifolia*

Depth: Zone 4-5

This perennial or annual water lily has very attractive small flowers with a 5cm diameter. Definitely an underused aquatic classic.



Photo: Oz Watergardens

**Water Milfoil**  
*Myriophyllum (heterophyllum, papillosum and verticillatum)*

Depth: Zone 3-4

A very attractive plant with green pine-like leaves which trail across the water surface. Good oxygenating plant and ideal for protection and spawning of fish. Will grow in semi-shade to full sun. Excellent habitat plant.



Photo: Wallis Creek Watergarden

**Ribbon Grass**  
*Vallisneria spiralis*

Depth: Zone 2-3

Long green tape-like leaves up to 1cm wide. Tiny white flowers on a coiled stem. This is a popular aquarium plant.



Photo: Oz Watergardens

**Common Spike-rush**  
*Eleocharis acuta*

Depth: Zone 3

A perennial with unbranched stems and leaves like sheaths, up to 60cm tall. Several small flowers per spikelet (up to 4cm long) at top of stem. Excellent habitat plant.



Photo: Austral Watergardens

**Nardoo**  
*Marsilea mutica*

Depth: Zone 4

4-leaf clover-like fronds, up to 10cm, on softlimp runners/stems to 1 metre long. This plant was partially responsible for the death of Burke and Wills, explorers who ate the plant.



We stock native fish and waterplants plus everything you need to create and maintain a garden pond.

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Opening hours:  
 Mondays - Fridays 9am - 3.30pm

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 430 Mona Vale Road, St Ives  
 www.kimc.nsw.gov.au/nursery



**Yellow Bladderwort**  
*Utricularia gibba ssp. exoleta*

Depth: Zone 1

Yellow flowers on erect stems up to 20cm tall. This is a carnivorous plant that can still be found on the Lane Cove river and traps and digests small aquatic creatures.



Photo: ANGFA

**Woolly Frogsmouth**  
*Philydrium lanuginosum*

Depth: Zone 2-3

Evergreen soft-wooded perennial with yellow flowers. Leaves are narrow and flushed red. Excellent habitat plant.



Photo: Oz Watergardens

**Water Fern**  
*Azolla pinnaia*

Depth: Zone 1

Small fern up to 2.5cm with overlapping leaves 1-2mm long. Blue-green or dark red, it is coated in tiny, water-repellent hairs with velvety appearance. This plant has weed potential but makes excellent compost.

## **2.5 Association of Mining Related Councils - Negotiating Voluntary Planning Agreements for NSW Mining Developments**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Memorandum of Understanding – Negotiating Voluntary Planning Agreements for NSW Mining Development (contained within this report)
2. Draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements') (contained within this report)

### **Purpose**

To seek Council's endorsement to support the Association of Mining Related Council's Memorandum of Understanding - Negotiating Voluntary Planning Agreements for NSW Mining Development and Draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements') documents that have been prepared on behalf of member councils.

### **History**

Formed in 1982, the Association of Mining Related Council's (AMRC's) mission is to advocate on behalf of members and their communities on mining related issues and to ensure that mining activity is conducted in accordance with the principles of ecologically sustainable development.

The AMRC represents mining related councils and their communities throughout New South Wales, members include 22 local councils: Bland Shire Council, Blayney Shire Council, Broken Hill City Council, Cabonne Council, Campbelltown City Council, Cessnock City Council, Cobar Shire Council, Gunnedah Shire Council, Lachlan Shire Council, Lithgow City Council, Liverpool Plains, Mid-Western Regional Council, Narromine Shire Council, Newcastle City Council, Orange City Council, Parkes Shire Council, Singleton Council, Upper Hunter Shire Council, Warrumbungle Shire Council, Wentworth Shire Council, Wollondilly Shire Council, and Wollongong City Council

Council's representative on the AMRC is the Mayor Councillor Paul Hawker.

The AMRC meets four times per year, twice in Sydney with the remaining two meetings occurring in regional locations through NSW. Meetings of the AMRC discuss topical issues associated with mining that have the potential to impact on local government and their communities. In recent times the key issue of discussion has been voluntary planning agreements (VPA's) between mining companies and local government and the need to ensure consistency in the process and outcomes provided via the VPA to the community.

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## Report

### Background

In November 2015, The association resolved to enter into discussions with the NSW Minerals Council (industry association representing the state's minerals industry), to explore opportunities to develop a closer working relationship on behalf of members of both organisations particularly in relation to voluntary planning agreements (VPA) and related contribution methodology. In recent years the negotiation of mining related VPA's has become an expensive and time consuming process for many member councils who needed considerable technical and legal support to execute such agreements. Further, unlike other VPA's negotiated with residential developers for the provision of site specific community infrastructure, the impacts of mining activities upon road and social infrastructure, often extended far beyond the site and into adjoining local government areas.

The association approached the discussions by the appointment in November 2015 of a small advisory panel with two Councillors and two General Managers as members. This panel has now been increased to three Councillors and two General Managers. All meetings with the NSW Minerals Council are chaired by an independent Association member council delegate. The association in November 2015 also appointed an environmental consultant Mr Warwick Giblin, Managing Director, OZ Environmental Pty Ltd, (who has considerable experience in assisting Councils with their VPA negotiations with mining companies), to assist the panel in its negotiations. The consultancy is being paid from the association's cash reserves built up over past years and set aside for projects such as VPA negotiations.

Between November 2015 and May 2016, the panel has been able to negotiate a draft memorandum of understanding with the NSW Minerals Council to a point where the association has resolved that it is now ready for signing by both organisations.

Another outcome has been the panel's successful negotiation with the NSW Minerals Council of a draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements') which sets out an acceptable framework and methodology for the negotiation of a VPA. The association has also resolved to accept this draft document as a fair and reasonable solution to past problems with negotiations on this important local issue.

The negotiation process with the NSW Minerals Council is ongoing with the need for an acceptable model for contributions to local social and physical infrastructure to be developed in particular road upgrades and maintenance. This matter will take some time, and in the meantime, the association wishes to gain member Council's support to sign the memorandum of understanding and approval of the draft VPA Negotiation Process. The association by resolving to accept both documents believes the agreements contained therein are in the best interests of member councils and the adopted processes will assist with future VPA negotiations.

Consequently the Association of Mining Related Councils at its meeting held on 13th May 2016, after considering a report on 'Memorandum of Understanding with NSW Minerals Council and Timeline for Completion of Voluntary Planning Agreements' resolved (resolution 29/2016):

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## 2.5 Association Of Mining Related Councils - Negotiating Voluntary Planning Agreements For NSW Mining Developments

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The member councils be asked to advise the association by no later than 22nd July 2016 of their acceptance or, rejection of these documents.

As per the above resolution it is the intention of the association to authorise the Chairperson to sign the memorandum of understanding if there is positive agreement in returned responses (in writing) by a majority of member councils (50 per cent plus one).

### **Memorandum of Understanding – Negotiating Voluntary Planning Agreements for NSW Mining Development**

The memorandum of understanding (attachment 1) documents an agreement of the parties to work collaboratively to develop a mutually acceptable framework for the negotiation of VPS's for Mining Development in New South Wales.

Previous negotiations of VPAs by mining proponents and local governments has been characterised by a lack of a robust, transparent process which in turn has sometimes generated uncertainty, delay, distrust and ad hoc and variable outcomes. The parties to the agreement share a belief that the process by which VPAs are negotiated can be improved to the mutual benefit of all parties involved. It is therefore the intention of the parties to work together collaboratively and in good faith to determine if a better process can be agreed upon to develop a methodology to calculate demands on local infrastructure and a methodology for calculating road upgrade and maintenance contributions.

Nothing within the agreement obliges either party to enter a final agreement regarding a framework neither for VPA negotiations nor about any of the component parts (e.g. economic impacts calculator and road contribution calculator) of the framework.

While the level of direct mining activity within the Campbelltown Local Government Area has declined in recent years and will further decline with the cessation of the Camden Gas Project in 2022, a consistent framework for VPA negotiation is considered a desirable outcome should, in the future, Council finds itself in a position to negotiate a mining related VPA.

Consequently it is recommended that Council advise the Association of Mining Related Council's that it supports the signing of the Memorandum of Understanding - Negotiating Voluntary Planning Agreements for NSW Mining Development.

### **Draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements')**

The draft VPA Negotiation Process (attachment 2) sets out the steps and procedures to be followed in negotiating and executing a mining VPA. The draft VPA negotiation process visually displays the key components of the intended process and provides a colour coded assignment of responsibilities and timeframes for each party. The key aspects are:

1. prior to the commencement of the negotiation period a project briefing will be provided to the Council by the proponent outlining project details including general VPA aspects.
  2. a negotiation period totalling 80 days, which is separated into two key phases
-

## 2.5 Association Of Mining Related Councils - Negotiating Voluntary Planning Agreements For NSW Mining Developments

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3. the first phase (pre-exhibition) of the negotiation period involves:
  - (i) an initiation letter and an opening offer by the proponent triggering the commencement of the negotiation period
  - (ii) a formal negotiation 'Heads of Consideration' meeting between the parties within 25 days of the negotiation period commencing
4. the second phase (post-exhibition) of the negotiation period runs for a maximum of 80 days and involves:
  - (i) a formal offer from the proponent after exhibition of the EIS closes
  - (ii) a period for deliberation of the formal offer by council, including agreement on which full council meeting the final offer will be considered; and
  - (iii) a formal response from council either accepting or rejecting the offer which concludes the negotiation period.
5. a stop-the-clock mechanism that can be activated by either party during both phases to pause of the negotiation if there is a need to wait for further reports to be provided and/or to allow extensions of timeframes.
6. if there is no agreement within 80 days, the matter would be referred to IPART who will provide a recommendation. If IPART rules that the offer is fair and reasonable, Council would be required to bear the costs of arbitration, however if the offer requires amendment, the proponent is required to bear those costs.

The draft VPA Negotiation Process provides a clear understanding of roles and responsibilities via a timeline for completion of VPAs which will assist member councils during the negotiation of mining related VPAs. While the document is still in the draft phase and will be further evolved it is considered to be an excellent starting point and worthy of Council's support. Therefore it is recommended that Council advise the Association of Mining Related Council's that it supports the draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements').

### **Officer's Recommendation**

That Council advise the Association of Mining Related Council's that it supports the:

- a) Signing of the Memorandum of Understanding - Negotiating Voluntary Planning Agreements for NSW Mining Development.
- b) Draft VPA Negotiation Process (Timeline for Completion of Voluntary Planning Agreements').

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

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 92**

That the Officer's Recommendation be adopted.

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**ATTACHMENT 1****Memorandum of Understanding****Negotiating Voluntary Planning Agreements for NSW Mining Development****Preamble**

This memorandum of understanding documents an agreement of the parties to work collaboratively to develop a mutually acceptable framework for the negotiation of voluntary planning agreements (VPA) for Mining Development in New South Wales.

In the past, negotiation of VPAs by mining proponents and local governments has been characterised by a lack of a robust, transparent process which in turn has sometimes generated uncertainty, delay, distrust and ad hoc and variable outcomes. The parties to this agreement share a belief that the process by which VPAs are negotiated can be improved to the mutual benefit of all parties involved. It is therefore the intention of the parties to work together collaboratively and in good faith to see if a better process can be agreed upon.

Nothing in this MoU obliges either Party to enter a final agreement regarding a framework for VPA negotiations nor about any of the component parts (e.g economic impacts calculator and road contribution calculator) of the framework.

<b>Date</b>	X April 2016 (to be inserted upon execution)
<b>NSWMC</b>	<b>NSW Minerals Council</b> on behalf of its members.
<b>AMRC</b>	<b>Association of Mining Related Councils</b> on behalf of its member Councils.
<b>Parties</b>	Together the NSWMC and AMRC.
<b>Additional parties</b>	[Insert any other non AMRC councils that agree to this memorandum of understanding]
<b>Voluntary Planning Agreement Negotiation Framework</b>	<p>The Parties agree to:</p> <ul style="list-style-type: none"> <li>(a) work collaboratively and constructively to establish an agreed framework for the negotiation of VPAs for <i>Mining Development</i><sup>1</sup> in NSW;</li> <li>(b) seek to develop a framework which is mutually beneficial to, and better addresses the interests of the Parties' members;</li> <li>(c) approach and undertake negotiations in good faith;</li> <li>(d) establish respective VPA working groups that: <ul style="list-style-type: none"> <li>(i) shall meet on a regular basis;</li> <li>(ii) will be adequately resourced; and</li> <li>(iii) authorise the respective secretariats to take steps to progress the negotiations out of session.</li> </ul> </li> </ul>

<sup>1</sup> For the purposes of this agreement, '**Mining Development**' means a mining related project which is of a scale or nature that will have an impact on infrastructure demands within the relevant Local Government Area (LGA) and:

- (a) for which development consent is being sought for State Significant Development under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act); or
- (b) an application has been made for the modification of a development consent in respect of a State Significant Development; or
- (c) an application has been made for the modification of a transitional Part 3A project pursuant to section 75W of the EP&A Act.

2.5 Association Of Mining Related Councils - Negotiating Voluntary Planning Agreements For NSW Mining Developments

<p><b>Methodology to calculate demands on local infrastructure</b></p>	<p>The Parties agree to work cooperatively together over the next 9 months to develop a tool that can be used by the Parties to assess the potential impact of a <i>Mining Development</i> on local government infrastructure and to calculate an appropriate contribution to be offered by the proponent to offset the potential impacts.</p>
<p><b>Methodology for calculating road upgrade and maintenance contributions</b></p>	<p>The Parties agree to work cooperatively together over the next 9 months to develop a tool that can be used by the Parties to:</p> <ul style="list-style-type: none"> <li>(a) assess the likely impact of a Mining Development on council roads within a local government area and to identify which roads will require upgrading and maintenance;</li> <li>(b) determine the standard to which a road should be upgraded and maintained;</li> <li>(c) develop a formula that can be used to calculate the cost of any necessary road upgrades and maintenance, using agreed industry guidelines; and</li> <li>(d) use the above information to apportion the cost of the necessary road upgrades and maintenance to a particular Mining Development.</li> </ul>

EXECUTED as an agreement

Executed by  
New South Wales Minerals Council  
on / /20 by:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Full name of

\_\_\_\_\_ Full name of

Executed by  
Association of Mining Related Councils  
on / /20 by:

\_\_\_\_\_

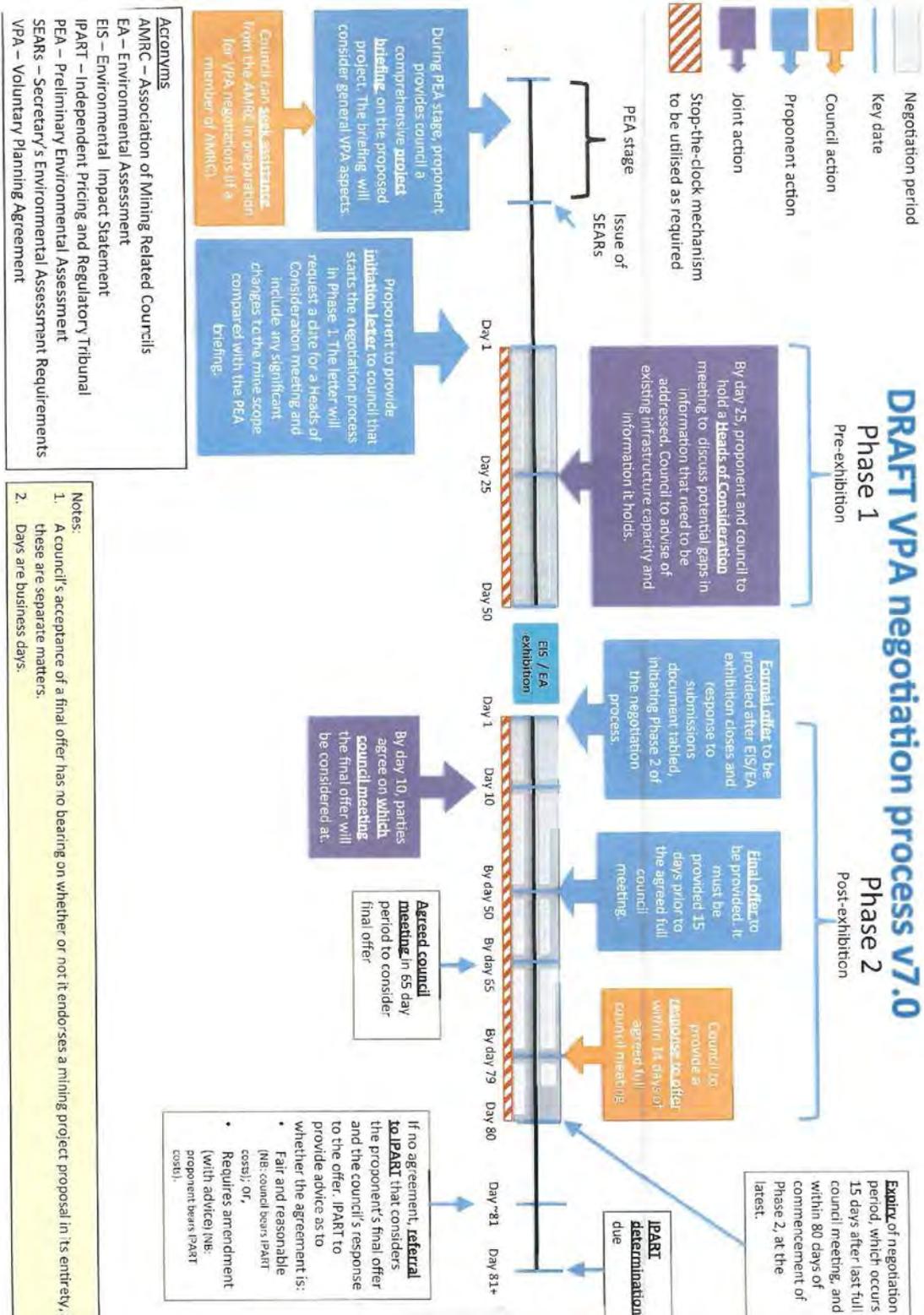
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\_\_\_\_\_ Full name of

2.5 Association Of Mining Related Councils - Negotiating Voluntary Planning Agreements For NSW Mining Developments

**ATTACHMENT 2**



## **2.6 Minutes of the Heritage Protection Sub Committee held 26 May 2016**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

Minutes of the Heritage Protection Sub Committee held 26 May 2016 (contained within this report)

### **Purpose**

To seek Council's endorsement of the minutes of the Heritage Protection Sub Committee held 26 May 2016

### **Report**

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

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

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

#### **7.1 Glenroy Cottage - Presentation by Hume Community Housing Association**

1. That the information be noted.
2. That the Heritage Protection Sub Committee provides appropriate feedback to assist Hume Community Housing Association with the preparation of a future application to Council for proposed works to Glenroy Cottage.

#### **7.2 Status Update for Heritage related Development Applications**

1. That the information be noted.
  2. That Council considers the following comments from the Heritage Protection Sub Committee regarding the visual impacts of the proposed perimeter fence when assessing any future Development Application for proposed works to Blair Athol House:
    - That the proposed 2.1 metre height of the fence is excessive and that the design and location of the fence is not in keeping with the heritage significance of the site.
-

### **8.1 Dr Ivor G Thomas**

That Council give consideration to the written request from the Campbelltown and Airs Historical Society to permanently honour the achievements of Dr Ivor G Thomas and respond accordingly.

### **8.2 2020 Campbelltown Bicentenary**

That the information be noted.

### **8.3 Pictorial Account of the Heritage Medallion and Appin Massacre Memorial Events**

That the information be noted.

### **Officer's Recommendation**

That the minutes be noted.

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

1. That the minutes be noted.
2. That a report be provided identifying opportunities for Council to permanently honour the achievements of Dr Ivor G Thomas.

### **CARRIED**

### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

### **Council Resolution Minute Number 92**

That the Committee's Recommendation be adopted.

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## **ATTACHMENT 1**

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

**Held Thursday 26 May 2016 in Committee Room 3**

Meeting Commenced: 6.00pm

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

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

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

**Attendance:** Councillor Ted Rowell - Chairperson Campbelltown City Council  
Clarice Stretch - Campbelltown and Airds Historical Society  
Robert Wheeler - National Parks Association  
Alison Cukic - National Parks Association  
Sue Kijurina - Campbelltown and Airds Historical Society  
Kay Hayes - Campbelltown and Airds Historical Society

**Also in Attendance:** Andrew Spooner - Manager Sustainable City & Environment  
Jeff Burton - Senior Strategic Environmental Planner  
Melinda Willcocks - Marketing and Tourism Coordinator  
Brendan Leo - Acting Manager Development Services  
Jane Worden - Executive Support  
Mr Rodrigo Gutierrez - Hume Community Housing Association

**Apologies:** Councillor Bob Thompson - Deputy Chair Campbelltown City Council  
James Gardner - Qualified Person

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

That the above apologies be accepted.

#### **CARRIED**

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

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

Councillor Rowell made a non pecuniary less than significant declaration of Interest in respect to 'Item 7.2. Blair Athol House'. Councillor Rowell disclosed to the Heritage Protection Sub Committee that he knows the owner of the Blair Athol House Kindergarten. Councillor Rowell stated that he did not believe that this declaration of interest was of any significance and therefore continued to chair the meeting.

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

##### **Reporting Officer**

Manager Sustainable City and Environment

##### **Report**

The Minutes of the Heritage Protection Sub Committee Meeting held on 25 February 2016, copies of which were circulated to each Sub Committee member, were presented to Council for adoption at its meeting held 22 March 2016.

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

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**Officer's Recommendation**

That the information be noted.

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

That the information be noted.

**CARRIED**

**5. Business Arising from the Previous Minutes**

**Reporting Officer**

Manager Sustainable City and Environment

**Purpose**

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 25 February 2016.

**Report**

The Minutes of the Heritage Protection Sub Committee meeting held on 25 February 2016 were considered by Council at its meeting on 22 March 2016.

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

**(Item 7.3) 2016 Heritage Medallion Nominations**

That the Acting Director Planning and Environment present a separate confidential report to Council seeking endorsement of the Heritage Protection Sub Committee's recommended recipient/s of the 2016 Heritage Medallion.

A confidential report on the matter was considered by Council at its meeting of 22 March 2016. Council resolved to endorse the recommended recipients of the 2016 Heritage Medallion put forward by the Heritage Protection Sub Committee. The Heritage Medallion awards were subsequently presented at the Campbelltown Heritage Forum on 13 April 2016.

**(Item 8.1) National Parks Association Committee Membership Update**

That Council approve the appointment of Ms Alison Cukic as the National Parks Association alternative representative on the Heritage Protection Sub Committee.

At its meeting of 22 March 2016 Council resolved to endorse the appointment of Ms Alison Cukic as the National Parks Association alternative representative on the Heritage Protection Sub Committee.

**Officer's Recommendation**

That the information be noted.

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

That the information be noted.

**CARRIED**

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**6. Correspondence - Nil**

**7. Reports**

**7.1 Glenroy Cottage - Presentation by Hume Community Housing Association**

**Reporting Officer**

Manager Sustainable City and Environment

**Purpose**

The purpose of this report is to facilitate an oral presentation to the Heritage Protection Sub Committee from Mr Rodrigo Gutierrez of the Hume Community Housing Association, regarding proposed repair and restoration works for the local heritage listed item 'Glenroy Cottage' at Claymore.

**Report**

Glenroy Cottage is located at No. 2 Dobell Road Claymore and is owned by the Land and Housing Corporation (formerly known as the Department of Housing). The property is listed as an item of local heritage significance under Campbelltown Local Environmental Plan 2015 (CLEP 2015), and adjoins another local heritage listed cottage known as 'Hillcrest'.

Hume Community Housing Association (Hume) has been successful in obtaining a lease from Land & Housing Corporation (LAHC) for the heritage listed Glenroy Cottage property, and is intending to expand its social service activities at Claymore by occupying the building for future office and community based uses. Hume has been given grant funding from NSW Family and Community Services to undertake repair and restoration works to the Cottage having regard to a building feasibility report undertaken for the property in 2015 (Attachment 1).

Under CLEP 2015, Council approval is required for physical works or a change in use of the property. It is noted that no application has yet been made to Council.

Hume has advised that it is its intention to engage a heritage consultant to provide an updated schedule of proposed renovation works to the building, which will form the basis of an application to Council. It is Hume's intention to implement the works program through a partnership approach involving NSW TAFE and Yourtown (formerly Boystown), which provide opportunities for trade skills and employment training for local residents.

Mr Rodrigo Gutierrez is the Manager, Sustainable Communities & Partnerships at Hume, and will be in attendance at the Heritage Protection Sub Committee meeting of 26 May 2016 to explain the details of the project prior to an application being made to Council for proposed works to Glenroy Cottage.

**Officer's Recommendation**

1. That the information be noted.
2. That the Heritage Protection Sub Committee provides appropriate feedback to assist Hume Community Housing Association with the preparation of a future application to Council for proposed works to Glenroy Cottage.

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

That the information be noted.

**CARRIED**

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## **7.2 Status Update for Heritage related Development Applications**

### **Reporting Officer**

Acting Manager Development Services

### **Purpose**

The purpose of this report is to provide an update to the Heritage Protection Sub Committee on the assessment of current Development Applications relating to listed heritage items within the Campbelltown Local Government Area.

### **Report**

Council is currently assessing a number of development applications relating to heritage listed properties within the Campbelltown Local Government Area. Several of these applications have previously been reported to the Heritage Protection Sub Committee for consideration and comment.

The assessment status of these development applications is provided below for the information of the Heritage Protection Sub Committee.

#### **Blair Athol House - 23 Blair Athol Drive, Blair Athol**

DA 528/2016 - Construction of alterations and additions to an existing child care centre located at 23 Blair Athol Drive, Blair Athol (Blair Athol House). A plan of the proposed development layout on the subject land is provided in attachment 1.

The site is listed as a Local Heritage Item under the provisions of Campbelltown Local Environmental Plan 2015. Blair Athol House is a component of the larger 'Blair Athol Residential Group' which also includes Kia (No. 21 Blair Athol Drive) and The Kraal (No. 29 Blair Athol Drive).

The use and construction of the child care centre on the land was approved under Development Application 3058/2008/DA-C.

The proposal involves the following works:

- construction of an awning over an existing concrete slab on the north east elevation of play room 1
- addition of a staff room, parents room and a storage area to play room 2
- construction of a black palisade fence to the front of the property.

The proposed development does not alter the existing hours of operation, number of staff or the number of children at the centre.

Status: Council's preliminary assessment of the proposal has identified a number of potential issues that are being further investigated, including the likely visual impacts of the proposed perimeter fence, and certification of existing structures on the land. Council is continuing to assess the application, including public exhibition and notification to surrounding land owners.

#### **Former CBC Bank Building - 263 Queen Street, Campbelltown**

DA 493/2016 - Proposed commercial and residential apartment development, including works to existing State heritage-listed former CBC Bank building.

The subject application was lodged with Council on 4 March 2016 for the redevelopment of the subject site. The site is occupied by the former CBC Bank building, which is state heritage listed, and a single-storey commercial development at the rear of the site. The CBC Bank building was until recently the offices of the Macarthur Advertiser.

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The proposal involves the following works:

- Restoration of the existing state heritage-listed former CBC Bank building
- Demolition of a recent (non-heritage listed) extension to the CBC Bank Building and construction of a new extension.
- Demolition of the existing (non-heritage listed) commercial building at the rear of the site
- Construction of an 18 storey building at the rear of the site incorporating two levels of commercial tenancies (containing ten commercial tenancies) and 16 levels of residential apartments (containing 107 apartments), and three levels of basement car parking (containing 112 car parking spaces).

Status: The proposed development has a capital investment value of \$24.61m, and therefore Council staff are required to report the application to the Sydney West Joint Regional Planning Panel for determination.

As the application was lodged on 4 March 2016, the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002 apply, and the provisions of the recently gazetted Campbelltown Local Environmental Plan 2015 will be considered as a draft planning instrument. At the time of lodgement, a height limit of 10 storeys applied to the site. Under the new LEP, a height limit of 32 metres applies to the site. The proposed building has a height of approximately 57 metres.

The potential impacts on the heritage significance of the site and adjacent heritage listed items will form a primary consideration in the assessment process for the subject proposal. In this respect, it is noted that the application has also been forwarded to the NSW Heritage Office for their concurrence under the *NSW Heritage Act 1977* given that the former Bank building is a State listed heritage item.

An update on the progress of the assessment of the application, including community feedback from the public exhibition period, will be verbally provided to the Heritage Sub Committee at the meeting of 26 May 2016.

#### **Campbellfield (Redfern's) Cottage - Lind Street, Minto**

DA 2952/2014 - Construction of Medical Centre and Childcare Centre.

The Heritage Protection Sub Committee was informed of details of the subject application at its meeting of 25 February 2016.

Status: Council at its meeting held 22 March 2016, Council considered a report on the proposed development and resolved to refuse the application for the reasons outlined in attachment 3. The reasons for refusal included issues relating to the potential adverse impacts of the proposed development upon the heritage significance of Redfern's Cottage.

On 18 April 2016 Council was served notice by the proponent of a Class 1 appeal to the NSW Land and Environment Court against Council's refusal of the development application. Council has engaged HWL Ebsworth Lawyers to act on its behalf in the appeal process.

#### **Epping Forest - Mississippi Crescent, Kearns**

DA 2400/2015 - Subdivision into 5 Torrens Title allotments. A plan of the proposed subdivision is provided in Attachment 2.

The Heritage Protection Sub Committee was informed of details of the subject application at its meeting of 25 February 2016.

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Status: Insufficient information has been submitted with the application to allow a comprehensive assessment of the application to be undertaken. The application remains deferred by Council pending additional and revised information being submitted by the applicant.

**Old Kendall's Millhouse Site - 316 Queen Street Campbelltown**

DA 2777/2015 - Alterations and additions to existing heritage building and construction of multi storey commercial and residential building.

The Heritage Protection Sub Committee was informed of details of the subject application at its meeting of 25 February 2016.

Status: The proposal is not considered supportable in its current form. Council has raised a number of issues and concerns with the proponent and requested additional and revised information. On 4 April 2016 Council Officers met with the applicant to discuss the matter and the application remains deferred pending a response from the applicant to the issues raised by Council.

**Caversham - 26 Oxley Street, Campbelltown**

DA 3065/2015 - Proposed use of existing building as a dwelling and home office (Macarthur Lady Funerals) and construction of a metal garage at rear of property.

The HPSC was informed of details of the subject application at its meeting of 25 February 2016.

Status: The application has been withdrawn by the applicant.

**Macquarie Field House - Campbelltown Road, Glenfield**

DA 3510/2015 - Concept Master Plan for Residential Subdivision for Macquarie Field House (State Listed Heritage Item).

The Heritage Protection Sub Committee was informed of details of the subject application at its meeting of 25 February 2016.

The application was lodged with Council on 10 December 2015 and is for a concept master plan only. If approved, the proposed subdivision would be undertaken in a series of stages and be subject to future development applications.

The master plan proposes the provision of 69 residential allotments, ranging in size from 1,004sqm to 5,458sqm, the provision of roads, landscaping and community open space including a specially constructed lake. Access to the proposed subdivision would be from Quarter Sessions Road.

Macquarie Field House and its associated farm buildings are proposed be retained in a hilltop setting, with income generated from the sale of residential allotments to be utilised for the maintenance and conservation of the heritage listed buildings.

It is noted that Council will not be the consent authority for this application as the value of works exceeds the prescribed threshold of \$20m. In this respect, the application will be reported to the Joint Regional Planning Panel for determination.

Status: The application is under assessment and has been forwarded to the NSW Heritage Division for concurrence under the *NSW Heritage Act 1977* given that Macquarie Field House is a State listed heritage item. A number of legal issues relating to the permissibility of the proposal under the current planning framework are currently being examined as part of the initial assessment process.

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### **Conclusion**

This report provides a brief summary of the assessment status of separate development applications relating to heritage listed properties within the Campbelltown Local Government Area.

Further discussion and an update on the assessment progress of these applications will be provided to Sub Committee members by Council's Acting Manager Development Services at the Heritage Protection Sub Committee meeting on 26 May 2016.

### **Officer's Recommendation**

That the information be noted.

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

1. That the information be noted.
2. That Council considers the following comments from the Heritage Protection Sub Committee regarding the visual impacts of the proposed perimeter fence when assessing any future Development Application for proposed works to Blair Athol House:
  - That the proposed 2.1 metre height of the fence is excessive and that the design and location of the fence is not in keeping with the heritage significance of the site.

**CARRIED**

## **8. General Business**

### **8.1 Dr Ivor G Thomas**

Campbelltown and Airs Historical Society President Kay Hayes tabled a letter from the Society to Campbelltown City Council requesting that Council give some consideration to permanently honouring the achievements of Dr Ivor G Thomas.

It was noted by the Sub Committee that in 2017 the Campbelltown and Airs Historical Society will celebrate its 70th Anniversary. Dr Thomas was the driving force behind the formation of the Campbelltown and Airs Historical Society and held the position of Society President for a period of twelve years. The Society formally requested that Council give consideration to an appropriate way in which to permanently honour Dr Ivor Thomas.

The Society provided the Sub Committee with a brief history of Dr Thomas who was the only General Practitioner at the time and who operated at Camden Hospital.

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

That Council give consideration to the written request from the Campbelltown and Airs Historical Society to permanently honour the achievements of Dr Ivor G Thomas and respond accordingly.

**CARRIED**

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## **8.2 2020 Campbelltown Bicentenary**

Campbelltown and Airs Historical Society representative Clarice Stretch noted that at a previous Sub Committee meeting enquires were made with Council officers regarding the progress of preparations for the Campbelltown Bicentenary which will take place in 2020. In order to assist and support Council in its preparation for this event, the Campbelltown and Airs Historical Society provided Council with copies of information relating to arrangements undertaken for the 2015 Bathurst bicentenary celebration.

Council's Manager Sustainable City and Environment thanked the Campbelltown and Airs Historical Society for sharing the information and gave an undertaking to distribute the documents to Council's 2020 Campbelltown Bicentenary working party for their information and consideration.

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

That the information be noted.

**CARRIED**

## **8.3 Pictorial Account of the Heritage Medallion and Appin Massacre Memorial Events**

Heritage Protection Sub Committee member Alison Cukic tabled a pictorial account of her recent attendance to the Campbelltown Heritage Forum and Appin Massacre memorial for the information and interest of Sub Committee members.

Councillor Rowell thanked Allison for sharing the information with the Heritage Protection Sub Committee.

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

That the information be noted.

**CARRIED**

Next meeting of the Heritage Protection Sub Committee will be held on 18 August 2016 at 6.00pm in Committee Room 3.

Councillor Ted Rowell  
**Chairperson**

Meeting Concluded: 7.20pm

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics - April 2016**

##### **Reporting Officer**

Acting Manager Development Services

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##### **Attachments**

Development Services application statistics for April 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 April 2016 as they affect the Development Services section.

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

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

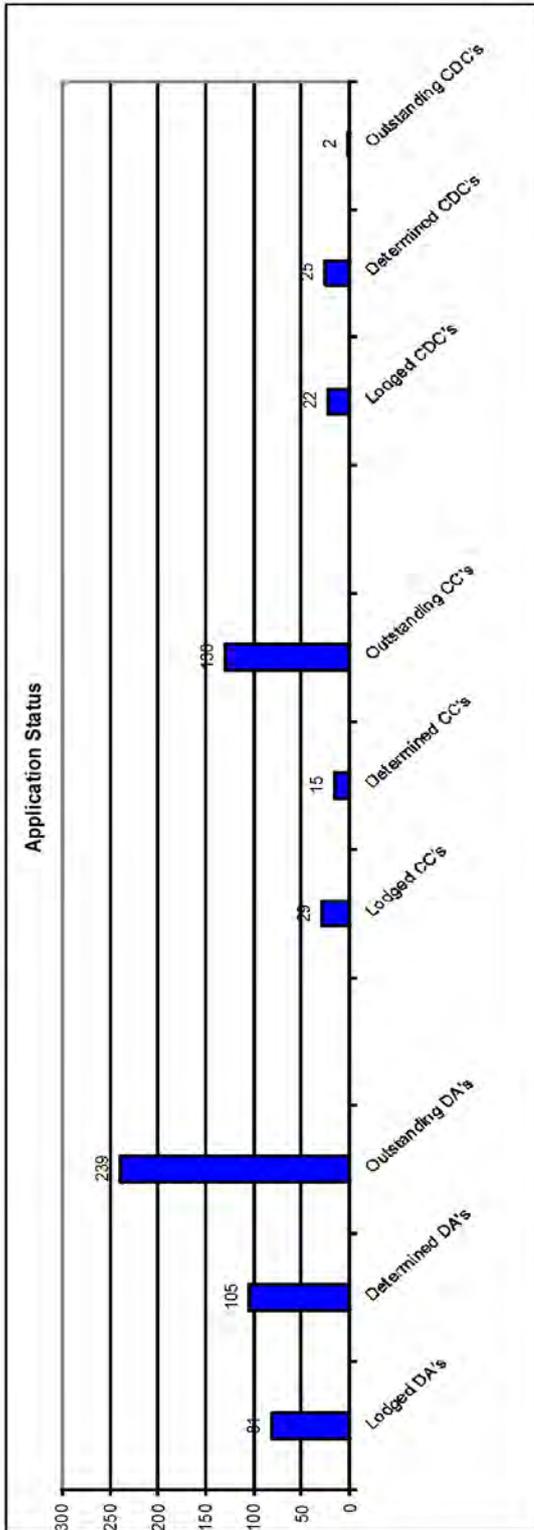
##### **Council Resolution Minute Number**

That the Officer's Recommendation be adopted.

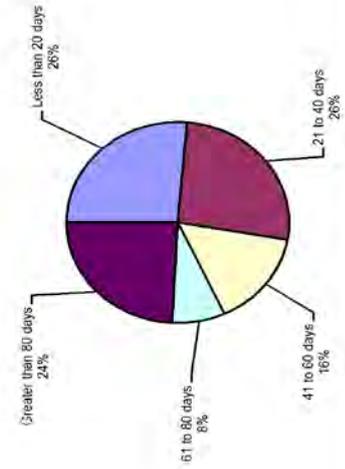
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# ATTACHMENT 1

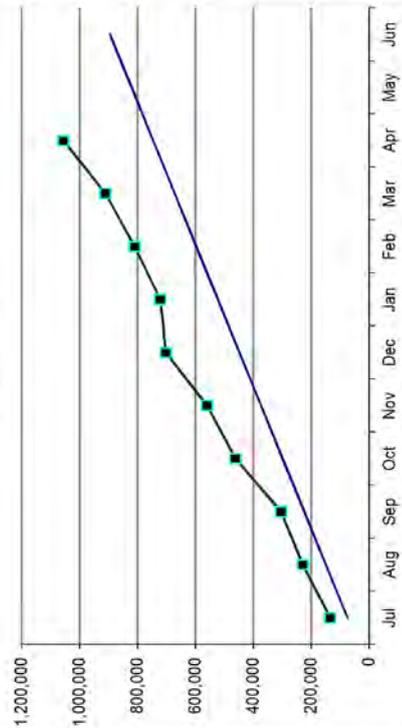
DEVELOPMENT SERVICES SECTION  
 MONTH AT A GLANCE - April 2016



Development Application  
 Monthly Processing Times



Development Application Income  
 2015/2016



## **3.2 Commencement and completion timeframes for Ingleburn Fair Shopping Centre refurbishment**

### **Reporting Officer**

Acting Manager Development Services

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### **Attachments**

Nil

### **Purpose**

To advise Council of the commencement and completion timeframes for the proposed development works at Ingleburn Fair Shopping Centre as requested at Council's Ordinary Meeting of 19 April 2016.

### **Report**

A development application was lodged with Council on 20 March 2013 for the construction of additions and alterations to an existing commercial building at the abovementioned address.

The subject site is located at No. 100 Macquarie Road, Ingleburn and is currently known as Ingleburn Fair Shopping Centre. The site has a total site area of 11,764sqm and currently contains a commercial building providing a range of retail shops. The shopping centre is currently served by a Council car park located directly opposite the site.

On 26 June 2013 Council issued development consent for Development Application 591/2013DA-C for the construction of additions and alterations to an existing commercial building and associated business identification signage.

The approved development consisted of the following:

- increase in the floor area of the major anchor tenant being Coles
  - redesign the internal layout of the shopping centre
  - reconfigure and enlarge the existing Coles loading dock and specialty stores loading dock
  - upgrade the appearance of the external facades of the building
  - provision of landscaping around the site
  - increase the trading hours and
  - new signage to rename the shopping centre from 'Ingleburn Fair' to 'Ingleburn Village' and provision of new signage for tenants.
-

### 3.2 Commencement And Completion Timeframes For Ingleburn Fair Shopping Centre Refurbishment

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Since this development consent was issued the owners of the centre have progressively required the existing tenants to vacate the premises in readiness for the construction works to commence.

A spokesperson for the centre advised the Campbelltown MacArthur Advertiser in August 2015 that construction works were due to commence in October 2015, at which time the centre had been largely vacant for almost two years.

At the time it was anticipated that it would take approximately 12 months to complete the construction works and the centre would be open for the 2016 Christmas trading period.

More recently, in response to the Councillor request for an update on the commencement and completion timeframes, the proponents of the project were contacted and they advised that the relocation of an existing pharmacy to alternative premises to allow construction works to commence, had proven challenging due to the regulatory requirements of the Pharmacy Board of Australia (PBA). In mid-May 2016, following extensive delays, the PBA finally approved the relocation of the pharmacy to temporary premises behind the National Australia Bank and construction works have now commenced for the fit out of this temporary premises.

The pharmacy cannot commence trading from the new premises however, until trading approval has been obtained from the Pharmaceutical Benefit Scheme Board, which the developer has been advised can take a number of weeks to obtain. Once the pharmacy receives this trading approval operations will be wound up at the centre, allowing demolition and construction works for the refurbishment of the shopping complex to commence.

Further to the above, the demolition contractor will be putting in an application with Council shortly to facilitate the temporary closure of the footpath to allow the demolition of the awning on Macquarie Road. Once the awning is demolished, the centre will be placing temporary information signage on the parapet advising customers of further details of the project's commencement, progress and completion time lines.

Whilst the proponents of the development cannot be entirely certain of the exact timing of the commencement of works due to the Pharmaceutical Benefit Scheme Board approval process, it is envisaged that the shopping centre will most likely be fully refurbished and open for business by mid-2017 allowing for approximately 12 months of construction works.

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

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number**

That the Officer's Recommendation be adopted.

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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**3.3 Demolition of existing structures and construction of a six storey residential flat building comprising 48 apartments and two levels of basement car parking on the corner of Chamberlain Street and Beverley Road, Campbelltown**

**Reporting Officer**

Acting Manager Development Services

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**Attachments**

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Site analysis (contained within this report)
5. Elevations (contained within this report)
6. 3D Perspective (contained within this report)
7. Shadow diagrams (contained within this report)
8. Schedule of finishes (contained within this report)
9. Landscape plans (contained within this report)
10. Floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
11. 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 the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

<b>Property Description</b>	Lot 1 - 3 inclusive DP 418648 Nos. 26A and 28 Chamberlain Street, and No. 106 Beverley Road, Campbelltown
<b>Application No</b>	1574/2014/DA-RA
<b>Applicant</b>	Saade Constructions Pty Ltd
<b>Owner</b>	Miss Nelly Saade and Miss Nancy Saade and Ms Vanessa Rizk
<b>Provisions</b>	Campbelltown 2025 - Looking Forward State Environmental Planning Policy 65 - Design Quality of Residential Flat Development Residential Flat Design Code (RFDC) State Environmental Planning Policy (BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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Draft Campbelltown Local Environmental Plan 2014

Campbelltown (Sustainable City) Development Control Plan 2012

**Date Received** 30 June 2014

## **Report**

The application proposes the demolition of three existing dwellings and associated outbuildings and construction of a six storey residential flat building comprising 48 apartments and two basement car parking levels at Nos. 26A and 28 Chamberlain Street and No. 106 Beverley Road, Campbelltown.

### **The Site and Surrounds**

The subject site is situated on the corner of Beverley Road and Chamberlain Street and consists of three allotments with a total area of 1,869sqm. Each allotment contains a single storey dwelling and associated outbuildings.

The subject site is adjoined to the south-west by a single storey dwelling at No. 30 Chamberlain Street. The construction of a six storey residential flat building, with a mezzanine level, comprising 80 apartments and two basement car parking levels is approved at Nos. 30-34 Chamberlain Street. Also, to the west (across the street), exists a six storey mixed-use residential and commercial building.

### **The Proposal**

Development consent is sought for the construction of a 48 apartment residential flat building that would contain the following apartment mix:

- eight x one-bedroom apartments
- 34 two-bedroom apartments
- six x three-bedroom apartments.

The development application proposes 65 parking spaces over two levels of basement parking, including five visitor car parking spaces.

Vehicle access to the proposed residential flat building is provided via Beverley Road. A loading bay is accessed via Chamberlain Street to service waste vehicles and site servicing vehicles.

A communal open space area is provided on the ground floor which includes a shading structure, fixed seating and 10 bicycle spaces.

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### 3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 1. Vision

### Campbelltown 2025 – Looking Forward

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

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

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

The strategic directions relevant to this application are:

- growing the Regional City
- creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide well-located higher density housing that would enable the Regional City to grow as well as providing employment opportunities within the construction industry.

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

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

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

## 2. Planning Provisions

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

### 2.1 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) policy applies to the erection of a new residential flat building, and according, the application has been assessed under the provisions of this state policy.

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Part 4 of the SEPP states that a development application that relates to residential flat development must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Nominated Registered Architect Adriaan Winton who is associated with iDraft Group Pty Ltd (NSW Architects Registration Board No. 5347).

Part 2 of the SEPP outlines 10 design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The qualified designer Adriaan Winton of iDraft has provided such verification. An assessment of the application against the design principles by Adriaan Winton is presented below:

Principle One: Context	Response
<p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The existing character of the precinct is a mixture of low rise residential, medium density residential and high density 4-6 stories developments. The precinct is zoned 10(a) Regional Campbelltown Centre which allows for the type of residential flat building development as proposed.</p> <p>The proposed building is a “hybrid” type residential building of six storeys plus basement parking.</p> <p>The proposed building use complies with the desired character statement that buildings are to be primarily residential. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and complies with requirements of Campbelltown (Urban Area) Local Environmental Plan 2002 and Campbelltown (Sustainable City) Development Control Plan 2012.</p>
Principle Two: Scale	Response
<p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a</p>	<p>The scale of development in the precinct is comprised of buildings of variable height primarily 4-6 stories in height. The site is located within the North Campbelltown precinct and is within 1.1km to the Campbelltown train station. The proposed development is within 350m from bus services to a bus stop with regular services</p>

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

<p>transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>to Campbelltown and Liverpool transport interchanges.</p> <p>The proposed development responds and conforms to the height and building form proposed for the precinct and would allow for future developments on adjoining sites to achieve their full potential.</p>
<p><b>Principle Three: Built Form</b></p>	<p><b>Response</b></p>
<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed building height is consistent with the heights established in the precinct and is permitted to be built on this site. It responds well to the established built fabric of the area. The building is well within the DCP setback required.</p> <p>The building may be termed a "Hybrid" type, and relates to the existing built form in the area due to its roof design, recessed bays, fenestration, materials, texture and colour. The building addresses the street with a major façade which is aligned with the form of the street. The built form of the development relates to other built forms allowed in the DCP for the precinct. The overall affect is to create a building that presents a very effective architectural building within the streetscape.</p>
<p><b>Principle Four : Density</b></p>	<p><b>Response</b></p>
<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The precinct within the area controlled Campbelltown (Urban Area) Local Environmental Plan 2002 and is zoned 10(a) Regional Comprehensive Centre, multi-residential use is permissible.</p> <p>The density of the development complies with the allowable density in the planning codes for the area. Given the location of the development in relation to the Campbelltown Centre and train station, community facilities and the rising demand for housing in the area, the proposed density is appropriate and consistent with the requirements as outlined in Campbelltown (Sustainable City) Development Control Plan 2012.</p>
<p><b>Principle Five : Resource, Energy and Water Efficiency</b></p>	<p><b>Response</b></p>
<p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient</p>	<p>The proposed development is consistent in the application of through flow ventilation and solar ingress to the units. There are no units which have a sole southerly aspect the units which have a southerly aspect have primary living space which face either west or east. The orientation of the building on the site and the design of the units all contribute substantially to the solar passive design and energy efficiency of the development.</p>

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<p>appliances and mechanical services, soil zones for vegetation and reuse of water</p>	<p>The proposed development has been NatHERS and BASIX assessed and scores well in all required categories of water, thermal comfort and energy. Energy efficiency is aided by the use of water/energy efficient fittings, appliances and lighting.</p>
<p><b>Principle Six : Landscape</b></p>	<p><b>Response</b></p>
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The proposed development forms part of the Residential precinct.</p> <p>The project provides a total deep soil landscape area of 653.53sqm on the ground floor of the project which represents 34% of the site which is more than twice the required 15% (280.35sqm).</p> <p>The project also provides landscaped communal open space of 488.25sqm which represents 26% of the site which is slightly more than the required 25%.</p>
<p><b>Principle Seven : Amenity</b></p>	<p><b>Response</b></p>
<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>Apartments is a mixture of one, two and three bedroom apartments. Cross ventilation is achieved for the large majority of the apartments.</p> <p>A majority of the apartment have the required solar access. Where apartments are exposed to direct western summer sun, sliding louver/shading panels have been provided.</p> <p>Privacy is ensured by the side setbacks to the side boundaries. The building complies with the setbacks as recommended in the SEPP 65 design code and the requirements outline in DCP. Where there are perceived direct observation potentials, the design of the building tries to ensure the windows in conflict have the required offset.</p> <p>Each dwelling has its own external private open space which is more than adequate.</p> <p>Bathrooms/ensuite are accessed from the hallways leading to the bedrooms. Kitchens are</p>

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	<p>accessed from the primary living area.</p> <p>Visual and acoustic privacy is acceptable and able bodied access is through entry lobbies at the ground floor.</p> <p>Disabled access is gained to the ground floor via a pedestrian path (which complies with ASNZ1428.1-2001) from the street. There are the required number of apartments which are adaptable. These are located on levels 1, 2 and 3. All units within the development are accessible via the lifts. The car spaces are located in the basement car parking with easy access to the lift.</p>
<p><b>Principle Eight : Safety and Security</b></p>	<p><b>Response</b></p>
<p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>Public and communal spaces are overlooked on all sides by balconies, terraces and windows from primary living rooms of the project. The building addresses the public domain with glazed doors and balconies.</p> <p>The communal spaces will be adequately lit and are void of areas that may be subjectable to criminal activities.</p> <p>The building will have safe and secure access to the carpark. The lifts to the building will be a security lift providing access to the residential levels.</p>
<p><b>Principle Nine : Social Dimensions</b></p>	<p><b>Response</b></p>
<p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposed residential use is appropriate to the location of this site, as it is in close proximity to the Campbelltown City Centre and train station, community facilities and the rising demand for housing precinct, local clubs and community facilities such as baby health centre and community centre.</p> <p>The proposed development has an appropriate mix of one, two and three bedroom apartments of varied size. Consideration has been given to the need to have affordable housing within the development as a result it provides a social mix which is well sited and appropriate to the area.</p>
<p><b>Principle Ten : Aesthetics</b></p>	<p><b>Response</b></p>
<p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to</p>	<p>The form and composition of this design relate to existing developments in terms of its roof type, modulation of façade, fenestration, materials, texture and colour.</p> <p>The use of detail and texture and the high</p>

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desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	degree of articulation in the façade composition has the result of creating an interesting and high quality building which sits well in the precinct and compliments the existing streetscape.
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**2.2 Residential Flat Design Code (RFDC)**

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the publication RFDC. An assessment of the application against the RFDC by Council is presented below:

Control	Required	Proposed	Compliance
<b>Building depth</b>	Max. 18m	Between 18m – 21.5m	No - see discussion below
<b>Building separation</b>	Up to four storeys:		
	12m between habitable rooms/balconies	10.4 (between the subject proposal and the existing dwelling at No. 30 Chamberlain Street)	No - see discussion below
		12m (between the proposed apartment building and the apartment building approved under DA 813/2013/DA-RA/A)	Yes
		15.4 (between the proposed apartment building and the existing dwelling at No. 104 Beverley Road)	Yes
	9m between habitable and non-habitable	No instances of this proposed	N/A
	6m between non-habitable	No instances of this proposed	N/A
5-8 storeys: 18m between habitable rooms/balconies		10.4 (between the proposed apartment building and the existing dwelling at No. 30 Chamberlain Street)	No - see discussion below
		12m (between the proposed apartment building and the apartment building approved under DA	

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Control	Required	Proposed	Compliance
	13m between habitable and non-habitable	15.4 (between the proposed apartment building and the existing dwelling at No. 104 Beverley Road) No instances of this proposed	N/A
	9m between non-habitable	No instances of this proposed	N/A
<b>Deep soil zones</b>	25% of the open space area should be a deep soil zone	34% (653.54sqm) of the site would be deep soil zone, which includes the communal open space, and private courtyard open space	Yes
<b>Open space</b>	Communal open space should be 25-30% of site area (or increased private open space)  25sqm private open space per ground floor dwelling, 4m width	Communal open space is 26% (486.18sqm) of site area  All ground floor apartments have >25sqm POS with >4m width	Yes  Yes
<b>Site access</b>	Vehicular access – Limit driveway width to 6m	Beverley access - 6.8m  Chamberlain access - >6m	No - see discussion below  Yes
<b>Apartment layout</b>	Single-aspect apartments limited in depth to 8m from a window  The back of kitchen should be no more than 8m from a window	All single-aspect apartments are limited in depth to 7-8.6m from a window  The kitchen in all apartments is located <8m from a window	No - see discussion below  Yes
<b>Apartment mix</b>	Provide diversity of apartment types	Mixture of one, two and three bedroom apartments provided	Yes
<b>Suggested Apartment Sizes</b>	one bedroom – 50sqm  two bedroom – 80sqm  three bedroom – 124sqm	All greater than 50sqm  Range between 70.12 - 82.12sqm  Range between 103.48 - 115.99sqm	Yes  Partial non-compliance  No - see discussion below
<b>Balconies</b>	Provide balconies for all units – min. depth of 2m	All units have a balcony with a section of at least 2m depth	Yes

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Control	Required	Proposed	Compliance
<b>Ceiling heights</b>	2.7m minimum	2.7m	Yes
<b>Ground floor apartments</b>	Optimise number of ground floor apartments with separate entries and access to private open space	All apartments facing the street have their own entries  All ground floor apartments have their own private open space in the form of a courtyard with a minimum 4m one direction clearance	Yes
<b>Internal circulation</b>	Entry from corridor to max. eight units	Each floor contains eight apartments which are accessed from corridors	Yes
<b>Storage</b>	one bed unit – 6m <sup>3</sup> two bed unit – 8m <sup>3</sup> three bed unit – 10m <sup>3</sup>	All 6m <sup>3</sup> or greater All 8m <sup>3</sup> or greater All 10m <sup>3</sup> or greater	Yes Yes Yes
<b>Solar access</b>	70% of units to receive three hours of solar access to living rooms and POS between 9.00am and 3.00pm on 21 June  Max. 10% of apartments to be single-aspect with southerly aspect (SW-SE)	70% of apartments will receive three hours of solar access to living rooms and POS between 9.00am and 3.00pm of 21 June  10% of apartments are single-aspect with southerly aspect	Yes  Yes
<b>Natural ventilation</b>	60% of units to be naturally cross ventilated  25% of kitchens to have access to natural ventilation	77% (37 of 48)  77% of kitchens would have access to natural ventilation. All kitchens are located within 8m of a window	Yes  Yes
<b>Building Form</b>	Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window	Satisfactory	Yes

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Control	Required	Proposed	Compliance
	<p>openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p> <p>Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:</p> <ul style="list-style-type: none"> <li>- defining a base, middle and top related to the overall proportion of the building</li> <li>- expressing key datum lines in the context using cornices, a change in materials or building set back</li> <li>- expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions</li> <li>- expressing the variation in floor to floor height, particularly at the lower levels</li> <li>- articulating building entries with awnings, porticos, recesses, blade walls and projecting bays</li> <li>- selecting balcony</li> </ul>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Control	Required	Proposed	Compliance
	<p>types which respond to the street context, building orientation and residential amenity: cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles</p> <ul style="list-style-type: none"> <li>- detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials</li> <li>- using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom</li> <li>- incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and fences</li> <li>- using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade.</li> <li>- design facades to reflect the orientation of the site using elements such as sun shading, light</li> </ul>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Control	Required	Proposed	Compliance
	shelves and bay windows as environmental controls, depending on the facade orientation.		
	- express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	Satisfactory	Yes
	- coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Satisfactory	Yes
	- coordinate security grills / screens, ventilation louvres and carpark entry doors with the overall facade design.	Satisfactory	Yes
<b>Waste management</b>	Supply waste management plan	Waste management plan submitted and considered by Council's Waste Section to be satisfactory	Yes

The proposed development is generally consistent with the RFDC Code. However, there are some aspects of the proposed development that do not satisfy some of the numerical guidelines of the Code. These are discussed below:

**Building Depth**

The depth of the proposed building is between 17.5 - 28 metres which exceeds the maximum building depth of 18 metres recommended under the RFDC. This control is provided for the purpose of ensuring adequate levels of sunlight and ventilation are provided in an apartment. The proposed apartments would receive a satisfactory level of solar access and ventilation. Therefore, in this case it is considered that the proposed variation in building depth is satisfactory in the circumstance and should be supported in this instance.

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#### **Building Separation**

The RFDC recommends that the minimum building separation is 18 metres between habitable rooms/balconies for sections of buildings which are five to eight storeys. The proposed residential flat building is six storeys therefore this provision applies to the top two levels of the development. It must be noted that due to the configuration of the proposed development, the non-compliance is only applicable to a small portion of the development on the top two floors adjacent to the southern boundary on Chamberlain Street and the eastern boundary on Beverley Road. Overall, the proposed residential flat building provides for adequate visual privacy, solar access, ventilation, communal open space area and deep soil planting zones. The non-compliance of 6 metres is considered reasonable in this case and is consistent with a recent approval on the adjoining property. Enforcing compliance with this standard would lead to the loss of eight units over two levels, reducing viability of the development. As no amenity issues are likely to arise from supporting this variation it is considered worthy of support in this instance.

#### **Site Access**

The RFDC limits access driveways to 6 metres. The proposed residential flat building provides for a 6.8 metre access from Beverley Road, measured at the kerb. The driveway is not a prominent feature of the street and the non-compliance is considered reasonable in the circumstances of this case to facilitate orderly access and egress.

#### **Apartment Layout**

The RFDC recommends that single-aspect apartments are limited to 8 metres in depth from a window. The depth of the proposed single aspect rooms range between 7 - 8.6 metres from a window. The 0.6 metre non-compliance is not considered detrimental to the amenity of occupants of the apartments. The natural ventilation and solar access provisions comply with the RDFC. Further, the kitchen in all single aspect apartments is located within 8 metres of a window. Therefore, in this case it is considered that the proposed depth of single aspect apartments from a window is satisfactory.

#### **Apartment Size - Two bedroom apartments**

The RFDC recommends that the minimum area for a two bedroom corner apartment is to be 80sqm, and there is no minimum area specified for a two bedroom single-aspect apartment. The proposed two bedroom apartments would range from 70.12sqm to 72.19sqm on the ground floor and from 71.79sqm to 82.12sqm in size for the remaining levels.

The four two-bedroom apartments of the ground floor contain significant areas of private open courtyard space. Despite the reduced apartment size, the spatial arrangement of the apartments is functional and relatively well-organised. The main living spaces are oriented towards the main private open space areas. Habitable rooms are located on the external face of the building to maximise the number of rooms with windows.

All of the proposed apartments are considered to be sized appropriately according to their capacity, and the proposed non-compliance with the recommended apartment size by the RFDC is considered relatively minor and to be acceptable in the circumstance.

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Compliance with the 80sqm minimum could be achieved for most two bedroom apartments by decreasing the size of the private outdoor balcony/courtyard areas. However, this would reduce the amenity and useability of the balcony areas. The larger balcony size is considered to enhance the amenity of the proposed units and the appearance of the residential flat building. A reduction in the balcony size to achieve the minimum apartment size is not considered to be a favourable outcome in this instance.

#### **Apartment Size - Three bedroom apartments**

The RFDC recommends that the minimum area for a three bedroom apartment is to be 124sqm. The internal floor area of five of the six proposed three bedroom apartments is 103sqm, which results in a non-compliance of 21sqm. The three bedroom apartments consist of an identical layout and are located on the southern corner of the building and have two balcony areas totalling 15.7sqm. Despite the reduced apartment size, the spatial arrangement of the apartments is functional and relatively well-organised. The inclusion of two balconies provides for an increased apartment amenity. Habitable rooms are located on the external face of the building to maximise the number of rooms with windows which provides for natural cross ventilation.

The remaining three bedroom apartment is located on the ground floor and has a total internal living area of 116sqm and private open space area of 77.7sqm which satisfies the requirements of the RFDC.

#### **2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2002 (BASIX SEPP) required additional residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP, mandatory sustainability commitments required in the accompanying BASIX Certificate (No. 550044M\_02) have been included in the architectural plans. The proposed development satisfies the BASIX SEPP.

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

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

The objectives of the 10(a) - District Comprehensive Centre Zone are:

- a) to provide space for a wide range of retail, commercial and like needs to serve the districts within the City of Campbelltown, and
  - b) to encourage employment and business activities in order to promote the economic well-being of the community, and
  - c) to accommodate a range of cultural, entertainment and like facilities for the benefit of the community, and
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- d) to permit limited industrial uses that are compatible with the proper operation of a commercial centre serving a district, and
- e) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

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

Consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone. The proposed development is consistent with objective (e) listed above, as it proposes a higher density form of housing in a location which is highly accessible to public transport, employment, retail, commercial and service facilities. In addition, the proposed development is consistent with the further objective of the zone (encouraging a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development). As discussed earlier in the report, despite the proposed variations to the recommended standards of the RFDC, the proposal is considered to be satisfactory as it responds to the context of the site well and satisfies the objectives of the applicable recommended standards. Council is therefore able to approve the application should it deem it appropriate to do so.

## 2.5 Draft Campbelltown Local Environmental Plan 2014

The application was lodged after the commencement of the exhibition of the draft Campbelltown Local Environmental Plan 2014 (draft CLEP) on 12 June 2014. Accordingly, under Section 79C(1)(a)(ii), the provisions of the draft CLEP must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the draft CLEP is presented below:

### Zoning

The draft zoning of the subject property under the draft CLEP 2014 is R4 – High Density Residential. Residential flat buildings are permissible within the R4 zone.

The objectives of the R4 zone are as follows:

- to provide for the housing needs of the community within a high density residential environment
  - to provide a variety of housing types within a high density residential environment
  - to enable other land uses that provide facilities or services to meet the day to day needs of residents
  - to encourage high density residential development in close proximity to centres and public transport hubs
  - to maximise redevelopment and infill opportunities for high density housing within walking distance of centres
-

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- to enable development for purposes other than residential only if that development is compatible with the character and scale of the living area
- to minimise overshadowing and ensure a desired level of solar access to all properties.

The proposed development provides for the housing needs of the community within walking distance of Campbelltown CBD and maintains an appropriate level of solar access to adjoining properties. The proposed development satisfied the above applicable objectives.

#### **Height of Buildings**

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area.
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities.
- (c) to provide for built form that is compatible with the hierarchy and role of centres.
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

Under the draft CLEP, the maximum building height applying to the subject site is 19 metres. The proposed residential flat building would have a maximum height of 19 metres and therefore complies with the draft provision.

#### **Preservation of trees or vegetation**

An arborist report was submitted with the application, prepared by TALC Tree Landscape Consultants, dated 28 May 2014. The report recommends that two existing street trees along Beverley Road and two mature trees on the subject site be retained. Conditions of consent have been included within the recommended conditions of consent, requiring such trees to be protected and retained as per the arborist report.

### **2.6 Campbelltown (Sustainable City) Development Control Plan 2012**

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2012 (SCDCP), as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2014 came into effect.

#### **Part 2 – Requirements Applying to All Types of Development**

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

**Views and Vistas** – The proposed development would not obstruct views of any of Campbelltown's important views and vistas.

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**Sustainable Building Design** – A BASIX certificate (No. 550044M) has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met.

**Landscaping** – A landscape plan has been prepared by a landscape architect. The application provides an adequate amount of landscaping, which surrounds the boundaries of the site and within the private open spaces areas of the ground floor apartments. The application proposes to retain two existing mature native trees, which would enhance the landscape quality and visual character of the development.

**Cut, Fill and Floor Levels** – Any excavation within the zone of influence of any other structure requires a dilapidation report demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure. A condition requiring a dilapidation report to be obtained has been recommended.

**Stormwater** – The application was referred to Council's Development Engineer, and conditions of consent were provided. Council's Technical Services section advised that the proposal was satisfactory in terms of potential flooding impact.

**Retaining Walls** – In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. The proposed development is compliant with this clause, as the edges of the proposed basement would be set back a minimum of 900mm from the property boundaries.

**Security** – The proposed development is satisfactory with regard to security. Appropriate delineation between public and private space would be provided, and casual surveillance opportunities have been incorporated into the design.

**Waste Management** – A Waste Management Plan for construction and operation of the development has been submitted. Waste is proposed to be collected from within the property. This is supported by Council.

#### Part 5 – Residential Apartment Buildings and Mixed-Use Development

Control	Required	Proposed	Compliance
Height	Six storeys	Six storeys	Yes
Site area	Residential apartment buildings shall not be erected on land having an area less than 1,200sqm	The total site area of the proposed development is 1869sqm	Yes
Allotment width	Minimum allotment width of 30m	The allotment width at both Chamberlain Street and Beverley Road is greater than 30m Chamberlain Street - 36.58sqm Beverley Road - 42.97sqm	Yes

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

<b>Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Amalgamation</b>	Sites shall be amalgamated where required	Condition of consent to comply	Yes
<b>Isolated allotment</b>	Development shall not result in an "isolated allotment" adjoining the development site	The proposed development is not considered to isolate the adjoining sites. An assessment of the proposal against the allotment isolation principles established by the Land and Environment Court Planning Principles is not considered to be necessary	Yes
<b>Setbacks</b>	Residential apartment buildings shall be setback a minimum of 5.5m from any street boundary	Chamberlain Street: 5.5m Beverley Road: 5.5m	Yes
<b>Setbacks</b>	Residential apartment buildings shall be setback a minimum of 6m from any other boundary	North eastern boundary: 6m South eastern boundary: 6m	Yes
<b>One bedroom apartments</b>	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartments(s) or a studio(s)	Total dwellings = 48 Number of one bedroom = 8 16.7% of all dwellings would be one bedroom apartments	Yes
<b>Adaptable dwellings</b>	A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s)	Total dwellings = 48 Adaptable dwellings = 5 10.4% of all dwellings would be adaptable	Yes
<b>Floor space – Studio</b>	The floor space occupied by each dwelling within a residential apartment building shall not be less than 40sqm in the case of a studio apartment	No studio apartments proposed	N/A
<b>Floor space – 1 bedroom</b>	The floor space occupied by each dwelling within a residential apartment building shall not be	One apartment is > 60sqm	Partial non-compliance See discussion

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
	less than 60sqm in the case of a one bedroom apartment		below
<b>Floor space – 2 bedroom</b>	The floor space occupied by each dwelling within a residential apartment building shall not be less than 90sqm in the case of a two bedroom apartment.	The proposed two-bedroom apartments would range from 70.12sqm to 72.19sqm on the ground floor and from 71.79sqm to 82.12sqm in size for the remaining levels	No See discussion below
<b>Floor space – 3 bedroom</b>	The floor space occupied by each dwelling within a residential apartment building shall not be less than 125sqm in the case of a three bedroom apartment or more	The proposal contains six three bedroom apartments. Five apartments are 103.5sqm and one apartment is 116sqm	No See discussion below
<b>Dwellings accessible from lobby</b>	A maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential apartment building	Eight dwellings are proposed to be accessed from a common lobby area on each floor	Yes
<b>Lift Access</b>	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space. Further, the lift(s) shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace	Lifts provide access between basement parking levels and all floors within the building  The roof is not intended for use by occupants of the building as a roof terrace	Yes
<b>Lift Access</b>	A maximum of 50 dwellings shall be accessible from a single common lift	The development proposes a maximum of 48 apartments accessed from a single common lift	Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
<b>Lift Access</b>	Access to lifts shall be direct and well illuminated	Access to the lift is centralised	Yes
<b>Storage</b>	<p>Each apartment shall be provided with an 'incidentals' storage facility within the unit and/or the basement, which shall be available for personal use of the occupants off each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of no less than:</p> <ul style="list-style-type: none"> <li>i. 8 cubic metres in case of a one bedroom apartment</li> <li>ii. 10 cubic metres in the case of a two bedroom apartment;</li> <li>iii. 12 cubic metres in the case of a three bedroom apartment</li> </ul>	<p>Compliant storage is provided. Condition of consent to comply.</p>	Yes
<b>Car parking and access</b>	All parking shall be in accordance with AS2890 (as amended), except as otherwise specified in the Plan	Condition of consent to comply with AS2890 (as amended)	Yes
<b>Parking dimensions</b>	The minimum dimensions of any parking space shall be 2.5 x 5.5m. The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge	Condition of consent to comply	Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

<b>Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Driveways</b>	Driveways shall be located a minimum distance of 6m from the splay of any un-signalled intersection	Access driveway is located >6m from the splay of an un-signalled intersection	Yes
<b>Traffic Impact Statement</b>	For development incorporating 75 or more dwellings, the DA shall be accompanied by a traffic impact assessment report	The proposal is for 48 apartments however, a traffic impact assessment has been provided demonstrating that the projected increase in traffic activity as a consequence of the development proposal (11.3 peak hour vehicle trips) would not have any unacceptable traffic implications in terms of road network capacity	Yes
<b>Basement car parking</b>	Development containing three or more storeys shall provide all required car parking at basement level	The application proposes parking at basement level	Yes
<b>Ground level parking</b>	Parking provided at ground level shall be appropriately screened from public view	Parking is not proposed to be located at ground level	N/A
<b>Car parking rates</b>	Each dwelling shall be provided with a minimum of one car parking space and: i. an additional car parking space for every four dwellings (or part thereof) and ii. an additional visitor car parking space for every 10 dwellings (or part thereof)	48 spaces plus; i. 12 additional spaces plus ii. 4.8 visitor spaces = 64.8 spaces required  The development proposes 65 basement car parking spaces, including five visitor car parking spaces  A car wash down bay is also provided	Yes
<b>Stacked parking</b>	No required car parking space shall be in a stacked configuration	Car parking is in a stacked configuration however, the spaces are allocated to the same apartment	Yes
<b>Bicycle storage</b>	Each development shall make provision for bicycle storage at a rate of one space per	The proposal is required to provide for 9.6 bicycle storage areas. The proposal provides for 10 spaces	Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
	five dwellings within common property		
<b>Solar access</b>	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open space	The building has been oriented and sited to maximise sunlight to living areas and open space areas	Yes
<b>Solar access</b>	A minimum 20sqm area of the required private open space on adjoining land (having a minimum width of 3m) shall receive three hours of continuous direct solar access on 21 June between 9.00am and 3.00pm measured at ground level	The adjoining dwellings would continue to receive three hours of continuous direct solar access on 21 June between 9.00am and 3.00pm measured at ground level of the required open space	Yes
<b>Private open space</b>	Apartments shall be provided with a private courtyard and/or balcony	All proposed 48 apartments have access to a private courtyard/balcony	Yes
<b>Courtyards/balconies</b>	<p>Courtyards/balconies shall be:</p> <ul style="list-style-type: none"> <li>i. not less than 8sqm in area and have a minimum depth of 2m</li> <li>ii. clearly defined and screened for private use</li> <li>iii. oriented to achieve comfortable year round use</li> <li>iv. accessible from a main living area of the apartment</li> </ul>	<ul style="list-style-type: none"> <li>i. All balconies have an area of 8sqm and 2m wide (plus additional area)</li> <li>ii. All proposed private open space is clearly defined and screened</li> <li>iii. Complies</li> <li>iv. Complies</li> </ul>	<ul style="list-style-type: none"> <li>i. Yes</li> <li>ii. Yes</li> <li>iii. Yes</li> <li>iv. Yes</li> </ul>
<b>Privacy screen</b>	Ground level apartments, incorporating a courtyard shall be provided with a privacy screen	Ground level courtyards are proposed to be fitted with fences between them	Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
<b>Privacy</b>	No windows of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard off another dwelling located within 9m of the proposed window or balcony	Windows of a habitable room or balcony do not directly face a window of another habitable room, balcony or private courtyard	Yes
<b>Outdoor recreation</b>	Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising: <ul style="list-style-type: none"> <li>i. a recreation room with a minimum area of 50sqm per 50 dwellings (or part thereof)</li> <li>ii. a BBQ/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof)</li> </ul>	The proposal does not provide for a recreation room, however does provide an outdoor dining/BBQ area	Partial non-compliance See discussion below
<b>Recreation facilities</b>	Communal recreation facilities shall not be located within the primary or secondary street boundary setback	The proposal provides a common/communal outdoor area which is not located within the primary or secondary setback	Yes
<b>Waste Management</b>	All buildings shall be provided with household garbage bins at the following rates: <ul style="list-style-type: none"> <li>i. a 240L bin/three dwellings/week for household garbage; or</li> <li>ii. 1000L bulk bin/12 dwellings or part thereof</li> </ul>	<ul style="list-style-type: none"> <li>i. N/A</li> <li>ii. 4 x 1100L garbage bins have been provided</li> </ul>	Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
<b>Waste Management</b>	All buildings shall be provide with dry recyclable bins at the rate of a 240L bin/three dwellings/fortnight for dry recyclable	Location of recycle bins provided on plans	Yes
<b>a) Garbage Chute</b>	All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants	A garbage chute is provided on each level which is accessible for all occupants	Yes
<b>b) Garbage chute</b>	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level	Condition of consent to comply	Yes
<b>c) Garbage Chute</b>	Garbage chutes shall not be located adjacent to habitable rooms in each apartment	The garbage chute on each level is not located adjacent to habitable rooms	Yes
<b>d) Garbage Chute</b>	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage rooms	Garbage room is not provided with a mechanical compaction devise which is supported by Council	Yes
<b>e) Garbage Chute</b>	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants	Condition of consent to comply	Yes
<b>f) Bin storage room</b>	The development shall make provision for an appropriately sized communal bin storage		Yes

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
	<p>room(s) that provides convenient access for occupants and collection contractors</p> <p>The storage room shall:</p> <ul style="list-style-type: none"> <li>i. be located behind the primary and secondary building alignment</li> <li>ii. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)</li> <li>iii. be graded and drained to a Sydney Water approved drainage fitting</li> <li>iv. have coving at all wall and floor intersections</li> <li>v. be finished with a smooth faced, non-absorbent material(s) in light colour and capable of being easily cleaned</li> <li>vi. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock</li> <li>vii. have a self-closing door openable from within the room</li> </ul>	<ul style="list-style-type: none"> <li>i. the garbage room is located behind the primary and secondary building alignment and is not visible from the street</li> <li>ii. condition of consent to comply</li> <li>iii. condition of consent to comply</li> <li>iv. condition of consent to comply</li> <li>v. condition of consent to comply</li> <li>vi. condition of consent to comply</li> <li>vii. condition of consent to comply</li> </ul>	
<b>Roof Terraces</b>	Consideration will only be given to the provision of a roof top	Roof top terrace is not proposed	N/A

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
	terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying the respective provisions of the RFDC		
<b>Bin storage room(s)</b>	Bin storage rooms shall be ventilated by: <ul style="list-style-type: none"> <li>i. a mechanical exhaust ventilation system, or</li> <li>ii. permanent, unobstructed natural ventilation openings having direct access to external air, and a total capacity</li> <li>iii. the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H, and</li> <li>iv. the maximum distance between the collection point and the bin storage area shall not exceed 25m</li> </ul>	<ul style="list-style-type: none"> <li>i. condition of consent to comply</li> <li>ii. N/A</li> <li>iii. condition of consent to comply</li> <li>iv. complies</li> </ul>	<ul style="list-style-type: none"> <li>i. Yes</li> <li>ii. N/A</li> <li>iii. Yes</li> <li>iv. Yes</li> </ul>
<b>Collection Vehicles</b>	A 1000L bulk bin service shall meet the following requirements: <ul style="list-style-type: none"> <li>i. adequate provision shall be made for a rear loading collection vehicle to make a three-point-turn on site</li> <li>ii. the maximum grade of any path of travel for collection vehicle shall be 1V:20H for the first 6m from</li> </ul>	<ul style="list-style-type: none"> <li>i. Council's waste section is satisfied for the rear loading collection vehicle to reverse to the loading bay area</li> <li>ii. condition of consent to comply</li> <li>iii. complies</li> </ul>	<ul style="list-style-type: none"> <li>i. Yes. Council's Waste Section is satisfied</li> <li>ii. Yes</li> </ul>

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

Control	Required	Proposed	Compliance
	the street, and 1V:12H thereafter  iii. the minimum path width for a collection vehicle shall be 3.6m, and  iv. the minimum vertical clearance for a collection vehicle (including services) shall be 4m	iv. external collection - N/A	iii. Yes  iv. N/A

**Apartment Size – One bedroom apartments**

The SCDCP specifies that one bedroom apartments in a residential flat building are to have a minimum size of 60sqm. However, the RFDC specifies that the minimum area for a one bedroom is 50sqm. Clause 30A of SEPP 65 (Design Quality of Residential Flat Development) states that a Council must not refuse consent to a residential flat building on the basis of apartment area if it satisfies the numerical apartment size requirements of the RFDC. In this regard, the proposed development does satisfy the RFDC's minimum apartment sizes to the extent of their applicability, and therefore Council is unable to insist that two-bedroom apartments should be a minimum size of 60sqm. All of the proposed apartments are considered to be sized appropriately according to their capacity, and the proposed variation to Council's standard in this regard is considered to be acceptable and unavoidable given the requirements of RFDC.

**Apartment Size - Two bedroom apartments**

The SCDCP specifies that two-bedroom units in a residential flat building are to have a minimum size of 90sqm. The RFDC specifies that the minimum area for a two bedroom corner apartment is to be 80sqm, and there is no minimum area specified for a two bedroom single-aspect apartment. The proposed two bedroom apartments would range from 70.12sqm to 72.19sqm on the ground floor and from 71.79sqm to 82.12sqm in size for the remaining levels.

Compliance with the 80sqm minimum under the provisions of the RFDC could be achieved for most two bedroom apartments by decreasing the size of the private outdoor balcony/courtyard areas. However, this would reduce the amenity and useability of the balcony areas. The larger balcony size is considered to enhance the amenity of the proposed units and make the residential flat building more visually appealing. A reduction in the balcony size to achieve the minimum apartment size is not considered to be a favourable outcome.

In this regard, the proposed development does not satisfy the minimum requirements of the SCDCP or those of RFDC however, the proposed apartments are considered to be sized appropriately according to their capacity, and the proposed variation to Council's standard in this regard is considered to be acceptable in the circumstance.

### 3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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#### **Apartment Size - Three bedroom apartments**

The SCDCP specifies that three bedroom apartments in a residential flat building are to have a minimum size of 125sqm. The proposal contains six three-bedroom apartments. Five apartments are 103.5sqm and have two balconies measuring a combined area of 15.7sqm. The remaining three bedroom apartment is situated on the ground floor and measures 116sqm. The ground floor apartment has a 77.4sqm area of private open space. In this regard, the proposed development does not satisfy SCDCP however, the proposed apartments are considered to be sized appropriately according to their capacity. Despite the reduced apartment size, the spatial arrangements of the apartments are functional and relatively well-organised. All proposed three bedroom apartments are naturally cross ventilated which contribute to the amenity of the apartments. The proposed variation to Council's minimum apartment size for three bedroom apartments is considered to be acceptable in the circumstances.

#### **Outdoor Recreation/Recreation Facilities**

The SCDCP specifies that each residential flat building shall be provided with a recreation room with a minimum area of 50sqm per 50 dwellings. The proposal does not provide for a designated recreation room. However, the proposal does involve the provision of a 486.2sqm outdoor communal area with fixed seating and a shading structure. The communal area also provides 10 bicycle parking spaces. The floor area of the communal space greatly exceeds the requirements of 50sqm per 50 dwellings. In this instance, the size and useability of the outdoor area is considered to compensate for the lack of a recreation room and in this instance is considered to be acceptable to support this variation.

### **3. Planning Assessment**

#### **3.1 Impacts on Natural and Built Environment**

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the development's potential impacts on the natural and built environment. The scale, density and built form is considered satisfactory with respect to the context of the site and the future desired character of the area. The development is considered to be of high architectural quality which celebrates the corner of Chamberlain Street and Beverley Road, Campbelltown. Further, it is considered that the scale and bulk would not result in significant amenity impacts to the adjoining residential developments.

The following issues are considered to be relevant when considering the development's potential impacts on the natural and built environment:

#### **Traffic Generation**

A Traffic Impact Assessment, prepared by Varga Traffic Planning, dated 27 June 2014, states that it is likely that the proposed development will result in an increase in the traffic generation potential of the site by approximately 11 vehicles per hour. The report further states that the projected increase in traffic activity is minimal and will not have any unacceptable traffic implications in terms of road network capacity.

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### 3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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Further, the development is considered to provide a suitable number of on-site car parking spaces for both residents and visitors which is consistent with Council's SCDCP for car parking rates.

#### **Waste**

The application was referred to Council's Waste section. A response was received which confirmed that the design of the reverse in/drive off loading bay has been designed to accommodate the on-site collection of the domestic bins.

A condition of consent has been recommended indemnifying Council and its contractors and agents against any claims, proceedings, actions or demands arising from or in relation to any damage caused to the road surface, paving or drainage of the site.

#### **Flooding**

The application was referred to Council's City Works section. A response was received which identified the site as being a flood control lot due to overland flow from the local catchment traversing the property. Due to the potential for flooding of the subject site, the minimum habitable floor level on the southern boundary of the site is required to be 69.90 AHD, and 69.00 AHD on the northern property boundary. The proposed development satisfies this requirement minimum floor level requirements.

### **3.2 Social and Economic Impacts**

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown which is considered to be a social benefit to the Campbelltown community. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport, commercial and educational facilities.

### **3.3 Site Suitability**

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

The principal matters for attention have been discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the site is suitable for the development of a residential flat building given the land's zone, locality and unique site attributes.

## **4. Public Participation**

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

The application was publicly exhibited and notified to surrounding property owners between 22 July 2014 and 5 August 2016. During this period, Council did not receive any submissions objecting to the development.

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 5. Conclusion

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

The application is fully compliant with the 10 design quality principles under the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and is fully compliant with Campbelltown (Urban Area) Local Environmental Plan 2002. The application is mostly compliant with the recommended standards of the RFDC. It should be noted that the RFDC is a set of guidelines similar to a DCP and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. In addition, the application is generally compliant with the relevant standards within the Campbelltown (Sustainable City) Development Control Plan 2012, and where the proposal departs from these standards, the objectives of the standards have been met. Accordingly, the application is recommended for approval.

## Officer's Recommendation

That development application 1574/2014/DA-RA for the demolition of existing dwelling and construction of a six storey residential flat building comprising 48 apartments with two levels of basement parking at Nos. 26A and 28 Chamberlain Street and No. 106 Beverley Road, Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.

## Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

## CARRIED

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

Voting against the Committee's Recommendation: nil.

## Council Meeting 21 June 2016 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

## Council Resolution Minute Number 95

That the Officer's Recommendation be adopted.

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

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

## ATTACHMENT 1

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

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

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

#### 1. Approved Development

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

Plan/ Document No.	Drawing No.	Issue	Prepared by	Date
Calculations	0004	D	Idraft Architects	20 May 2016
BASIX Commitments	0005	D	Idraft Architects	20 May 2016
Site Analysis	0006	D	Idraft Architects	20 May 2016
Demolition Plan	0007	D	Idraft Architects	20 May 2016
Sedimentation Control Plan	0008	D	Idraft Architects	20 May 2016
Shadow Diagrams	0009	D	Idraft Architects	20 May 2016
Site Plan	0010	D	Idraft Architects	20 May 2016
Lower Basement Plan	1001	D	Idraft Architects	20 May 2016
Upper Basement Plan	1002	D	Idraft Architects	20 May 2016
Ground Floor Level	1003	D	Idraft Architects	20 May 2016
Level 1	1004	D	Idraft Architects	20 May 2016
Level 2	1005	D	Idraft Architects	20 May 2016
Level 3	1006	D	Idraft Architects	20 May 2016
Level 4	1007	D	Idraft Architects	20 May 2016
Level 5	1008	D	Idraft Architects	20 May 2016
Roof Plan	1009	D	Idraft Architects	20 May 2016
North Elevation	2001	D	Idraft Architects	20 May 2016
West Elevation	2002	D	Idraft Architects	20 May 2016
South Elevation	2003	D	Idraft Architects	20 May 2016
East Elevation	2004	D	Idraft Architects	20 May 2016
Streetscapes	2005	D	Idraft Architects	20 May 2016
Section A-A, B-B, Driveway Section	3001	E	Idraft Architects	30/05/2015
Landscape Concept Plan	14111 DA 1-2	C	Vision Dynamincs Pty Ltd	26 May 2016
Landscape Concept Plan	14111 Da 2-2	C	Vision Dynamincs Pty Ltd	26 May 2016
Site and Roof Drainage Plan	14MB6078/D01	E	United Consulting Engineers Pty Ltd	5 February 2016

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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Plan/ Document No.	Drawing No.	Issue	Prepared by	Date
Upper Basement Drainage Plan	14MB6078/D02	E	United Consulting Engineers Pty Ltd	5 February 2016
Lower Basement Drainage Plan	14MB6078/D03	E	United Consulting Engineers Pty Ltd	5 February 2016
Section	14MB6078/D04	E	United Consulting Engineers Pty Ltd	5 February 2016

## 2. Amended Plans

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

- The roof design of the Site and Roof Drainage Plan, prepared by United Consulting Engineers Pty Ltd (drawing no.14MB6078/D01, issue E, dated 5 February 2016), must be amended to be consistent with the roof design in accordance with the Roof Plan, prepared by Idraft Architects (drawing no. 1009, issue D, dated 20 May 2016). The plan must be submitted to Council's Manager Development Services for written approval prior to issue of a construction certificate.

## 3. Building Code of Australia

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

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

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

This clause does not apply:

- To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
  - To the erection of a temporary building.
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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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

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

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

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

## 6. Landscaping

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

The Red Bloodwood (*Corymbia gummifera*) must be replaced with *Waterhousia Floribunda*, as per the approved landscape plan modified in red by Council.

All street trees are to be in accordance with Campbelltown City Council Street Tree Technical Guidelines.

## 7. External Finishes

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 8. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor
- b. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)
- c. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket and drained to a Sydney Water approved drainage fitting
- d. have coving at all wall and floor intersections
- e. be finished with a smooth faced, non-absorbent material(s) in light colour and capable of being easily cleaned
- f. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock
- g. have a self-closing door openable from within the room
- h. be constructed in such a manner to prevent the entry of vermin and
- i. signage on the use of the waste management system shall be displayed in all bin storage rooms.

The bin storage rooms shall be ventilated by:

- a. a mechanical exhaust ventilation system or
- b. permanent, unobstructed natural ventilation openings having direct access to external air, and a total capacity.

## 9. Retaining Walls

All retaining walls adjacent to Council property or existing public infrastructure shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines.

Construction of retaining walls or associated drainage works along common boundaries shall no compromise the structural integrity of any existing structures.

Where retaining structures exceed 600mm in height, they shall be designed by an appropriately qualified engineer. Upon completion, the retaining structures shall again be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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**10. Basement Storage Compartments**

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

**11. Air Conditioning Units**

Air conditioning units shall not be affixed to external walls of the building or placed on balconies in such a manner they are visible from a public place.

**12. Waste Collection**

Waste collection shall occur twice weekly within the site by a reverse on/drive off rear loading waste vehicle accessing the loading zone area on Chamberlain Street. At any given time, a maximum of four 1100L bins for general waste and 16 240L bins for recyclable materials, shall be placed for collection within the loading zone.

**13. Fencing**

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

**14. Switchboards/Utilities/Air Conditioning Units**

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

**15. Driveway and Basement Car Park Layout**

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

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

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 16. 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.

## 17. Basement Car Park

The applicant shall ensure that the basement car park complies with the design requirements detailed in Section 4.13.8 of Council's Engineering Design Guide for Development (as amended).

## 18. Graffiti Removal

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

## 19. Unreasonable Noise, Dust and Vibration

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

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

## 20. Flood Level Controls

The subject site is a Flood Control Lot with respect to a 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property.

The minimum fill and floor level controls for any development on this site due to a 1% AEP flood due to overland flow are as follows:

Location	Min. Fill Level (metres AHD)	Min. Floor Level (metres AHD)
Southern Boundary (boundary between Nos. 28 and 30 Chamberlain Street)	69.60	69.90
Northern Boundary (between on Beverley Road side)	68.70	69.00

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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Intermediate levels may be interpolated.

Note that the levels shown in this table do not apply to the basement car parking.

## **21. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the design requirements detailed in Council's Engineering Design Guide for Development (as amended).

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

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

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

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

## **23. Rain Water Tank(s)**

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation in accordance with Section 2.4.1 of Campbelltown (Sustainable City) Development Control Plan. The rain water tanks must be located behind the front building line and not visible from a public place.

## **24. Construction Certificate**

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

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

## **25. Sight Distance**

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## **26. Evacuation Routes**

Evacuation routes from the basement car park other than the access ramp, shall be provided to ensure that safe evacuation is possible during extreme events in excess of a 1 per cent AEP flood event.

## **27. Work Zone**

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

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

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

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

## **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.

## **28. Utility Servicing Provisions**

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

The location of the substation must be determined in consultation with the relevant electricity authority. The substation must be located in a non-obtrusive location and not contravene State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development.

A site plan identifying the proposed location of the substation must be submitted to Council's Manager Development Services for written approval prior to a construction certificate being issued. The site plan shall illustrate that the substation is not visible from a public place.

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### 3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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

#### **29. Geotechnical Report**

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

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

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

#### **31. 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 RTA manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.

#### **32. Construction Traffic Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and receive Council's written approval (via its Local Traffic Committee) for a 'Construction Traffic Management Plan', which shall contain details of the following as a minimum:

- Required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development;
  - 'Staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading;
  - Traffic management and intersection control near to the development site including the intersections of Chamberlain Street and Beverley Road as well as Beverley Road and Tyler Street (if necessary, subject to proposed loading/staging locations);
  - Proposed access routes for heavy vehicles loading/unloading at the site;
  - Hours of truck movements – the Plan shall detail the means by which heavy vehicle access times will be minimised during the school peak pick up and drop off periods;
  - Consultations made with potentially affected residents, businesses and schools in preparation of the Plan.
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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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It is recommended that all construction traffic for the development remains on Chamberlain Street and does not use Beverley Road.

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

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

**33. Salinity Analysis and Remedial Action Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide a detailed Salinity Analysis and Remedial Action Plan to Council for written approval.

**34. Architectural Finishes Validation Statement**

A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Services.

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted to Council for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control.

In this regard, the applicant shall liaise with Council's Development Engineers regarding the design and construction of a formal drainage system consisting of a 375mm concrete pipe within Beverley Road extending from the site to the nearest downstream stormwater pit.

The design and construction of the piped drainage system shall be overseen and approved by Council.

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

**36. Dilapidation Report**

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

**37. Work on Public Land**

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

**38. Consolidation of Allotment**

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

**39. Section 94A Developer Contribution - Community Facilities and Services**

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

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

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

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note:** This condition is only applicable where the total development value exceeds \$100,000.

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

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

#### **41. Telecommunications Infrastructure**

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

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

#### **43. Nuisance Flooding – Basement Car Park**

Prior to the issue of a construction certificate, a design for a minor stormwater system to cater for nuisance flows from rainfall on the entry ramp and water from cars entering the basement shall be prepared. The design shall also detail a higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.

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

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

#### **44. Erosion and Sediment Control**

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

#### **45. Erection of Construction Sign**

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

- a. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
  - b. stating that unauthorised entry to the work site is prohibited
  - c. pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
  - d. stating the approved construction hours in which all works can occur
  - e. showing the name, address and telephone number of the principal certifying authority for the work.
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Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**46. Toilet on Construction Site**

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

- a. a public sewer, 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.

**47. 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.

**48. Vehicular Access during Construction**

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

**49. 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 development being repaired at the applicant's expense.

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## 50. Demolition Works

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

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

## 51. 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.

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

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**52. Fencing**

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

**53. Sydney Water**

Prior to works commencing, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to works commencing.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

**54. Geotechnical Reference**

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

**55. Structural Engineer Details**

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

**56. Demolition of Existing Dwelling**

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

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

**57. Construction Work Hours**

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

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

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## 58. Erosion and Sediment Control

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

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

## 59. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees have been approved for removal by Council.

All Tree Protection Measures are to be in accordance with the recommendations contained within the arborist report prepared by TALC Tree Landscape Consultants, dated 28 May 2014.

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

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

## 60. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. must preserve and protect the building from damage and
  - b. if necessary, must underpin and support the building in an approved manner and
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- c. must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**61. Dust Nuisance**

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

**62. Certification of Location of Building during Construction**

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

**63. Certification of Location of Building upon Completion**

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

**64. Certification of Levels of Building during Construction**

Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

**65. Excess Material**

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 66. Public Safety

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

## 67. Compliance with Council Specification

All design and construction work shall be in accordance with:

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

## 68. Footpath

The footpath on each side of the existing concrete path paving, and adjoining the subject site, shall be graded at a cross fall of 2.5 per cent towards the kerb, topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

## 69. Footpath, Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter adjacent to the site in Chamberlain Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall comply with the design requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Council's Engineering Design Guide for Development (as amended).

## 70. Medium Density Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrances to the property, in accordance with Council's Medium Density Vehicle Crossing Specification and Council's Engineering Design Guide for Development (as amended).

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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

**71. Associated Works**

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

**72. Redundant Laybacks**

All redundant laybacks shall be reinstated as conventional kerb and gutter in accordance with the design requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Council's Engineering Design Guide for Development (as amended).

**73. Demolition Work/Plan**

All work shall be completed in accordance with the approved demolition work plan designed in accordance with clause 1.7.3 of Australian Standard A52601-2001 The Demolition of Structures.

**74. Completion of Construction Works**

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

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

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

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

**Note:** For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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**75. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

**76. Completion of External Works Onsite**

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

**77. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Council's Engineering Design Guide for Development (as amended).

**78. Restoration of Public Roads**

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

**79. Public Utilities**

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

**80. BASIX**

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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**81. Landscaping**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall complete the landscaping in accordance with the approved landscape plan.

**82. End Architectural Finishes Validation Statement**

An occupation certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application prepares a separate written 'End Architectural Finishes Validation Statement'.

The 'End Architectural Finishes Validation Statement' shall confirm that the building's exterior has been constructed and completed in a manner that is not inconsistent with the approved plans described in Conditions 1 and 2 and the plans relied upon for issue of the construction certificate, with specific regard to the architectural design elements, colours, finishes and treatments.

Where circumstances require, another qualified designer may prepare the written 'End Architectural Finishes Validation Statement', subject to receipt of written approval for such a change from Council's Manager Development Services.

**83. Loading Zone Signage**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall erect suitable signage identifying that the loading zone is to be kept clear at all times, except when loading/unloading/waste collection vehicles are utilising the zone. The signage is not to be unsightly or impede sight lines.

**84. Council Fees and Charges**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

**85. Consolidation of Allotment**

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

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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## 86. Public Indemnity Insurance – Onsite Waste Collection

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

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

### ADVISORY NOTES

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

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

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

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

### 3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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#### **Advice 2. Dial before you Dig**

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

#### **Advice 3. Tree Preservation Order**

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

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length or has a trunk diameter of more than 150mm, measured 1 metre above ground, and excludes any tree declared under the *Noxious Weeds Act (NSW)*.

#### **Advice 4. Provision of Equitable Access**

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

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

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

#### **Advice 5. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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**Advice 6. Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

**Advice 7. Covenants**

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

**Advice 8. Inspections – Civil Works**

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

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

**Advice 9. Salinity**

Please note that Campbelltown is an area of known salinity potential and 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 Guide for Development (as amended).

**Advice 10. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

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

**Advice 11. *Telecommunications Act 1997 (Commonwealth)***

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

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

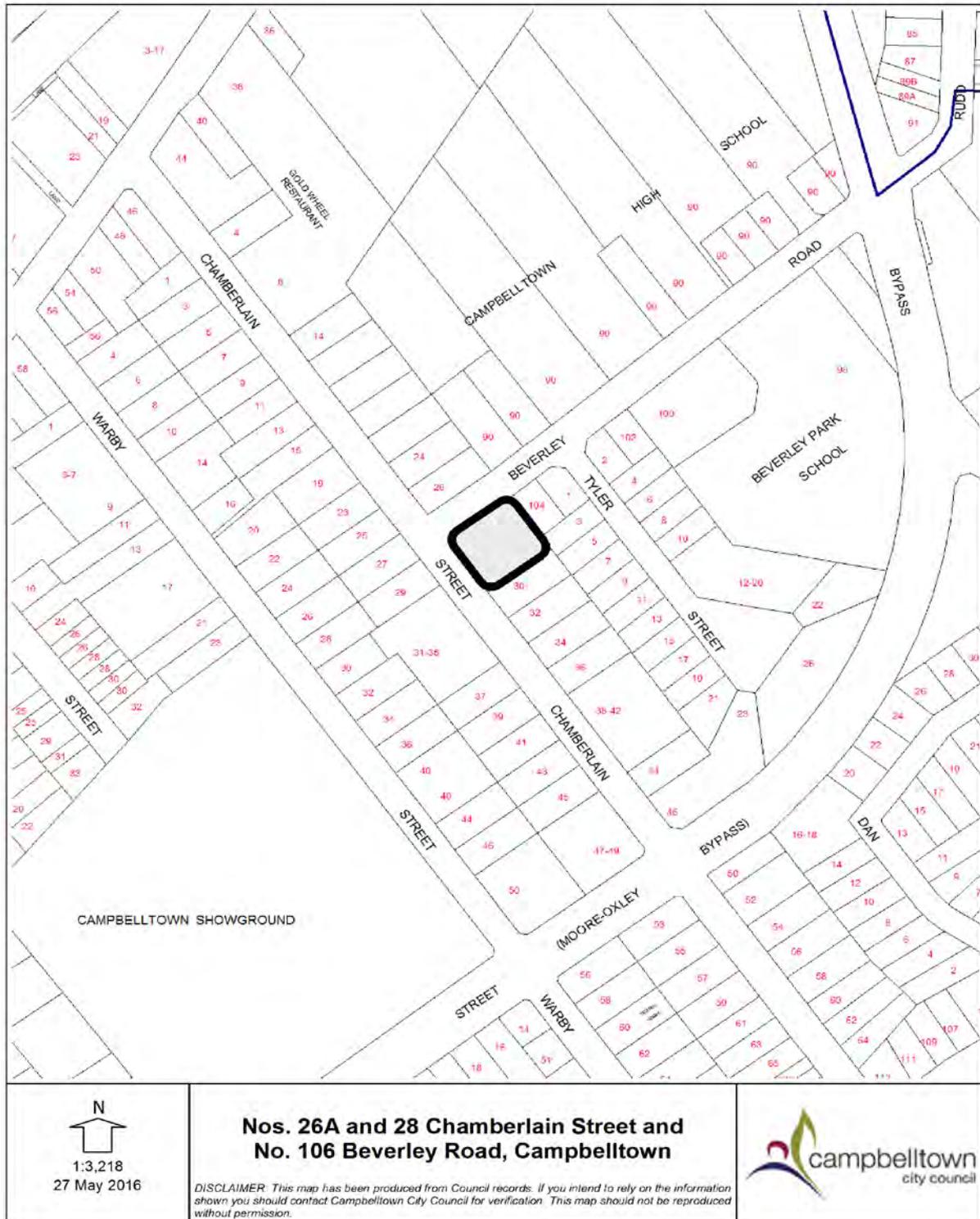
**END OF CONDITIONS**

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3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

## ATTACHMENT 2

### Locality Plan



3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

### ATTACHMENT 3

#### Site Plan

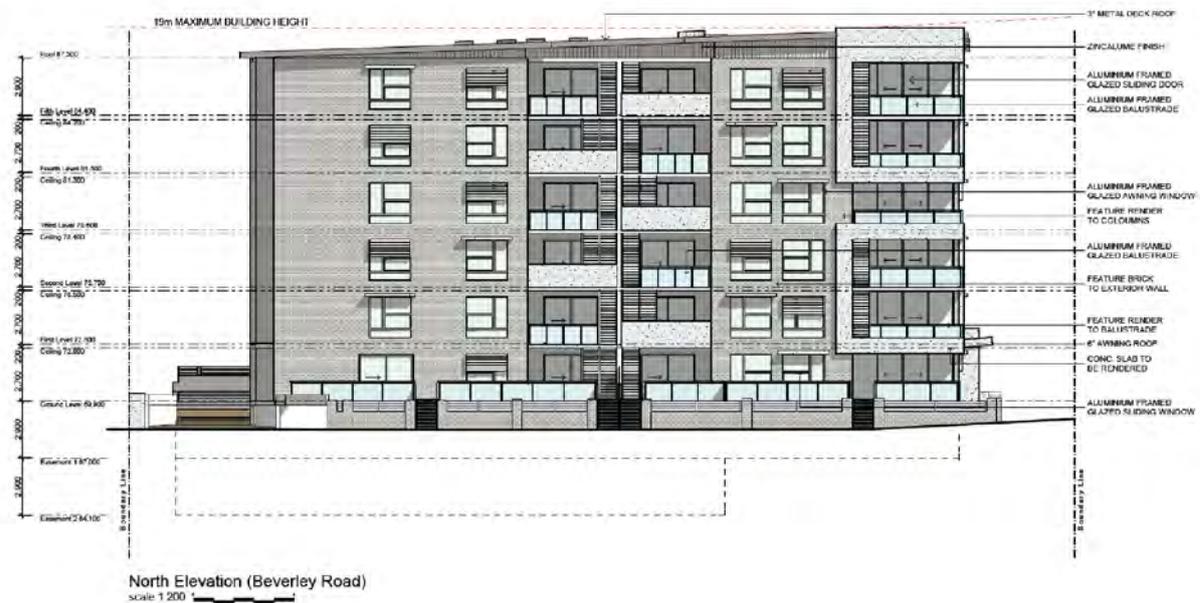




3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

# ATTACHMENT 5

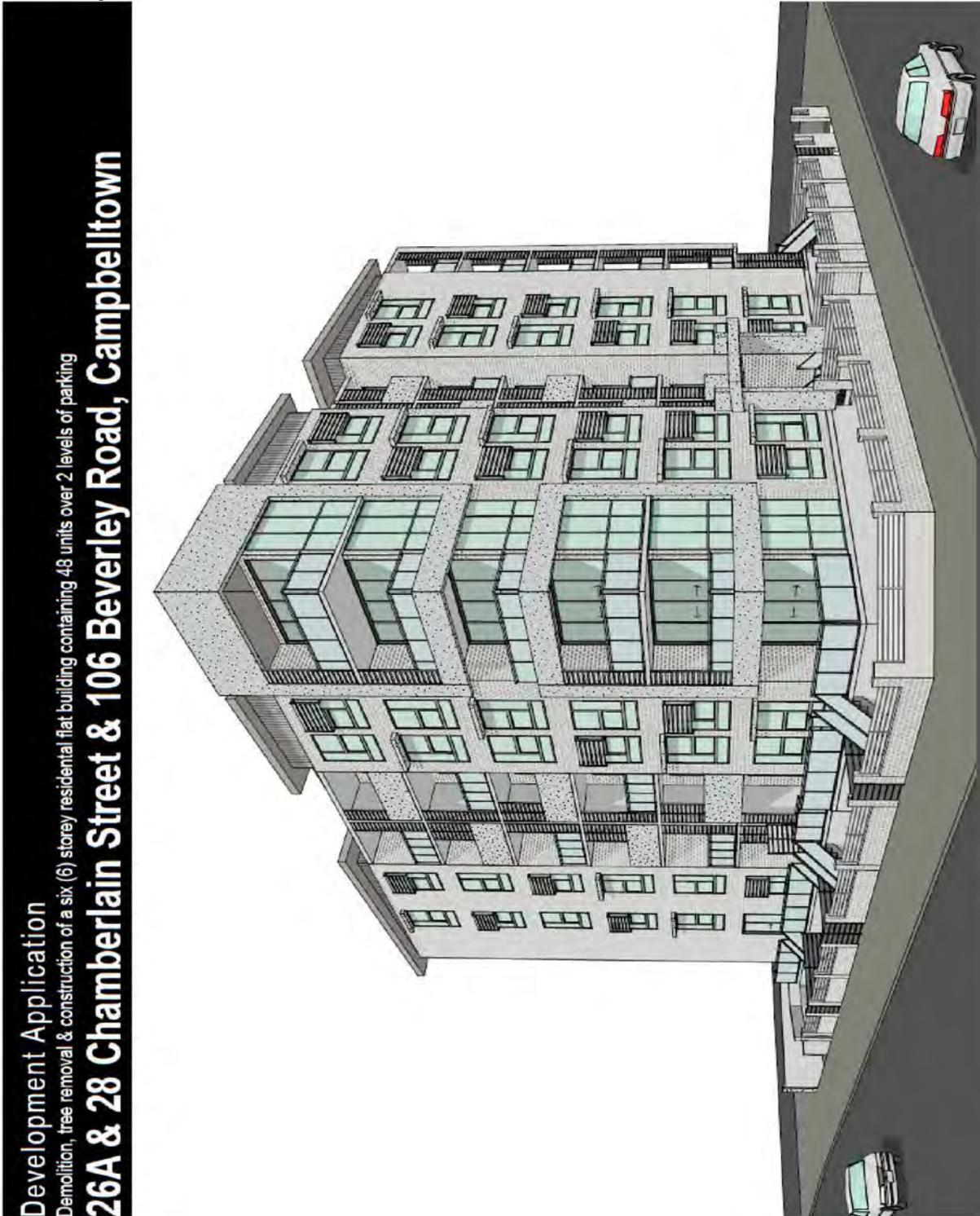
## Elevations



3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

**ATTACHMENT 6**

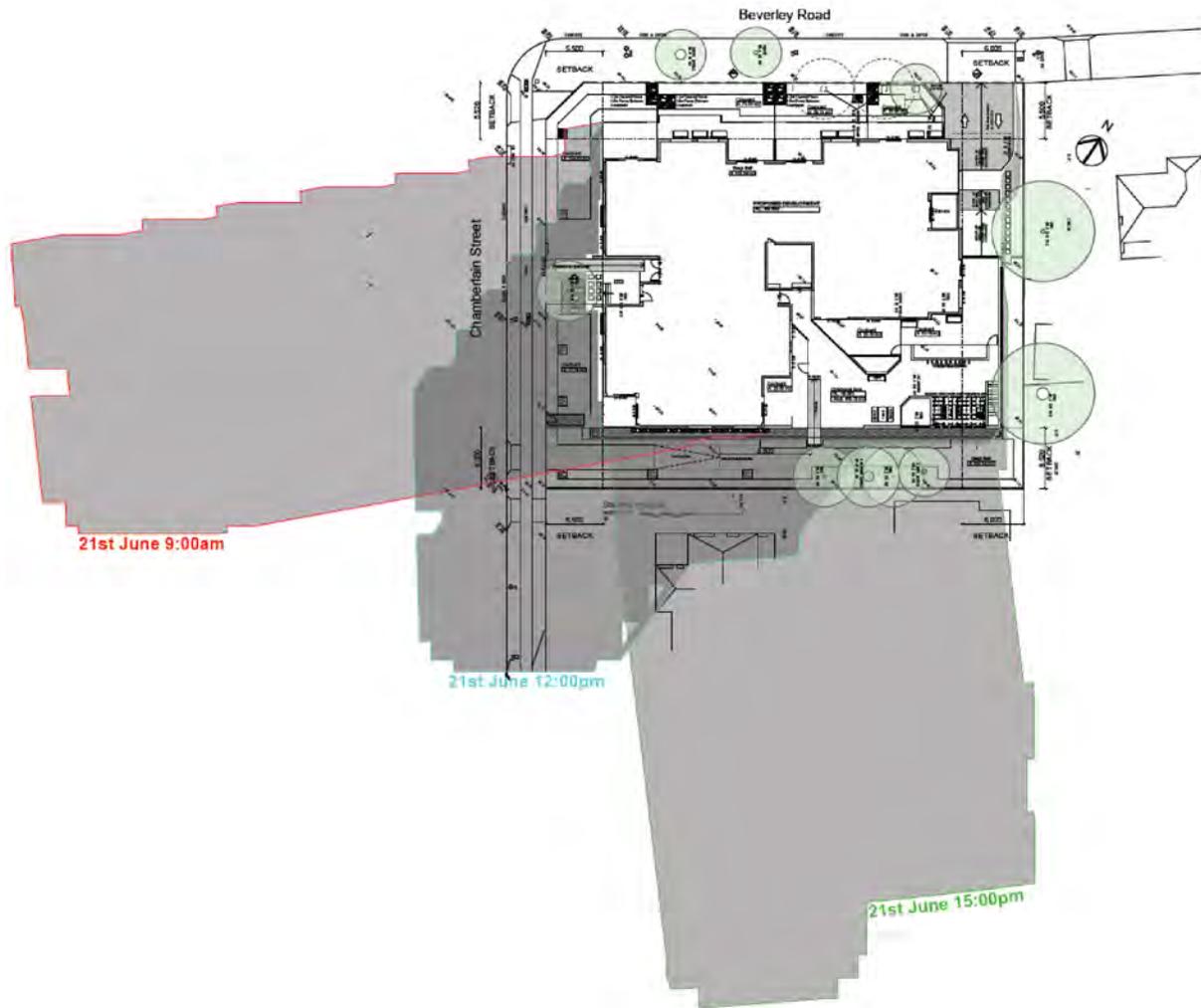
**3D Perspective**



3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

## ATTACHMENT 7

### Shadow Diagrams



3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

# ATTACHMENT 8

## Schedule of Finishes

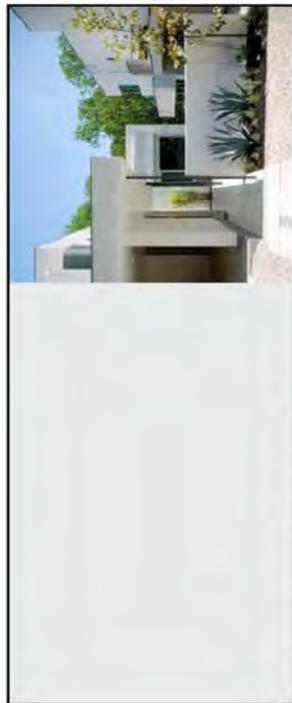
### Materials & Finish Schedule



PGH MOON DUST - FEATURE BRICK TO EXTERIOR



LOUVERS POWDERCOATED - WHITE FINISH



RENDER - DULUX LEXICON OR "SIMILAR"



GUTTERS, DOWNPIPES, WINDOWS/DOOR FRAMES - COLORBOND DUNE



ZINCALUM CLADDING - SHALE GREY

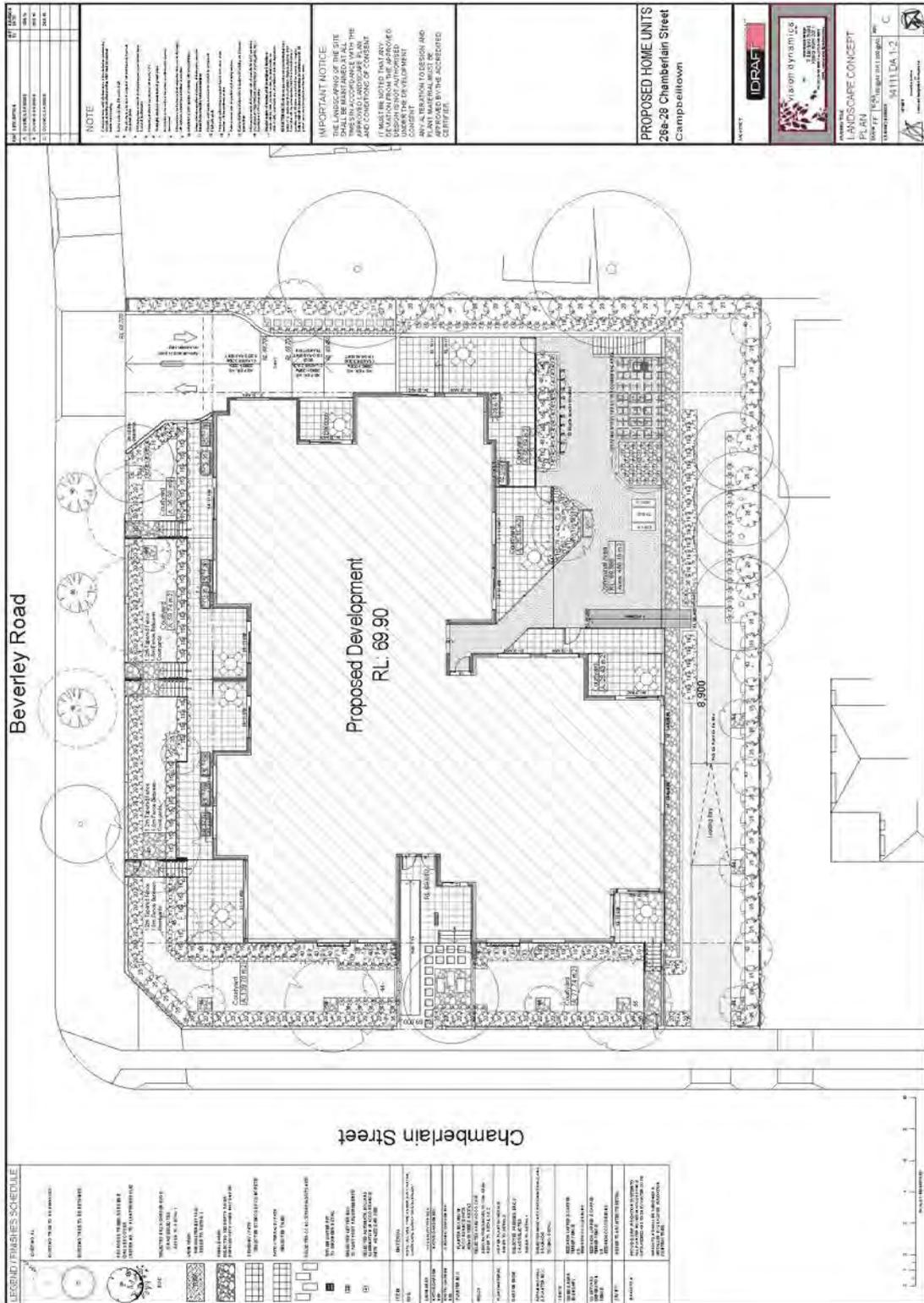


RENDER SLAB EDGES - DULUX LEXICON WHITE

3.3 Demolition Of Existing Structures And Construction Of A Six Storey Residential Flat Building Comprising 48 Apartments And Two Levels Of Basement Car Parking On The Corner Of Chamberlain Street And Beverley Road, Campbelltown

ATTACHMENT 9

Landscape Plans





3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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### 3.4 Construction of a four storey boarding house containing 18 boarding rooms at No. 17 Iolanthe Street, Campbelltown

#### Reporting Officer

Acting Manager Development Services

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#### Attachments

1. Recommended conditions of consent (contained within this report)
2. Report to Committee Meeting of 10 March 2015 (contained within this report)
3. Locality plan (contained within this report)
4. Site plan (contained within this report)
5. Elevations (contained within this report)
6. Landscape plan (contained within this report)
7. Plan of Management and House Rules (contained within this report)
8. Occupancy Principles (contained within this report)
9. Amended Floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
10. 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 the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act).

<b>Property Description</b>	Lot 2A DP 304073 No. 17 Iolanthe Street, Campbelltown
<b>Application No</b>	1215/2014/DA-MAH
<b>Applicant</b>	ACA Design Consultants
<b>Owner</b>	DNM Management Pty Ltd
<b>Provisions</b>	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2012
<b>Date Received</b>	21 May 2014

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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## History

A development application was lodged with Council on 21 May 2014 for the construction of a boarding house at No. 17 Iolanthe Street, Campbelltown. The proposed development includes:

- site works
- construction of four storey building containing 18 boarding rooms
- four car parking spaces
- four motor cycles parking spaces
- four bicycle parking spaces
- landscaping.

The development application was reported to Council's Planning and Environment Committee on 10 March 2015 with a recommendation for approval subject to conditions.

Council at its meeting held meeting 17 March 2015 resolved to defer the application to a later date to allow the applicant to respond to some perceived deficiencies in the development application.

Council wrote to the applicant on 24 March 2015 and again on 24 April 2015 requesting additional information to assist Council in determining the application. The matters required to be addressed included the following:

- a detailed plan of management and house rules that are to be displayed in a common and prominent position for residents. Should Council move to approve the development, the plan of management would form part of the conditions of consent
- the development to provide a residence for an onsite manager. One of the rooms is to be reconfigured to accommodate the onsite manager
- a suggestion that consideration be given to providing a communal laundry on each floor as the singular ground floor laundry proposed was not considered adequate to allow the 19 occupants sufficient access to laundry facilities given the small size and limited number of washing machines and dryers able to be accommodated in the proposed laundry.

The applicant amended the proposal and submitted all the requested additional information on 16 May 2016.

## Report

### The Amended Proposal

The original proposed boarding house development included the construction of a purpose built four storey building. The boarding house contained 19 boarding rooms including:

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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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- ground level (three boarding rooms, common laundry and waste room)
- levels 1 and 2 (six boarding rooms on each floor)
- level 3 (four boarding rooms, communal room (34sqm) and balcony(17sqm) for open space).

The amended and current proposal contains 18 boarding rooms and one onsite manager's room comprising:

- ground level (two boarding rooms, one manager's room common laundry and waste room)
- levels 1 and 2 (six rooms and common laundry on each floor)
- level 3 (four boarding rooms, communal area (34sqm), common laundry and balcony (17sqm) for open space)

The applicant has provided both a 'Boarding House Plan of Management and House Rules' document and an 'Occupancy Principles' document as per the provisions of Section 30 and Schedule 1 of the *Boarding Houses Act 2012*.

This 'Plan of Management and House Rules' and 'Occupancy Principles' accompany this report at attachments 7 and 8.

#### **Conclusion**

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2012 do not strictly apply to the proposed development, it is also largely consistent with the development standards for dwellings specified therein. In this regard it is considered that the proposed development is compatible with the character of the local area, and accordingly the amended application is now recommended for approval.

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

That development application 1215/2014/DA-MAH for the construction of a boarding house at No. 17 Iolanthe Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

**LAPSED** due to the lack of a mover or seconder.

#### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**LOST**

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No.  
17 Iolanthe Street, Campbelltown

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**Council Resolution Minute Number**

NIL

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

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

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

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

The development shall be carried out in accordance with the approved plans prepared by ACA Design Consultants (and others), listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by ACA Design Consultants job no. 14005-01/09DA:

Drawing No. 1, Issue D, dated 11 May 2015  
Drawing No. 2, Issue D, dated 11 May 2015  
Drawing No. 3, Issue D, dated 11 May 2015  
Drawing No. 4, Issue D, dated 11 May 2015  
Drawing No. 5, Issue D, dated 11 May 2015  
Drawing No. 6, Issue D, dated 11 May 2015  
Drawing No. 7, Issue D, dated 11 May 2015

Plans prepared by Greenland Design (landscape architect):

Drawing No. 0822.L.01, Revision B, dated 07 October 2014

#### **2. Building Code of Australia**

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

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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This clause does not apply:

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

**4. Notification of *Home Building Act 1989* Requirements**

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

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

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

**5. Landscaping**

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

**6. External Finishes**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## 7. Garbage Room

The garbage storage room identified on the approved plans shall:

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

## 8. Fencing

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

## 9. Switchboards/Utilities/Air Conditioning Units

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

## 10. Driveway

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

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

## 11. Graffiti Removal

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

## 12. Engineering Design Works

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**13. Car Parking Spaces**

Car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended). Four motor cycle and a minimum of four bicycles spaces shall also be provided and made available to users of the site.

In addition to the above, one additional car parking space, designed in accordance with Australian Standard 2890.1 and 2 (as amended), shall be provided for the building manager in accordance with Clause 29(e)(iii) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

**14. Maximum number of lodgers per room**

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

**15. Maximum number of lodgers in the building**

The maximum number of lodgers in the building at any given time is 19.

**16. Mail Collection**

The building manager shall be responsible for mail collection on a daily basis, including the collection, distribution of advertising material and newspapers.

**17. Shoring and Adequacy of Adjoining Property**

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

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

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

**18. Rain Water Tank(s)**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## 19. Construction Certificate

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

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

## 20. Utility Servicing Provisions

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

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

## 21. Sydney Water Stamped Plans

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

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

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

or telephone 13 20 92.

## 22. 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.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**23. Soil and Water Management Plan**

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

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3.

**25. Dilapidation Report**

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

**26. Work on Public Land**

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

**27. Design for Access and Mobility**

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

**28. Telecommunications Infrastructure**

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

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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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.

**29. Erosion and Sediment Control**

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

**30. 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.

**31. 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.
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**32. 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.

**33. Vehicular Access during Construction**

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

**34. Public Property**

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

**35. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

**36. Fencing**

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

**37. Sydney Water**

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

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

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

or telephone 13 20 92.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

### **38. 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

### **39. 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.

### **40. Work Zones**

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

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

### **41. Excavation and Backfilling**

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. must preserve and protect the building from damage and
- b. if necessary, must underpin and support the building in an approved manner and
- c. must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**42. Dust Nuisance**

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

**43. Certification of Location of Building during Construction**

Prior to the positioning of wall panels/bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

**44. Certification of Location of Building upon Completion**

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

**45. Termite Control**

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

**48. Excess Material**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**49. Public Safety**

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

**50. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

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

**51. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

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

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Medium Density Vehicle Crossing Specification.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

**53. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2015 – as amended.

**54. Completion of Construction Works**

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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

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

**Note:** For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

### **55. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

### **56. Structural Engineering Certificate**

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

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

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

### **58. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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

#### **Survey Information**

- Finished ground and building floor levels together with building outlines
- Spot levels every 5 metres within the site area
- Where there is a change in finished ground levels that are greater than 0.3 metres between adjacent points within the above mentioned 5 metres grid, intermediate levels will be required
- A minimum of 15 site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface levels of all other infrastructure.

#### **Format**

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

#### **AutoCAD Option**

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

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts Include textures from materials Include files from data links Include photometric web files Bind external references The drawing is not to be password protected

#### **MapInfo Option**

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

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

## **59. Public Utilities**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**60. 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.

**61. Council Fees and Charges**

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

**BOARDING HOUSE 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 *Boarding House Act 2012*, *Public Health Act 2010*, *Public Health Regulation 2012* and *Local Government Act 1993* and associated technical standards.

**62. Sleeping Accommodation**

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5sqm or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0sqm or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

**63. Acts and Regulations**

The boarding house must comply with the following Acts and Regulations:

*Public Health Act 2010*

Public Health Regulation 2012

*Boarding Houses Act 2012*

*Local Government Act 1993*

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

**64. Boarding House Rules and Occupancy Principles**

The Boarding House Rules, submitted with this development application, as well as the Occupancy Principles, pursuant to Schedule 1 of the *Boarding Houses Act 2012*, shall be prominently displayed both on the ground floor and in the communal area on the third floor.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## ADVISORY NOTES

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

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

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

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

### **Advice 2. Provision of Equitable Access**

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

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

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

### **Advice 3. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No.  
17 Iolanthe Street, Campbelltown

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**Advice 4. Retaining Walls**

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

**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. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 7. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 8. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Advice 9. Rain Water Tank**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No.  
17 Iolanthe Street, Campbelltown

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**Advice 10. Dial before you Dig**

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

**Advice 11. Telecommunications Act 1997 (Commonwealth)**

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

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

**END OF CONDITIONS**

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## ATTACHMENT 2

### Report to Planning and Environment Committee Meeting of 10 March 2015

#### 3.4 Construction of a four storey boarding house containing 19 boarding rooms - No. 17 Iolanthe Street, Campbelltown

##### Reporting Officer

Acting Manager Development Services

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##### Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Floor plans (confidential - for privacy reasons these are not available to the public)
5. Elevations (contained within this report)
6. Landscape plan (contained within this report)

##### Purpose

<b>Property Description</b>	Lot 2A DP 304073 No. 17 Iolanthe Street, Campbelltown
<b>Application No</b>	1215/2014/DA-MAH
<b>Applicant</b>	ACA Design Consultants
<b>Owner</b>	DNM Management Pty Ltd
<b>Provisions</b>	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2012
<b>Date Received</b>	21 May 2014

##### Report

A development application was lodged with Council on 21 May 2014 for the construction of a boarding house at No. 17 Iolanthe Street, Campbelltown. The proposed development of a boarding house includes:

- site works
  - construction of 4 storey building containing 19 boarding rooms
  - 4 car parking spaces
  - 4 motor cycles parking spaces
  - 4 bicycle parking spaces
  - include landscaping.
-

### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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The site is located on the western side of Iolanthe Street and is currently vacant. The land is rectangular in shape and has a street frontage of 15.24 metres and average depth of 29.57 metres. The land has an area of 450.7 square metres.

Adjoining development includes a single storey weatherboard cottage to the north at No.15 Iolanthe Street, a single storey masonry commercial building to the south at No.21 Iolanthe Street that was originally constructed as a dwelling, there is no No. 19 in the street. A six storey residential flat building adjoins the site to the south west at No.12-14 King Street, single storey cottages are situated to the west and are being used for both commercial and residential purposes at No.8-10 King Street adjacent to the subject site across Iolanthe Street are a mix of one and two storey buildings used for commercial and residential purposes.

The proposed boarding house development would include the construction of a purpose built 4 storey building. The boarding house can be described as:

- Ground Level contains 3 boarding rooms, common laundry and waste room
- Levels 1 and 2 contain 6 boarding rooms
- Level 4 contains 4 boarding rooms, communal room and balcony for open space
- Communal room has an area of 34 square metres
- Fourth floor balcony has an area of 17 square metres.

Parking for the development will be provided within the front setback for motor vehicles, motor bikes and bicycles. The entrance to the building presents to Iolanthe Street.

#### 1. Vision

##### **Campbelltown 2025 - looking forward**

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

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

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

The strategic direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities
  - Development and land use that matches environmental capacity and capability.
-

### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development.

## 2. Planning Provisions

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

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

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

#### **Clause 26 - Land to which Division applies** (division of SEPP relating to boarding houses)

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

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

The subject site is located within the 10(a) Regional Comprehensive Centre Zone, which has been approved by Council as being equivalent to the R4 High Density Residential zone for the purpose of the application of the Exempt and Complying SEPP. Accordingly, the zones can be regarded as equivalent for the purposes of the applicability of this division of the Affordable Rental Housing SEPP to the subject land. The R4 High Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

#### **Clause 27 - Development to which Division applies**

- (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses
  - (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area
  - (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No.  
17 Iolanthe Street, Campbelltown

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

**Clause 28 - Development may be carried out with consent**

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

The proposed construction of a boarding house in the 10(a) Comprehensive Centre Zone is permissible with consent given the "equivalent zone" provisions set out above.

**Clause 29 - Standards that cannot be used to refuse consent**

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

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
  - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land

**Comment**

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

- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land

**Comment**

This subclause is not applicable, as residential accommodation is permitted on the land.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
    - (a) building height  
  
if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**Comment**

There is no maximum building height specified under any environmental planning instrument applying to the land (notwithstanding that Council's Sustainable City DCP 2012 sets a maximum 6 storey height limit, the SCDCP is not classified as an environmental planning instrument).

(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

**Comment**

Landscaping is proposed along the street frontage as well as the site's side boundaries within the front setback. The landscaping proposed is consistent with the amount of landscaping on adjoining and surrounding sites in the immediate locality.

(c) solar access

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

**Comment**

The proposed communal living room would receive more than three hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3.0 metres is provided for the use of the lodgers
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation

**Comment**

An area of private open space of greater than 20 square metres and with a width of 3.0 metres is proposed at the rear of the building. The proposed boarding house would also contain an area in the rear yard of the facility that can be used for open space purposes.

Based on the capacity of the proposed boarding house, accommodation is not required to be provided for a boarding house manager, and no manager is proposed by the application. Therefore, subclause (ii) is not applicable.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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(e) parking

if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room
- (iii) in the case of any development—not more than 1.0 parking space is provided for each person employed in connection with the development and who is resident on site.

**Comment**

The subject site is located within an accessible area as defined by the SEPP, and therefore requires at least 0.2 parking spaces per boarding room. The proposed boarding house has nineteen rooms, and therefore requires 3.8 parking spaces, which is rounded up to 4 parking spaces. The proposed boarding house would have 4 car parking spaces, including one accessible car parking space, and therefore complies with this subclause.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
- (ii) 16 square metres in any other case.

**Comment**

All of the proposed boarding rooms are at least 12m<sup>2</sup> in size up to a maximum of 16m<sup>2</sup> and are able to accommodate a single lodger.

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

**Comment**

The proposed boarding house has private kitchen and bathroom facilities in each boarding room.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

**Comment**

The proposal complies with all of the standards contained in subclauses (1) and (2).

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**Clause 30 - Standards for boarding houses**

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

**Comment**

The proposed boarding house has 19 boarding rooms, and proposes to provide one communal living room having an area of 34 square metres.

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

**Comment**

None of the proposed boarding rooms have a gross floor area (excluding private kitchens or bathrooms) of more than 25m<sup>2</sup>. The maximum room size is 16 square metres

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

**Comment**

A condition of consent will be imposed requiring compliance with this sub-clause.

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

**Comment**

A private bathroom and kitchen facilities are to be provided within each boarding room.

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

**Comment**

Each proposed boarding room will have the capacity to accommodate one person only. Therefore, based on the proposed 19 rooms, the boarding house will have the capacity to accommodate 19 people. Accordingly, a boarding room for a boarding house manager is not required to be provided.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**Comment**

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

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

**Comment**

Four bicycle spaces and four motorcycle spaces are required. Four motorcycle spaces and at least four bicycle spaces have been provided.

**Clause 30A - Character of local area**

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

**Comment**

The design and siting of the boarding house has considered the development's compatibility with the character of the local area. The applicant was requested to provide additional information to address the design of the development and how it is appropriate for the local area.

An assessment of the proposal in terms of various aspects of its built form is outlined below:

- Local Area – the 'local area' is principally the visual catchment in which the development can be viewed. The area in which the land is located is relatively flat and without substantial tree cover and hence it can be said that the subject land has a wide visual catchment.

Within this local area there is a wide range of development mixes and uses and development constructed during various periods including early to mid 20th century as well as more recent commercial and residential flat building developments. There is a number of 4 to 6 storey buildings constructed in the last 5 to 10 years. The area is undergoing a period of transition and renewal.

- Building bulk and scale/site coverage – the proposed boarding house is approximately 13 metres wide, 21 metres deep and four storeys in height (12.4 metres). The development has a FSR of 1.53:1. It is considered that there are a number of buildings in the locality that have a similar height to that of the proposal, and other buildings of greater height than that of the proposal as the maximum height of buildings in the locality is 6 storeys. The draft LEP proposes an FSR of 2.5:1 for development in the zone.
  - Height – the four storey height of the development is less than the maximum six storey height limit in the locality that can be considered under the development controls within Campbelltown (Sustainable City) Development Control Plan. It is noted that the draft LEP proposes a height of 26 metres, or 8 storeys, in the zone.
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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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- Setbacks – The setbacks of the proposed boarding house are 1.050 metres and 1.090 metres from the side boundaries. The proposed building is setback 19 metres from the front boundary and 3.1 metres from the rear boundary. The side and rear setbacks for residential flat buildings are contained within the Residential Flat Design Code and Campbelltown (Sustainable City) Development Control Plan. It is to be noted that a residential flat building would require a minimum side setback of 6 metres.

The design of boarding houses does not require a minimum side or rear setback requirement in the zone similar to commercial buildings providing the development complies with the BCA.

- Landscaping/Fencing – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

#### **2.2 Campbelltown (Urban Area) Local Environmental Plan 2002**

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

A boarding house is defined as:

a house let in lodgings or a hostel, but does not include a motel.

The proposed boarding house is considered to be hostel-style accommodation and is therefore a boarding house.

The proposal is consistent with the following zone objectives:

- (b) to encourage employment and economic growth
- (c) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

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

#### **2.3 Campbelltown (Sustainable City) Development Control Plan 2012**

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2012, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2014 came into effect. The provisions within the 2012 Plan that apply to the application are not substantially different from equivalent provisions within the 2014 Plan.

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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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It should be noted that neither the 2012 nor 2014 DCPs contain specific provisions relating to boarding houses, however the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

**Views and vistas** – The proposal will not significantly impact views and vistas in the locality, and the appearance of the development from private and public places is considered to be satisfactory.

**Sustainable building design** – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, the proposed development includes a 3,500 litre rainwater tank.

**Landscaping** – The proposed landscaping is considered to be satisfactory and has been selected from native species. Landscaping is proposed to be provided within the front, side and rear setbacks of the boarding house. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

**Flora and fauna** – The subject site has no significant existing vegetation.

**Waste management** – A Waste Management Plan has been submitted with the application. The proposed waste management for existing materials at the site is satisfactory. Regarding the on-going waste management for the boarding house, Council's Waste and Recycling Section advised that the proposed configuration of the waste bin storage area is satisfactory, and collection of the bins from the kerbside area will be able to be undertaken.

**Stormwater** – The application proposes to drain to Iolanthe Street. The application was also referred to Council's Development Engineer, and conditions of consent have been provided.

**Cut, fill and floor levels** – There is no limit on the amount of cut proposed for a boarding house, as the Campbelltown (Sustainable City) Development Control Plan 2012's numerical cut/fill controls only apply to dwellings. There is no significant amount of cut and fill required with the development as proposed.

**Fencing and retaining walls** – The application proposes the construction of a 1.8 metre high 'colorbond' fence on the side and rear boundaries and this is considered acceptable in this instance.

### 3. Public Participation

The application was publicly exhibited between 1 July and 14 July 2014, and was notified to nearby and adjoining residents between 25 June and 8 July 2014. Council received one submission objecting to the proposal development, raising the following issues:

**Concern** - The lack of car parking proposed by the development will result in residents of the boarding house parking on the surrounding streets, which will cause traffic problems due to the site being located in a constrained parking environment.

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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**Comment** - Under the State Environmental Planning Policy (Affordable Rental Housing) 2009, a boarding house that is located in an 'accessible area' such as the subject site is only required to provide 0.2 parking spaces per boarding room. The SEPP states that a consent authority must not refuse to grant consent on the basis of car parking if the proposed development complies with this standard. The rationale of this standard is that there would be low car ownership rates among boarding house tenants, and this is also reflected in the requirement for a boarding house to provide parking for motorcycles and bicycles. The lower parking rate for accessible areas reflects the availability of public transport options in these areas.

The proposed boarding house has seven rooms, and therefore requires 3.8 parking spaces, say 4. The proposed boarding house would have 4 car parking spaces, including one accessible car parking space, and therefore complies with the car parking provisions of the SEPP, meaning that Council is unable to refuse the application on the basis of car parking.

**Concern** - The development does not consider the socio-economic status of the area. If the development is approved, Iolanthe Street would be subjected to persons from a low socio economic status with a predisposition to drugs and social problems.

**Comment** – Council is unable to prejudice an application based on the socio-economic status of residents that may live in a boarding house. The potential of a development's resident to come from a low socio-economic status is not a relevant matter for consider under the matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

**Concern** – No garbage disposal areas.

**Comment** – The development includes a waste room that can contain ten 240 litre bins. The waste will contain a tap for bin washing and waste water will be directed to the sewer.

**Concern** – Setbacks of the development and overshadowing.

**Comment** – Given the height of the development, it is likely that the development would overshadow the land to the south longer than a building of two storeys in height. The development to the south is used for commercial purposes and hence the overshadowing will not impact on the residential amenity of local residents.

**Concern** – The proposed development would sterilise development on No.15 Iolanthe Street.

**Comment** – The land at No.15 Iolanthe Street has an area of approximately 358 square metres and has limited development opportunities given its size and nature of adjoining development making consolidation difficult as the land at No.13 Iolanthe Street has been strata subdivided with potentially many owners.

#### 4. Conclusion

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2012 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings specified therein. It is considered that the proposed development is compatible with the character of the local area, and accordingly the application is recommended for approval.

### **Officer's Recommendation**

That development application 1245/2014/DA-MAH for the construction of a boarding house at No 17 Iolanthe Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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## **1215/2014/DA-MAH**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

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

The development shall be carried out in accordance with the approved plans prepared by ACA Design Consultants (and others), listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by ACA Design Consultants job no. 14005-01/09DA:

Drawing No. 1, Issue C, dated 01.10.2014  
Drawing No. 2, Issue C, dated 01.10.2014  
Drawing No. 3, Issue C, dated 01.10.2014  
Drawing No. 4, Issue C, dated 01.10.2014  
Drawing No. 5, Issue C, dated 01.10.2014  
Drawing No. 6, Issue C, dated 01.10.2014  
Drawing No. 7, Issue C, dated 01.10.2014

Plans prepared by Greenland Design (landscape architect):

Drawing No. 0822.L.01, Revision B, dated 07.10.2014

#### **2. Building Code of Australia**

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

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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This clause does not apply:

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

**4. Notification of *Home Building Act 1989* Requirements**

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

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

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

**5. Landscaping**

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

**6. External Finishes**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**7. Garbage Room**

The garbage storage room identified on the approved plans shall:

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

**8. Fencing**

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

**9. Switchboards/Utilities/Air Conditioning Units**

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

**10. Driveway**

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

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

**11. Graffiti Removal**

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

**12. Engineering Design Works**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**13. Car Parking Spaces**

4 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended). 4 motor cycle and a minimum of 4 bicycles spaces shall also be provided and made available to all users of the site.

**14. Maximum number of lodgers per room**

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

**15. Maximum number of lodgers in the building**

The maximum number of lodgers in the building at any given time is 19.

**16. Sleeping Accommodation**

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

**17. Acts and Regulations**

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

*Public Health Act 2010*

*Public Health Regulation 2012*

*Boarding Houses Act 2012*

*Local Government Act 1993*

*Local Government (General) Regulation 2005*

*Protection of the Environment (Noise Control) Regulation 2008*

**18. Shoring and Adequacy of Adjoining Property**

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

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**19. Rain Water Tank(s)**

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

**20. Construction Certificate**

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

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

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**21. Utility Servicing Provisions**

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

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

**22. Sydney Water Stamped Plans**

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

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

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

or telephone 13 20 92.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**23. 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.

**24. Soil and Water Management Plan**

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

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest system under Council's control. All proposals shall comply with the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

**26. Dilapidation Report**

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

**27. Work on Public Land**

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

**28. Section 94A Developer Contribution - Community Facilities and Services**

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

## 29. Design for Access and Mobility

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

## 30. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

**31. Erosion and Sediment Control**

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

**32. Erection of Construction Sign**

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

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

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

**33. Toilet on Construction Site**

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

- a. A public sewer
  - b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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

**34. 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.

**35. Vehicular Access during Construction**

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

**36. Public Property**

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

**37. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

**38. Fencing**

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

**39. Sydney Water**

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

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

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

or telephone 13 20 92.

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#### DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

##### 40. 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.

##### 41. Erosion and Sediment Control

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

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

##### 42. Work Zones

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

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

##### 43. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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- a. Must preserve and protect the building from damage
- b. If necessary, must underpin and support the building in an approved manner
- c. Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**44. Dust Nuisance**

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

**45. Certification of Location of Building during Construction**

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

**46. Certification of Location of Building upon Completion**

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

**47. Termite Control**

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

**48. Excess Material**

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

**49. Public Safety**

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**50. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

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

**51. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

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

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Medium Density Vehicle Crossing Specification*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

**53. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**54. Completion of Construction Works**

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

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

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

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

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

**55. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

**56. Structural Engineering Certificate**

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

**57. Completion of External Works Onsite**

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

**58. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 3 (as amended)*.

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

**Survey Information**

- Finished ground and building floor levels together with building outlines.
  - Spot levels every five metres within the site area.
  - Where there is a change in finished ground levels that are greater than 0.3.m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
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### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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

#### **Format**

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

#### *AutoCAD Option*

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

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts Include textures from materials Include files from data links Include photometric web files Bind external references The drawing is <b>not</b> to be password protected.

#### *MapInfo Option*

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

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

#### **59. Public Utilities**

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

#### **60. 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.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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**61. Council Fees and Charges**

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

**BOARDING HOUSE 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 Boarding House Act 2012, Public Health Act 2010, Public Health Regulation 2012 and Local Government Act 1993 and associated technical standards.

**62. Sleeping Accommodation**

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case) (*Public Health Regulation 2012*).

**63. Acts and Regulations**

The boarding house must comply with the following Acts and Regulations:

*Public Health Act 2010*

*Public Health Regulation 2012*

*Boarding Houses Act 2012*

*Local Government Act 1993*

*Local Government (General) Regulation 2005*

*Protection of the Environment (Noise Control) Regulation 2008*

**ADVISORY NOTES**

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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

**Advice 2. Provision of Equitable Access**

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

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

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

**Advice 3. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 4. Retaining Walls**

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

**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.

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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No.  
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**Advice 6. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 7. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 8. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 9. Rain Water Tank**

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

**Advice 10. Dial before you Dig**

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

**Advice 11. Telecommunications Act 1997 (Commonwealth)**

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

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

**END OF CONDITIONS**

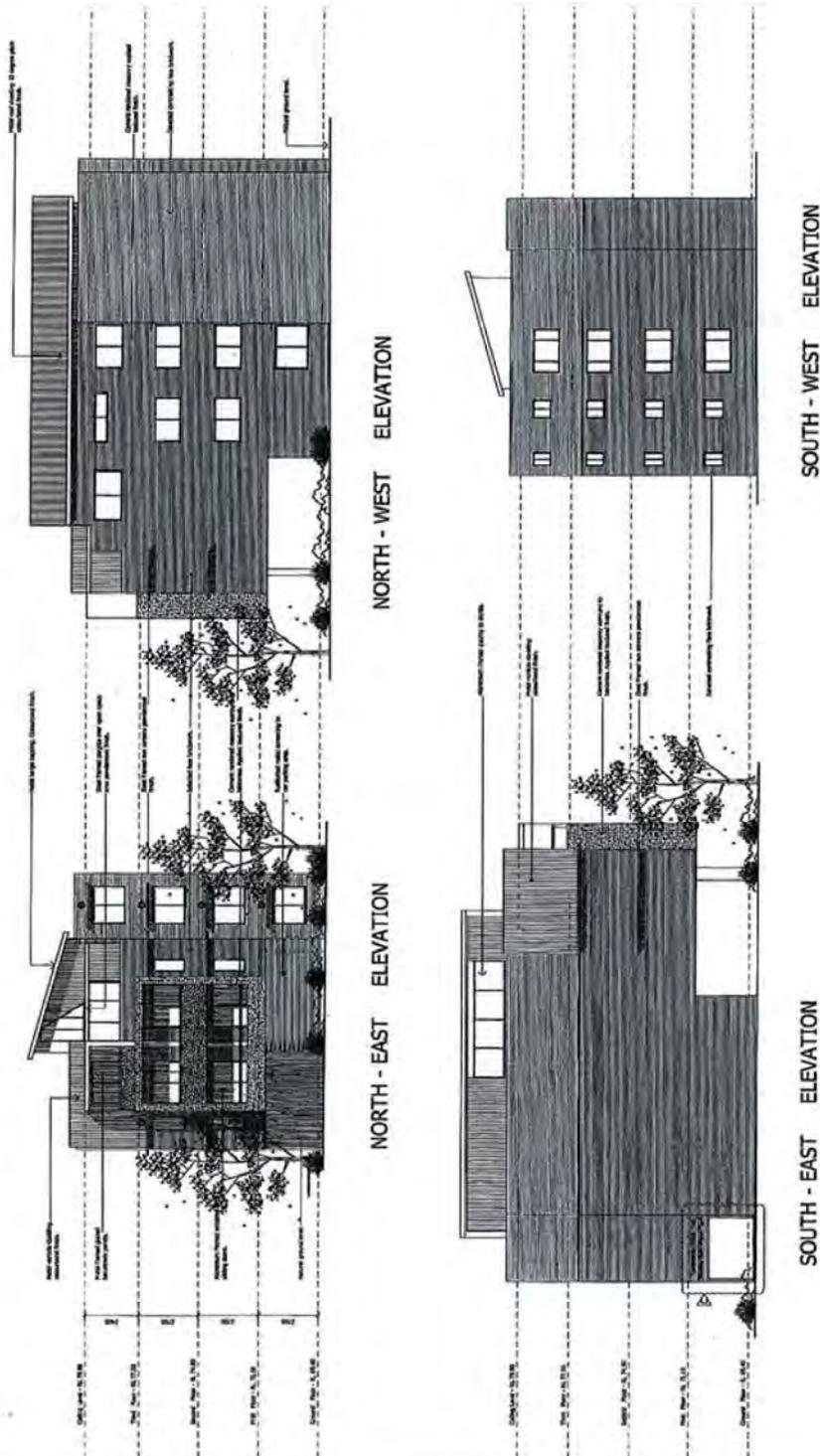
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3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown



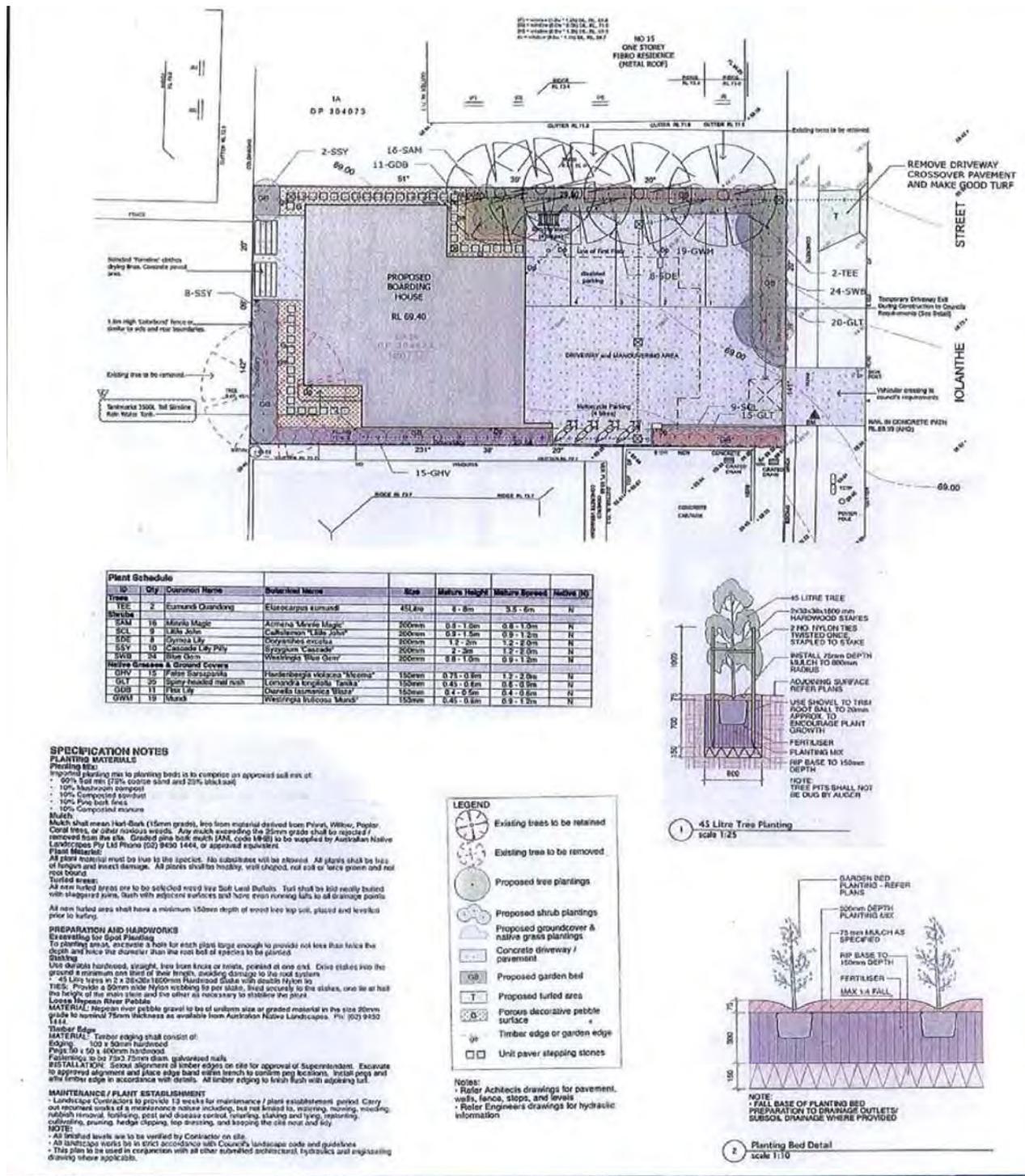


3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown



**ELEVATIONS**

3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown



LANDSCAPE PLAN

3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

# ATTACHMENT 3

## Locality Plan









## ATTACHMENT 7

### Plan of Management and House Rules

#### **BOARDING HOUSE PLAN OF MANAGEMENT AND HOUSE RULES FOR 17 IOLANTHE ST, CAMPBELLTOWN**

##### **Preliminary**

17 Iolanthe St, Campbelltown is a *registrable boarding house* under Section 5(1) of the *Boarding Houses Act 2012*, being operated as a *general boarding house* with 19 single boarding rooms. It is not an *assisted boarding house*.

This management plan implements those *occupancy principles* for boarding houses in force under Section 30(1) of the *Boarding Houses Act 2012* that relate to the management and operation of the boarding house.

The occupancy principles in force at the time this management plan was authorised are set out in Schedule 1 of this plan.

##### **1. Object of this Plan**

1.1 A primary purpose of this Management Plan is to ensure that neighbours' amenity is not reduced by the operation of the premises as a Boarding House. To achieve this, the Management Plan has been prepared with the following matters in mind:

- a) to minimise disturbance to neighbours;
- b) to provide a procedure to receive and resolve complaints;
- c) to ensure a responsible person is readily contactable to assist in the ongoing implementation of this Management Plan;
- d) to ensure that this Management Plan is enforceable, and
- e) to make provision for this plan to be amended from time to time with the approval of Campbelltown City Council in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.

##### **2. Primary Person Responsible**

2.1 The owner of the premises is responsible for ensuring that this Management Plan is properly implemented at all times. The owner will exercise this personally or through an appointed Property Management Agent ('Manager'). References in this Management Plan to 'Manager' means the specialist boarding house manager appointed to that role or if none is appointed, means the owner (see cl. 3.1 below).

2.2 The Manager shall give occupants copy of a document called "Boarding House Rules" ("the Rules") before they move into the boarding house. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce the amenity of neighbours or other lodgers. The Rules may not be inconsistent with this Management Plan or the conditions of development consent.

2.3 All residents in the boarding house are to sign an Occupancy Agreement which includes a requirement to comply with the Rules. The length of occupancy shall not be less than 90 days. Accommodation is not to be provided on a temporary basis to persons on recreational pursuits.

2.4 The Manager is responsible for enforcing the Rules.

2.5 The Manager shall have discretion to remove any person from the Boarding House who fails to comply with any Rule after reasonable warning.

2.6 The Manager shall maintain a register of occupants who have been evicted from the Boarding House and shall ensure that those people are prevented from entering the premises in the future.

### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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2.7 The Manager shall take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of neighbours.

2.8 The Manager shall ensure that the Rules are displayed in the entrance, communal room, corridors and rooms of the Boarding House.

2.9 A sign shall be maintained at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises.

2.10 The Manager shall provide a mobile number to Council, immediate neighbours and to lodgers on which the Manager can be contacted 24 hours a day.

#### **3. Manager**

3.1 As the total number of residents will be no more than 19 people at any given time, there is no requirement for a Resident Manager. The owner will manage the property or may appoint a specialist boarding house manager to manage the property (see cl.2.1 above).

3.2 The Manager shall inspect the premises at a minimum fortnightly interval to ensure compliance with all relevant provisions of this Management Plan and the Boarding House Rules, and any applicable conditions of development consent.

#### **4. Residents Register**

4.1 The Manager shall maintain a register which includes the lodger's name, previous address, drivers license details (if any), room number, date of commencing occupancy and date of ceasing occupancy. The register may be kept in writing and/or on computer.

4.2 A maximum of one (1) lodger can occupy each of the rooms at any one time. There are to be no more than 19 lodgers in residence at any time. Inspections of the property and the Register may be undertaken by properly authorised officers of Campbelltown City Council from time to time to ensure that this requirement is being satisfied.

#### **5. Boarding House Rules**

5.1 The Boarding House Rules shall include the following:

Lodgers:

- a) Will not smoke inside the Boarding House.
- b) Will not drink alcohol or play music in the outdoor areas of the property between 8.00pm and 10.00am.
- c) Will not use the outdoor areas of the Boarding House for recreation between the hours of 10.00pm and 7.00am. Not more than 19 persons (lodgers or visitors) may use the outdoor recreation areas at any time (other than on special occasions with the approval of the Manager).
- d) Will not play music or make noise inside or outside the boarding house at a level that disturbs neighbours or other lodgers.
- e) Will not operate musical instruments or sound equipment (including radios, TVs, tape recorders, record, compact disc, MP3 players or computer games) from 12 midnight to 8am on any Friday, Saturday or day immediately before a public holiday, or 10pm to 8am on any other day, inside a bedroom or communal area unless windows are closed and noise levels do not cause offensive noise to neighbours or other lodgers.
- f) May use the communal room kitchen at any time other than between the hours of 12 midnight and 5.00am.

### 3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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- g) May use the indoor communal areas at any time other than between the hours of 12 midnight and 5.00am, unless with the agreement of the Manager.
- h) Will clean and put away any plates, pots and other utensils after using them and leave the communal room in a clean and tidy condition.
- i) Will not give or lend their key to the premises to anyone who is not a current lodger of the premises.
- j) Will not bring visitors to stay overnight.
- k) Will not be rude to other lodgers or neighbours.
- l) Will not disrupt peace and quiet or create tension with other lodgers or neighbours.
- m) Will not jeopardize the safety of other lodgers or neighbours.
- n) Will not bring illegal drugs or substances onto the property.
- o) Will not bring pets onto the property.
- p) Will not use candles, incense, element heaters or other device or thing that is liable to cause a fire in their room or common areas.
- q) Will pay lodging fees by the due date.
- r) Will vacuum, clean and maintain their room.
- s) Will restore communal areas to a neat, clean and tidy condition after using them.
- t) Will turn the water, lights and power off when not in use.
- u) Will put garbage and recyclable materials into the appropriate bin.
- v) Will safely go in and out of the driveway and property without causing danger to other lodgers or neighbours.
- w) Will only park motor cars, motorcycles or bicycles in the appropriate allocated parking spaces and not on any other part of the property.
- x) Will let the owner or Manager inspect their room at least once a month.
- y) Will notify the Manager immediately when there is reason to believe that the behaviour or action of other lodgers may cause harm or endanger lives or may cause damage to the premises/property.

#### **6. Safety**

6.1 The Manager shall ensure that all fire safety requirements of the Boarding House are met at all times, including ensuring the following:

- a) Fire exit signs are in working order.
- b) Emergency access routes are clear.
- c) Smoke detectors/alarms are in good working order.
- d) Any items that are a fire hazard are removed from the premises without delay.
- e) Generally maintain the premises in a fire-safe condition.

6.2 All occupants are to be provided with a pamphlet outlining the fire evacuation procedures for the Boarding House. This pamphlet shall contain details of any fire exits, fire blankets, fire hydrants and fire warning devices installed in the Boarding House.

3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

**7. Cleaning & Waste Management**

7.1 The common areas of the premises are to be cleaned on a weekly basis, and garbage bins placed at the kerbside for collection. Arrangements for this will at all times be the responsibility of the Manager.

7.2 An adequate number of bins, including recycling bins, shall be provided to accommodate waste generated by the boarding house.

**8. Pets**

8.1 No pets of any kind are allowed on the boarding house premises.

**9. Public Complaints Resolution Procedure**

9.1 The Manager shall maintain a Complaints Register of any public (external) complaints.

9.2 This register shall comprise of forms to be completed by the Manager, lodgers and/or complainants. The form is to record the nature and date of any complaint and the name, address and phone number of the person making the complaint.

9.3 The Manager shall respond by telephone to a written or oral complaint within 24hrs (provided that the complainant has provided a phone number).

9.4 The Manager shall respond in writing within 7 days to a written complaint (provided that the complainant has provided contact details).

9.5 The Manager shall use best endeavours to meet with complainants until a complaint is resolved. The Manager shall keep minutes of such meetings and keep these minutes in the Complaints Register. The register is to be made available for inspection at any time by a duly authorised officer of the Council.

9.6 If a complaint cannot be resolved and the complainant wishes to escalate the matter, the complaint may be referred for resolution to the Community Justice Centre.

**10. Variations to Plan of Management and House Rules**

10.1 This approved Plan of Management may be varied from time to time by an authorised officer of the Council, on the application of the owner, without the need for formal modification of the development consent, providing Council's written approval is recorded below. A copy of the approved Plan of Management shall be kept by the owner, the Manager and Council at all times.

10.2 The object of this clause is to facilitate timely and responsive alterations to the Plan of Management where Council agrees that such alterations are appropriate and beneficial in preserving and enhancing residential amenity for occupants and/or neighbours.

**11. Authorisation**

This Plan of Management was approved by:

Name of authorised Council officer:.....

Position held by authorised officer:.....

Signature of officer:.....

Date signed:.....

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## ATTACHMENT 8

### Occupancy Principles

#### Schedule 1 Occupancy principles

(in force under Section 30 of the *Boarding Houses Act 2012*)

##### 1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

##### 2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

##### 3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

##### 4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

##### 5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

##### 6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

##### 7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

##### 8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

3.4 Construction Of A Four Storey Boarding House Containing 18 Boarding Rooms At No. 17 Iolanthe Street, Campbelltown

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(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

**9 Information about occupancy termination**

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

**10 Notice of eviction**

- (1) A resident must not be evicted without reasonable written notice.
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

**11 Use of alternative dispute resolution**

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

**12 Provision of written receipts**

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

## **4. COMPLIANCE SERVICES**

### **4.1 Legal Status Report**

#### **Reporting Officer**

Manager Compliance Services

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#### **Attachments**

Planning and Environment Division Monthly Legal Matters Status and Costs Summary  
(contained within this report)

#### **Purpose**

To update Council on the current status of the Planning and Environment Division's legal matters.

#### **Report**

This report contains a summary of the current status of the Division's legal matters for the 2015-2016 period as they relate to:

- The Land and Environment Court
- The Supreme Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of matters is also included.

**Note:** The year to date cost totals itemised in sections one to 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/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 92**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1 -

<b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b>
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<b>Total ongoing Class 1 DA appeal matters (as at 24/05/2016)</b>	<b>2</b>
<b>Total completed Class 1 DA appeal matters (as at 24/05/2016)</b>	<b>3</b>
<b>Costs from 1 July 2015 for Class 1 DA appeal matters:</b>	<b>\$109,584.54</b>

<b>1 (a)</b>	<b>Multiplan Constructions Pty Ltd</b>
<b>Issue:</b>	An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for the construction of nine two-storey dwellings and associated strata subdivision.
<b>Property:</b>	Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.
<b>Property Owner:</b>	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef
<b>Council File:</b>	Development Application No: 2775/2014/DA-MAH
<b>Court Application:</b>	Filed on 22 September 2015 - File No. 10848 of 2015
<b>Applicant:</b>	Multiplan Constructions Pty Ltd
<b>Costs Estimate:</b>	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$33,946.01
<b>Status:</b>	Ongoing – judgment reserved to a date to be advised.
<b>Progress:</b>	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 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> <p>The matter was before the Court for section 34 conciliation conference on 10 February 2016. A number of issues were</p>

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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 would 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 were 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 a Barrister for the hearing.

The matter was heard before the Court on 29 April 2016. At the completion of the hearing the Commissioner made certain directions to the parties in respect of filing and service of conditions and reserved judgment to a date to be advised by the Court. Council's Solicitor has written to the objectors advising that judgment had been reserved and that they would be further advised when judgment is handed down.

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**1 (b)**

**JD One Enterprise Pty Ltd**

<b>Issue:</b>	An appeal against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking.
<b>Property:</b>	Lot 50 DP 1028174, Campbellfield/Redfern's Cottage, 20 Lind Street, MINTO
<b>Property Owner:</b>	JD One Enterprise Pty Ltd
<b>Council File:</b>	Development Application No: 2952/2014/DA-C
<b>Court Application:</b>	Filed on 14 April, 2016 - File No. 10351 of 2016
<b>Applicant:</b>	JD One Enterprise Pty Ltd
<b>Costs Estimate:</b>	Awaiting costs estimate
<b>Costs to date:</b>	\$1,226.00
<b>Status:</b>	Ongoing - proceedings listed for conciliation conference on 9 August 2016.

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**Progress:**

The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking on land known as Campbellfield/Redfern's Cottage, 20 Lind Street, Minto.

The proceedings were before the Court for first callover on 12 May 2016. The Registrar made certain directions and adjourned the proceedings to 9 August 2016 for conciliation conference to commence onsite at 9:30 AM.

**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 24/05/2016)	0
Total completed Class 1 and 2 appeal matters (as at 24/05/2016)	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 24/05/2016)	0
Total completed Class 4 matters (as at 24/05/2016)	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 24/05/2016)	0
Total completed Class 5 matters (as at 24/05/2016)	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 24/05/2016)	0
Total completed Class 6 matters (as at 24/05/2016)	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 24/05/2016)	0
Total completed (as at 24/05/2016)	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 24/05/2016)	0
Total completed (as at 24/05/2016)	2
Costs contribution from 1 July 2015 for this matter	\$2,000.00

**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 24/05/2016)	5
Total completed Local Court Matters (as at 24/05/2016)	46
Costs from 1 July 2015 for Local Court Matters	\$5,955.66

<b>File No:</b>	LP05/16 – Penalty Notice Court Election
<b>Offence:</b>	Stop on path/strip in built-up area
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed – Proved without conviction/penalty.
<b>Progress:</b>	The matter was before the Court for first mention on 17 May 2016 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty.

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**File No:** LP06/16 – Penalty Notice Court Election  
**Offence:** Not Stand vehicle in marked parking space  
**Act:** *Local Government Act 1993*

**Final Costs:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed – Proved without conviction/penalty.

**Progress:** The matter was before the Court for first mention on 17 May 2016 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty.

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**File No:** LP07/16 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed - Fine imposed

**Progress:** The matter was before the Court for first mention on 24 May 2016, where the defendant, MD Ibrahim Khalil, entered a guilty plea with explanation. After considering the facts and submissions, the Magistrate found the offence proved and imposed a \$100 fine.

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**File No:** LP08/16 – Penalty Notice Court Election  
**Offence:** Transport waste to unlawful waste facility  
**Act:** *Protection of the Environment Operations Act 1997*

**Costs to date:** \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer. Solicitor from Council’s external panel to be instructed.

**Status:** Ongoing – listed for hearing on 28 July 2016.

**Progress:** The matter was before the Court for first mention on 24 May 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceeding to 28 July 2016 for hearing.

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**File No:** LP09/16 – Penalty Notice Court Election  
**Offence:** Stop in bus zone  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed – Fine imposed

**Progress:** The matter was before the Court for first mention on 24 May 2016 where the defendant, Elina Lopasi Uaisele, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after hearing the evidence and submissions found the offence proved and convicted the defendant imposing a \$100 fine.

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**File No:** LP10/16 – Penalty Notice Court Election  
**Offence:** Neglect to comply with Chapter 7 requirement (failed to attend interview to answer questions regarding waste dumping incident)  
**Act:** *Protection of the Environment Operations Act 1997*

**Costs to date:** \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New Matter – listed for mention

**Progress:** The matter is listed for first mention on 21 June 2016.

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**File No:** LP11/16 – Penalty Notice Court Election  
**Offence:** Disobey no-parking sign – school zone  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New Matter – listed for mention

**Progress:** The matter is listed for first mention on 7 June 2016.

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**File No:** LP12/16 – Penalty Notice Court Election  
**Offence:** Stop at side of road with continuous yellow line  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New Matter – listed for mention

**Progress:** The matter is listed for first mention on 14 June 2016.

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**File No:** LP13/16 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New Matter – listed for mention

**Progress:** The matter is listed for first mention on 21 June 2016.

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**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 24/05/2016)** **5**  
**Costs from 1 July 2015 for advice matters** **\$16,073.79**

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<b>10. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$109,584.54	\$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	\$2,000.00	\$0.00
Local Court prosecution matters	\$5,955.66	\$100.00
Matters referred to Council's solicitor for legal advice	\$16,073.79	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$171,092.35	\$4,500.00
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$166,592.35</b>	

## **4.2 Issuing of Non-Compliance Notices and Orders**

### **Reporting Officer**

Manager Compliance Services

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### **Attachments**

Nil

### **Purpose**

To advise Council of the general process relating to the issue of non-compliance notices and orders with regard to unclean swimming pools, cars parked on the nature strip and overgrown properties.

### **History**

Council at its meeting held 17 May 2016 resolved:

That a report be presented to Council outlining the process regarding the issue of non-compliance notices with regard to dirty backyard swimming pools, cars parked on nature strips for lengthy periods and overgrown grass within residential areas.

### **Report**

Council receives a significant number of customer requests to deal with non-compliance issues involving a range of health, safety and amenity issues. It has various powers under related legislation to enable it to regulate and control these situations through the issue of notices and orders and the imposition of penalties or other regulatory action to enforce compliance.

In response to the abovementioned resolution of Council on 17 May, 2016 a summary of the general process and relevant provisions that are utilised to address situations involving unclean swimming pools, cars parking on the nature strip and overgrown properties is provided below.

#### **i) Unclean Swimming Pools**

Unclean swimming pools can potentially provide for harbourage for mosquitoes and therefore contribute to unhealthy conditions of a property.

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Reported situations of unclean swimming pools are entered on Council's Customer Request System and the request is referred to an actioning officer for investigation to validate the complaint. The actioning officer will conduct an inspection to verify the state of the swimming pool and its safety fencing. Any action required in relation to the swimming pool fencing is pursued separately under the provisions of the *Swimming Pools Act 1992*.

If further action is warranted in relation to the unclean condition of the pool water, a Notice of Proposed Order (being an Order 21 under the *Local Government Act 1993*) is served on the owner or occupier of the premises, giving 21 days for the recipient of the Notice to make representation to Council in relation to the intent to serve the order and or the proposed terms of the order, to require the pool to be restored to a clean condition.

After expiry of the Notice of Proposed Order, Council will consider any written representation received and either withdraw the order, vary terms of the order (which may include the timeframe for compliance) or serve the order as originally proposed.

If a written representation is not received an inspection is undertaken to determine whether the terms of the proposed order have been complied with.

If inspection of the subject property confirms the terms of the proposed order have not been complied with an order is then served giving generally 28 days to comply.

Notice/Order timeframes are not prescribed under legislation and therefore are discretionary (provided they are reasonable) and as such the period for compliance may vary according to individual circumstances that may relate to the capacity of occupier/owner, financial considerations, level of risk and nature of work to be performed etc. In addition, if upon initial inspection of the property the situation is considered to be an emergency, Council has the capacity to issue an Emergency Order immediately and by-pass the Notice of Proposed Order process.

Upon expiry of an order, a further inspection is undertaken to verify compliance with the terms of the order.

In the event of continued non-compliance, and depending on the circumstances, Council may choose to grant additional time or it has a number of enforcement options it may also elect to use in an attempt to restore compliance including the issue of a Penalty Notice (for fail to comply with order, currently \$330) and recommencing the Notice/Order process, entering the property and executing the required works itself, or taking legal action through the Local Court.

If Council elects to enter the property and undertake the required works it needs to go through a process of seeking quotations (as per Council's procurement procedures) and appointing a suitable contractor, serving a Notice of Intention to enter and execute the works on the owner or occupier (as appropriate) and raising a sundry debtor account once the work is done to recover its costs. This option is exercised sparingly as it is sometimes perceived as draconian and is reserved generally for more serious situations where there is a significant risk and a need for prompt resolution and the risk of cost exposure to Council is low.

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## **ii) Overgrown Properties**

Overgrown properties can potentially provide harbourage for vermin, impact on visual amenity and become a fire hazard.

Reported overgrown properties are entered on Council's Customer Request System and the request is referred to an actioning officer for investigation to verify the validity of the complaint.

Upon lodgement of the customer request a standard courtesy letter is sent to the property owner/occupier informing them of the nature of the complaint and requesting their cooperation in reducing overgrown vegetation within 21 days. A letter is simultaneously issued to the complainant advising them that Council has written to the property owner/occupier regarding the nature of their complaint and requesting that they advise Council should the property remain overgrown after 21 days.

If Council is made aware that the property is significantly overgrown, Council staff will inspect the property to assess whether a Notice of Proposed Order or order (in emergency situations) should be served directly without sending an initial courtesy letter.

Should Council receive advice that the subject property remains overgrown after the initial 21 day period and that the request made in the courtesy letter has not been complied with, then Council will proceed to inspect the property and commence the Notice/Order process (being an Order 21 of the *Local Government Act 1993*) including related timeframes (generally 21 days for Notice of Proposed Order and 28 days for the order) as referred to earlier in item (i) of this report.

The discretion to vary compliance timeframes, the emergency provision to directly serve an order and the enforcement options apply as referred to for unclean swimming pools under item (i) of this report.

## **iii) Vehicles parking on footpath/nature strip**

Vehicles parking on Council's nature strip can provide a hazard to pedestrians and motorists as well as potentially damaging footpath surfaces and infrastructure.

Reported situations of vehicles parking on the nature strip are entered on Council's Customer Request System and the request is referred to Council's Rangers for investigation.

Routine patrolling is undertaken by Council's Ranger to establish the validity of the complaint. If the complaint is considered to be justified and the vehicle owner is identified, a standard courtesy letter is sent to the offending vehicle owner advising them of the offence, requesting their ongoing cooperation in parking legally and informing them that a penalty notice (currently \$106) may be issued if further offences are observed. Further patrolling is then undertaken and penalty notices are issued to the registered vehicle owner upon detection of future offences.

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Council is unable to take action to impound or remove a vehicle (under the provisions of the *Impounding Act 1993*) unless it is satisfied a vehicle is abandoned and a notice has been served upon the owner to remove it beforehand, or the vehicle is deemed to be parked dangerously.

**Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 92**

That the Officer's Recommendation be adopted.

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## **5. GENERAL BUSINESS**

### **5.1 Maximum Allowable Development Time Frames**

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

That Council write to Local Government NSW and the Minister for Local Government requesting consideration be given to the introduction of enforceable maximum allowable development time frames and/or performance incentives/penalties to prevent developers activating a development consent by way of undertaking limited physical works, then abandoning the project for many years, resulting in an visual outcome that is detrimental to the area and not in keeping with the wider public interest.

**CARRIED**

#### **Council Meeting 21 June 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

#### **Amendment: (Greiss/Kolkman)**

That Council write to Local Government NSW and the Minister for Local Government requesting consideration be given to the introduction of enforceable maximum allowable development time frames and/or performance incentives/penalties to prevent developers activating a development consent by way of undertaking limited physical works, then abandoning the project for many years, resulting in an visual outcome that is detrimental to the character of the area and not in keeping with the wider public interest.

#### **Council Resolution Minute Number 92**

That the above amendment be adopted.

#### **Confidentiality Motion: (Kolkman/Rowell)**

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

**CARRIED**

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## **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: (Lound/Kolkman)**

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 9.52pm.

G Greiss  
CHAIRPERSON

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