2017

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL

31 October

24 October 2017

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 31 October 2017 at 6.30pm.

Lindy Deitz
General Manager

# Agenda Summary


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## 1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

## 2. APOLOGIES

Nil at time of print.

# 3. CONFIRMATION OF MINUTES

## 3.1 Minutes of the Ordinary Meeting of Council held 10 October 2017

### Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 10 October 2017, copies of which have been circulated to each Councillor, be taken as read and confirmed.

### Report

That the Minutes of the Ordinary Meeting of Council held 10 October 2017 are presented to Council for confirmation.

### Attachments

1. Minutes of the Ordinary Meeting of Council held 10 October 2017 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

### Ordinary Council Meeting held at 7.12pm on Tuesday, 10 October 2017.

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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 10 October 2017**

**Present** The Mayor, Councillor G Brticevic
Councillor M Chivers
Councillor M Chowdhury
Councillor R George
Councillor B Gilholme
Councillor G Greiss
Councillor K Hunt
Councillor P Lake
Councillor B Moroney
Councillor W Morrison
Councillor M Oates

## Also in Attendance

Mr Daishi Miyajima - Koshigaya exchange employee

## 1. ACKNOWLEDGEMENT OF LAND

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

## Council Prayer

The Council Prayer was presented by the General Manager.

## 2. APOLOGIES

It was **Moved** Councillor Greiss, **Seconded** Councillor Hunt:

That the apology from Councillor D Lound, Councillor R Manoto and Councillor B Thompson be received and accepted.

**Note:** Councillor T Rowell has been granted a leave of absence from Council, incorporating all Council meetings until further notice.

**268** The Motion on being Put was **CARRIED.**

## Presentation

Koshigaya staff exchange employee Mr Daishi Miyajima addressed Council expressing his gratitude for being given the opportunity to spend time in Campbelltown as part of the Campbelltown City Council and Koshigaya City Council exchange program.

# 3. CONFIRMATION OF MINUTES

## 3.1 Minutes of the Ordinary Meeting of Council held 26 September 2017

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lake:

That the Minutes of the Ordinary Meeting held 26 September 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed noting that the Presentations by Councillors Item 6 be amended to read as follows:

6. Councillor Brticevic advised that he recently held a function for the 33rd Outbound Koshigaya delegation. It was noted that 15 students will be visiting Koshigaya as part of this delegation.

**269** The Motion on being Put was **CARRIED.**

# 4. 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 Gilholme - Item 14.1 - No. 2 Kent Street, Minto - St James Anglican Church - Interim Heritage Protection Order - Councillor Gilholme advised that he will leave the Chamber during discussion of this item.

**Other Disclosures -** Nil

# 5. MAYORAL MINUTE

## 5.1 Pacific Awards Night

It was **Moved** Councillor Brticevic, **Seconded** Councillor Oates:

1. That the information be noted.

2. That the nine winners of the NSW Pacific Award be presented with a certificate and a small gift.

**270** The Motion on being Put was **CARRIED.**

## 6. PETITIONS

Nil

## 7. CORRESPONDENCE

Nil

## 8. REPORTS FROM OFFICERS

### 8.1 Proposed operating hours during the Christmas holiday period 2017-2018

It was **Moved** Councillor Moroney, **Seconded** Councillor Hunt:

1. That Council Offices and the Works Depot close from Wednesday 27 December - Friday 29 December 2017 with staff taking annual or flex leave for these days.

2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, Family Education and Care Services, Leisure Services, Campbelltown Arts Centre and Libraries as detailed in the report, be approved and advertised through local papers, on Council's website, social media and at the relevant centres and services.

**271** The Motion on being Put was **CARRIED.**

### 8.2 Incorporating Aboriginal Cultural perspectives into Citizenship Ceremonies

It was **Moved** Councillor Oates, **Seconded** Councillor Chivers:

That Council incorporate Aboriginal cultural perspectives including a smoking ceremony, playing of clapsticks and the didgeridoo at all future Citizenship Ceremonies.

**272** The Motion on being Put was **CARRIED.**

### 8.3 Gender Inclusive Language Options

It was **Moved** Councillor Moroney, **Seconded** Councillor Chowdhury:

That Council adopt the Australian Bureau of Statistics Standard for all variables in its current review of all forms, and on all future surveys and data collection.

**273** The Motion on being Put was **CARRIED.**

## 8.4 NSW Department of Education

It was **Moved** Councillor Oates, **Seconded** Councillor Moroney:

1. That Council enter into the Joint Use Projects – Memorandum of Understanding with the NSW Department of Education.

2. That a further report be provided to Council detailing potential projects prior to progressing through a binding Joint Use Program Agreements.

**274** The Motion on being Put was **CARRIED.**

## 8.5 Service Easement of Marsden Park (Lot 3062 DP 1071806)

It was **Moved** Councillor Lake, **Seconded** Councillor Greiss:

1. That Council grant Endeavour Energy and National Broadband Network an easement for electrical services over a section of its land, identified as Lot 3062 DP 1071806, on the terms and conditions outlined in this report.

2. That Council accept the amount of $2,000 plus GST as compensation associated with the encumbrance of the proposed electrical power pillar, and that the service provider pay all costs in dealing with this matter.

3. That all documentation associated with the easement be executed under the Common Seal of Council.

**275** The Motion on being Put was **CARRIED.**

## 8.6 Licence Agreement over part Council land being Lot 50 DP 845826, Parkholme Circuit Englorie Park

It was **Moved** Councillor Hunt, **Seconded** Councillor Greiss:

1. That Council proceed with a public notification process, under the *Local Government Act 1993*, to enter into a licence agreement over part Lot 50 DP 845826 with the owner of Englorie Park House, (the licensee) subject to the terms and conditions contained in the body of the report.

2. That Council considers any submissions received.

3. That if no submissions are received, or if the General Manager believes that no submissions received are significant enough for Council to reconsider the matter, then Council enter into a new five year licence agreement with the licensee, for the land described above

4. That all documentation associated with the Licence Agreement and notification process be executed under the Common Seal of Council, if required.

**276** The Motion on being Put was **CARRIED.**

## 8.7 Investment and Revenue Report - August 2017

It was **Moved** Councillor Lake, **Seconded** Councillor Morrison:

That the information be noted.

**277** The Motion on being Put was **CARRIED.**

## 8.8 Disclosures of Interest Returns 2016-2017

It was **Moved** Councillor Gilholme, **Seconded** Councillor Chivers:

That the information be noted.

**278** The Motion on being Put was **CARRIED.**

## 8.9 World Chambers Congress

It was **Moved** Councillor Oates, **Seconded** Councillor Morrison:

That Council acknowledge the international exposure achieved for the City through Council's presence at the World Chambers Congress 2017.

**279** The Motion on being Put was **CARRIED.**

## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

### 11.1 Australian Marriage Law Postal Survey

It was **Moved** Councillor Moroney, **Seconded** Councillor Greiss:

1. That Council encourages broad, robust and inclusive engagement of the community in the Australian Marriage Law Postal Survey.

2. That Council will direct appropriate resources, including but not limited to Facebook and other social media posts, signage at Council facilities and events, and messages on Council's LED message boards, to remind and encourage residents to return their survey forms by the postal deadline of the 27th October 2017.

**LOST**

A Division was recorded in regard to the Resolution for Item 11.1 with those voting for the Motion being Councillor B Moroney.

Voting against the Resolution were Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, B Gilholme, M Chivers, P Lake, W Morrison, G Greiss and R George.

## 12. URGENT GENERAL BUSINESS

Nil

## 13. PRESENTATIONS BY COUNCILLORS

1. Councillor Oates thanked Councillors and staff for their sentiments and kind words made during her 30 year service celebration and Mayoral Minute.

## Confidentiality Recommendation

It was **Moved** Councillor Chivers, **Seconded** Councillor Lake:

That the Council in accordance with Section 10A of the *Local Government Act 1993*, resolve 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 Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**280** The Motion on being Put was **CARRIED.**

**The Ordinary Meeting of Council was adjourned at 7.54pm and reconvened as a meeting of the Confidential Committee at 7.55pm.**

## 14. CONFIDENTIAL REPORTS FROM OFFICERS

Having declared an interest in regard to Item 14.1, Councillor Gilholme left the Chamber and did not take part in debate nor vote on this item.

## 14.1 No. 2 Kent Street, Minto - St James Anglican Church Interim Heritage Protection Order

It was **Moved** Councillor Hunt, **Seconded** Councillor Chivers:

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.

2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.

3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

**281** The Motion on being Put was **CARRIED.**

A Division was recorded in regard to the Resolution for Item 14.1 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, M Chivers, B Moroney, W Morrison and R George.

Voting against the Resolution were Councillors M Oates, P Lake and G Greiss.

At the conclusion of the discussion regarding Item 14.1, Councillor Gilholme returned to the Chamber for the remainder of the meeting.

## 14.2 Leasing of 14 Browne Street, Campbelltown

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lake:

1. That Council approve the marketing and leasing of 14 Browne Street, Campbelltown on the terms outlined in the report.

2. That the General Manager, or her delegated representative, be granted authority to negotiate the lease on the basis that the rental is not below the minimum rent as outlined in the report.

3. That all documentation associated with the lease be executed under the Common Seal of Council, if required.

4. That on completion of the leasing process, the property is reclassified as an investment property, for inclusion in Council's investment portfolio.

**282** The Motion on being Put was **CARRIED.**

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## Motion

It was **Moved** Councillor Greiss, **Seconded** Councillor Lake:

That the Council in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

**283** The Motion on being Put was **CARRIED.**

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**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 8.14pm.**

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## Motion

It was **Moved** Councillor Greiss, **Seconded** Councillor Lake:

That the reports of the Confidential Committee and the recommendations contained therein be adopted.

**284** The Motion on being Put was **CARRIED.**

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There being no further business the meeting closed at 8.15pm.

Confirmed by Council on

..... General Manager ..... Chairperson

## 3.2 Minutes of the Extraordinary Meeting of Council held 10 October 2017

### Officer's Recommendation

That the Minutes of the Extraordinary Meeting of Council held 10 October 2017, copies of which have been circulated to each Councillor, be taken as read and confirmed.

### Report

That the Minutes of the Extraordinary Meeting of Council held 10 October 2017 are presented to Council for confirmation.

### Attachments

1. Minutes of the Extraordinary Meeting of Council held 10 October 2017 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

### Extraordinary Council Meeting held at 6.30pm on Tuesday, 10 October 2017.

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| | Pecuniary Interests | |
| | Non Pecuniary – Significant Interests | |
| | Non Pecuniary – Less than Significant Interests | |
| | Other Disclosures | |
| **4.** | **REPORTS FROM OFFICERS** | **3** |
| 4.1 | Financial Statements 2016-2017 | 3 |

**Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 10 October 2017**

**Present** The Mayor, Councillor G Brticevic
Councillor M Chivers
Councillor M Chowdhury
Councillor R George
Councillor B Gilholme
Councillor G Greiss
Councillor K Hunt
Councillor P Lake
Councillor B Moroney
Councillor W Morrison
Councillor M Oates

## 1. ACKNOWLEDGEMENT OF LAND

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

## Council Prayer

The Council Prayer was presented by the General Manager.

## 2. APOLOGIES

It was **Moved** Councillor Greiss, **Seconded** Councillor Hunt:

That the apology from Councillor D Lound, Councillor R Manoto and Councillor B Thompson be received and accepted.

**Note:** Councillor T Rowell has been granted a leave of absence from Council, incorporating all Council meetings until further notice.

**266** The Motion on being Put was **CARRIED.**

## Also in Attendance

Mr Nathan Carter - Director Financial Audit Services - Audit Office - New South Wales
Ms Roo Rachna - Financial Audit Manager - Audit Office - New South Wales

## 3. 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 -** Nil

**Other Disclosures -** Nil

## 4. REPORTS FROM OFFICERS

**Meeting Note:**

Council's Executive Manager Corporate Services and Governance and Mr Nathan Carter addressed the Council regarding the auditor's and financial reports. Council's Executive Manager City Growth and Strategy addressed the Council regarding Council's achievements over the past 12 months.

## 4.1 Financial Statements 2016-2017

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Oates:

That the financial reports and the Auditors reports for the period 1 July 2016 to 30 June 2017 be received and noted.

**267** The Motion on being Put was **CARRIED.**

There being no further business the meeting closed at 7.11pm.

Confirmed by Council on

..... General Manager ..... Chairperson

## 4. DECLARATIONS OF INTEREST

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

**Other Disclosures**

# 5. MAYORAL MINUTE

## 5.1 Council's Commitment to Sustainability Wins Prestigious Award

### Recommendation

That Council recognises the achievement of winning the Local Sustainability category of the Excellence in the Environment Awards.

Council's commitment to sustainability has been recognised at the Local Government NSW Excellence in the Environment Awards, held at the UTS Aerial Function Centre, Ultimo on Wednesday 11 October 2017.

Council's Sustainable Council Program won the prestigious Local Sustainability category of the awards, which recognises outstanding achievement by a NSW council to implement ecologically sustainable development and strive for a sustainable future for their local community.

The program includes two main elements:

- a sustainability strategy – the umbrella for a suite of strategic plans and policies to coordinate the development, implementation, evaluation and monitoring of sustainability across Council

- a culture change program led by a Sustainability Committee, which aims to educate, inspire, support and involve staff.

LGNSW has been celebrating the work of councils in managing and protecting the environment on behalf of their communities since 1997, and this year projects, programs and people were recognised across 14 categories.

The Sustainable Council Program achievements have been significant and include the establishment of a self-sustaining fund to support sustainability projects, the development of policies to guide sustainable decisions, the installation of a series of large-scale solar systems across Council's largest energy consuming facilities and numerous staff campaigns to encourage sustainable work behaviours.

The program's success has also highlighted the value of having a multi-disciplinary team made up of staff from across Council to drive cultural change and to increase the stewardship of sustainable strategies, projects, policies and procedures.

### Attachments

1. Local Government NSW Excellence in the Environment Awards 2017 (contained within this report)

***Wayne Miller, Renee Winsor, Kelly Williamson, Corinne Mears and Jim Baldwin***

## 5.2 Malcolm Randall OAM

### Recommendation

That a copy of the Mayoral Minute be forwarded to the Randall family.

It was with sadness that I was informed of the passing of Malcolm Randall OAM. Malcolm was a stalwart in the Campbelltown community and made significant contributions to a number of service organisations.

Malcolm moved to Leumeah in 1959, after growing up in Orange and leaving the army. From the time that he first moved to the area, he became involved in the Campbelltown community. Over 58 years, Malcolm had been a President, Secretary, Treasurer, Coach, and Grounds Coordinator for local sporting clubs, youth clubs and served on the Board of Directors at the Campbelltown RSL Club Ltd and also as the Secretary of Campbelltown RSL Sub Branch. Malcolm was an integral part of planning for the ANZAC Day services at Mawson Park.

Malcolm has been recognised with life membership from a number of organisations including:

- Campbelltown RSL Soccer Club
- Campbelltown RSL Youth Club
- Burns Physical Culture
- Campbelltown RSL Club Ltd
- Campbelltown RSL Sub Branch
- First Battalion of the Royal Australian Regiment Association

Malcolm also received the Meritorious Service Medal for his work and service to RSL Sub Branch and in 2007 was awarded an OAM for his services to the community.

Due to ill health 18 months ago, Malcolm moved from his home in Leumeah into aged care. He will be sadly missed by the Campbelltown community.

### Attachments

Nil

## 6. PETITIONS

Nil

## 7. CORRESPONDENCE

Nil

# 8. REPORTS FROM OFFICERS

## 8.1 Construction of a nine bedroom boarding house - No. 1 Bocking Avenue, Bradbury

### Reporting Officer

Director City Development
City Development

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.8 - Enable a range of housing choices to support different lifestyles |

### Officer's Recommendation

That development application 2749/2015/DA-BH for the construction of a nine bedroom boarding house at No. 1 Bocking Avenue, Bradbury, be approved, subject to the conditions detailed in attachment 1 of this report.

### Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979.*

This development application is required to be reported to Council due to the nature of the proposed development being a boarding house and the receipt of three submissions of objection, including a petition containing 38 signatures of objection from occupants of nearby properties in response to the public notification of the proposed development.

| | |
|---|---|
| **Property Description** | 1 Bocking Avenue, Bradbury |
| **Application No** | 2749/2015/DA-BH |
| **Applicant** | Mr Grant Robinson |
| **Owner** | Mr Luigi Lombardo |
| **Provisions** | State Environmental Planning Policy (Affordable Rental Housing) 2009 |
| | Campbelltown (Urban Area) Local Environmental Plan 2002 |
| | Draft Campbelltown Local Environmental Plan 2014 |
| | Campbelltown (Sustainable City) Development Control Plan 2014 |
| **Date Received** | 1 October 2015 |

## History

The proposed development originally involved the construction of an eleven bedroom boarding house, comprising of seven double occupant rooms and four single occupant rooms, to accommodate a maximum of 18 lodgers.

The applicant has amended the plans in response to a number of design issues raised during the assessment process, predominantly concerning stormwater drainage, vehicle manoeuvrability, privacy/acoustic impacts and landscape treatment.

The amendments have resulted in a revised façade design and roof form when viewed from the street. While the number of rooms has been decreased to nine, all rooms would accommodate two occupants and the overall development would still accommodate a maximum of 18 lodgers.

### The Site and Surrounds

The site is located in a low density residential zone, near the intersection of Bocking and Bradbury Avenues. The site is 588.1sqm in area, 15m wide and currently contains a single storey dwelling and carport.

The site adjoins a two storey boarding house located on the corner of Bradbury Avenue and Moore-Oxley Street. The boarding house was approved by Council on 13 August 2013 and contains seven bedrooms and three car parking spaces, including an accessible space and associated shared area.

The site is adjoined to the north by a two-storey four-unit strata development on the corner of Bradbury and Bocking Avenues. The site adjoins a single storey dwelling to the south and opposes single storey dwellings to the east.

The rear boundary of the site adjoins Moore-Oxley Street which is recognised as a classified road by Roads and Maritime Services. An easement for batter is located within the property which retains and supports the Bypass.

The site is located within close proximity of Queen Street, Campbelltown Mall and Koshigaya Park.

The site is located in an accessible area, being approximately 200 metres in walking distance to a bus stop adjoining Bradbury Avenue, which meets the service requirements of the Affordable Rental Housing SEPP, discussed later in this report.

The site is located greater than 800 metres in walking distance from the Campbelltown train station when measured along public footpaths and pedestrian crossings.

### The Proposal

The proposed development is two storey and contains nine boarding rooms, including one accessible boarding room. The common room is provided at ground floor and faces Bocking Avenue. Each boarding room is provided with a balcony that faces the Bocking Avenue or Moore-Oxley Bypass.

All boarding rooms are self-contained and include their own bedroom, bathroom, laundry and kitchen. The accessible boarding room is provided with a wheel chair turning area within the kitchen and laundry. The proposal would provide accommodation for up to eighteen lodgers.

The proposal provides two off-street car parking spaces, including an accessible space and associated shared area. The main entrance to the building is through the common room.

Communal private open space adjoins the common room and has a northerly orientation. Landscape planting is incorporated throughout the development to reduce the impacts of impervious areas. The bin storage area is provided to the side of the building and is screened from public view.

## Report

### 1. Vision

### 1.1 Campbelltown 2027 – Looking Forward

Campbelltown 2027 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.

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 2027 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 2027 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 in accordance with the relevant controls.

## 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 consideration.

### 2.1 Relationship of Environmental Planning Instruments

The development application was lodged on 1 October 2015. At that time, the draft Campbelltown Local Environmental Plan 2014 (CLEP 2014) had been exhibited, however, it did not formally commence until 11 March 2016. This means that despite the new operational CLEP 2015 being the relevant local planning instrument, the previous planning instrument, which was Campbelltown (Urban Area) Local Environmental Plan 2002, is the relevant local planning instrument for this application and has been referenced as such in this assessment report.

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

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

(a) to provide a consistent planning regime for the provision of affordable rental housing

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards

(c) to facilitate the retention and mitigate the loss of existing affordable rental housing

(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing

(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing

(f) to support local business centres by providing affordable rental housing for workers close to places of work

(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

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

When the application was made, the site was zoned 2(b) – Residential, pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) and in accordance with the relevant provisions of the *Environmental Planning Assessment Act 1979* the application has been assessed having regard to that plan. Notwithstanding this, it is of note that the now operational Campbelltown Local Environmental Plan 2015 (CLEP 2015) zones the site R2 - Low Density Residential. Given that the 2(b) – Residential zone of LEP 2002 is equivalent to Zone R2 Low Density Residential and that the site is within an accessible area (as the land is within 400 metres walking distance of a bus stop used by a regular bus service), Part 2 Division 3 of the Affordable Rental Housing SEPP applies.

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of Part 2 Division 3 of the Affordable Rental Housing SEPP.

| **Criteria** | **Proposed** | **Compliance** |
|---|---|---|
| **Clause 29 (1) – Density and Scale**<br><br>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:<br><br>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land. | A maximum floor space ratio of 0.55:1 applies to the subject land under Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014.<br><br>The proposed development has a floor space ratio of 0.55:1 and therefore complies with this Clause. | Yes |
| **Clause 29 (2) (a) – Building Height**<br><br>A consent authority must not refuse consent to development to which this Division applies, 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. | When the application was made there were no building height limit controls contained within an Environmental Planning Instrument (Council's Sustainable City DCP 2014 sets a maximum two storey 9.5m height limit, however the SCDCP is not an environmental planning instrument). | N/A |

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| **Clause 29 (2) (b) – Landscaped Area**<br><br>A consent authority must not refuse consent to development to which this Division applies, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. | The extent of landscape treatment within the front setback area is considered to be compatible with the streetscape. | Yes |
| **Clause 29 (2) (c) – Solar Access**<br><br>A consent authority must not refuse consent to development to which this Division applies, 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. | The proposal provides one common room which is oriented to receive at least three hours direct sunlight during mid-winter. | Yes |
| **Clause 29 (2) (d) – Private Open Space**<br><br>A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area):<br><br>(i) one area of at least 20sqm with a minimum dimension of 3m is provided for the use of the lodgers | The layout includes a common open space area (adjacent to the common room) approximately 20sqm with a minimum dimension of 3.6m for the use of all lodgers. | Yes |
| **Clause 29 (2) (d) – Private Open Space**<br><br>A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area):<br><br>(ii) if accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5m is provided adjacent to that accommodation. | Based on the capacity of the proposed boarding house, the proposal does not propose or require a boarding house manager to reside on-site. Therefore this clause is not applicable to the subject application. | N/A |
| **Clause 29 (2) (e) – Parking**<br><br>A consent authority must not refuse consent to development to which this Division applies, if:<br><br>(i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room. | The subject site is located within an accessible area, as it is within 400m of a bus stop on the 884 route, which operates the prescribed number of services under the definition of accessible area. Accordingly, a car parking space of 0.2 spaces per boarding room is applicable. Based on 9 boarding rooms, two car parking spaces are required. Two car | Yes |

| | | |
|---|---|---|
| | parking spaces are provided, including one accessible space and associated shared area. | |
| **Clause 29 (2) (f) – Accommodation Size**<br><br>A consent authority must not refuse consent to development to which this Division applies, 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:<br><br>(i) 12sqm in the case of a boarding room intended to be used by a single lodger, or<br><br>(ii) 16sqm in any other case. | The proposal includes 9 double lodger boarding rooms which are a minimum of 16sqm. | Yes |
| **Clause 29 (3) – Kitchen and Bathroom Facilities**<br><br>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. | The proposed boarding house provides private kitchen, bathroom and laundry facilities in each boarding room. | Yes |
| **Clause 30 (1) (a) – Communal Living Room**<br><br>A consent authority must not consent to development to which this Division applies, unless if a boarding house has five or more boarding rooms, at least one communal living room will be provided. | The proposed boarding house contains 9 boarding rooms and provides a communal living room. | Yes |
| **Clause 30 (1) (b) – Gross Floor Area**<br><br>A consent authority must not consent to development to which this Division applies, unless 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 25sqm. | All proposed boarding rooms are less than 25sqm (excluding the area of the private kitchen and bathroom facilities). | Yes |
| **Clause 30 (1) (c) – Number of Lodgers**<br><br>A consent authority must not consent to development to which this Division applies, unless no boarding room will be occupied by more than two adult lodgers. | The application details that each boarding room will be occupied by two lodgers. A draft condition of consent has been included to ensure that each boarding room will not be occupied by more than two adult lodgers. | Yes |

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|---|---|---|
| **Clause 30 (1) (d) – Bathroom and Kitchen Facilities**<br><br>A consent authority must not consent to development to which this Division applies, unless adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger. | Each boarding room has been provided with private bathroom and kitchen facilities, which are considered to be of an appropriate size. | Yes |
| **Clause 30 (1) (e) – Boarding House Manager**<br><br>A consent authority must not consent to development to which this Division applies, unless 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. | A Boarding House Managers room is not proposed. A boarding house manager is not required as the proposed boarding house has a maximum capacity of 18 adult lodgers. | N/A |
| **Clause 30 (1) (h) – Bicycle and Motorcycle Parking**<br><br>A consent authority must not consent to development to which this Division applies, unless at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every five boarding rooms.<br><br>Equating to two bicycle and two motorcycle parking spaces for a 10 room boarding house. | Two motorcycle spaces have been provided adjacent to the internal driveway. Space has been provided for the storage of two bicycles adjacent to the bin storage room. | Yes |
| **Clause 30A – Character of Local Area**<br><br>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. | An assessment of the proposal in terms of various aspects of its built form is outlined below the table. | Yes |
| **Clause 52 - No subdivision of Boarding House**<br><br>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house. | The proposal does not involve subdivision. | Yes |

**Clause 30A Character of local area**

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

An assessment of the proposal in terms of various aspects of its built form is outlined below:

- **Building height –** The majority of buildings within the locality are characterised as being single and two storeys in height.

  The maximum building height above natural ground level would be 8.1 metres.

  The proposed boarding house is a two storey building, which complies with the maximum building height of 9.5 and two storeys, under the Campbelltown (Sustainable City) Development Control Plan 2014 being the relevant DCP for this development application.

Whilst no height limits formed part of the LEP 2002, the building would be less than the maximum building height of 8.5 metres, permitted under the current (but not applicable) Campbelltown Local Environmental Plan 2015.

The proposed building height is therefore considered to be consistent with the existing and desired character of the locality.

- **Building bulk and scale –** The overall bulk and scale of the development is limited by its floor space ratio.

  The proposal is compliant with the provisions of the Affordable Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land.

  In this case, the maximum floor space ratio permitted is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve, under the Campbelltown (Sustainable City) Development Control Plan 2014.

  The floor space ratio of the proposed development is 0.55:1, which complies with the maximum floor space of 0.55:1.

  In addition, the building complies with the maximum floor space ratio of 0.55:1, permitted under the current (but not relevant) Campbelltown Local Environmental Plan 2015.

  The proposed building is not considered to present excessive visual bulk to the streetscape and has been setback modestly to limit its impacts on adjoining properties.

  The proposed building is considered to be sympathetic to the street and would not appear out of proportion with streetscape and neighbouring built form.

- **Setbacks** - The setbacks of the proposed boarding house are generally consistent with those specified for both single and multi-dwellings under Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2014 as shown in the table below:

| Control | Dwelling House | Multi-dwelling | Proposed | Compliance |
|---|---|---|---|---|
| Primary street setback | Minimum 5.5m | Minimum 5.5m | Minimum 8.8m front setback | Yes |
| Side boundary | Minimum 0.9m | Minimum of 0.9m from the side boundary for the ground level<br>Minimum of 1.5m from the side boundary for levels above the ground level | Minimum 1.6m side setback.<br>Minimum 1.6m side setback. | Yes<br>Yes |
| Rear setback | Minimum 3m for any part of the building that is up to 4.5m in height from existing ground level | Minimum of 5m from the rear boundary for the ground level | Minimum rear ground level setback of 7.2m. | Yes |

| | | | | |
|---|---|---|---|---|
| | Minimum 8m for any part of the building that higher than 4.5m from existing ground level | Minimum of 10m for all levels above ground level | Minimum rear upper level setback of 8.6m | Yes – for dwelling house<br><br>No – for multi-dwelling |

**Rear upper level setback**

The proposed rear setback for the upper level complies with Council's minimum requirement of 8m from the boundary for a single dwelling house, but it fails to comply with the minimum requirement of 10m for multi-dwelling housing. The area of encroachment includes the balcony of room six and part of the balcony of room 5. The encroachment is considered to be of minimal environmental impact as the balconies face Moore-Oxley Bypass and do not overlook neighbouring properties which is primarily the reason for the setback requirement.

The proposal is not inconsistent with the streetscape having regard to the secondary street setback interface of the adjoining development and as several other properties within the street occupy a primary street setback with Moore Street in which the minimum setback is only 5.5m. The applicant has provided an acoustic report to ensure the development would be constructed so as to not have an adverse acoustic and vibration impact on future occupants with respect to the proximity of the classified road.

The rear of the building has been articulated to ensure that the encroachment would not have an adverse visual impact on the Bypass. All setback areas incorporate landscape planting which is considered to assist in streetscape presentation, internal amenity and screening to adjoining properties. In this circumstance, the variation is considered to be not unacceptable and capable of being supported in this instance.

**Architectural style/materials -** Nearby and surrounding dwellings comprise a wide range of architectural styles and materials, which indicate the different eras in which buildings were constructed. Many external facades consist of cladding, face brick, fibro, or rendered finish. Common roof styles within the area are hipped and gable that are constructed of tiles and sheet metal.

The proposed boarding house incorporates a combination of external materials, including rendered walls, sheet metal roofing, timber screens and glass balustrades. Further visual interest would be provided through the use of different exterior colours, variations in the size and placement of window openings, which assist in creating facades with scale and proportions that respond to the desired contextual character. The proposed building exhibits skillion roofs, which assist in reducing the visual height of the development and maximise solar access to open spaces and adjoining properties. All car parking would be setback within the development, which reduces the visual dominance of car parking upon the streetscape.

It is considered the architectural presentation of the development would not be dissimilar to the appearance of a standard dwelling house, should one be constructed on the site.

In this regard, the architectural style of the proposed development is considered to be compatible with the existing and desired future character of the local area.

**Landscaping** – Landscaping is proposed to be provided within the front, side and rear setback areas of the development, as well as within common areas adjacent to the driveway and footpaths.

The proposal involves the planting trees along the rear boundaries of the development which would assist in minimising the impacts of the development on neighbours and maintain the pattern of rear boundary deep soil planting.

The proposed planting in front setbacks would assist in minimising the impacts of the new development on the streetscape.

Impervious areas comprise of a limited range of coloured concrete and pavers and adjacent deep soil zones would facilitate absorption of run-off.

The proposed driveway includes the retention of the existing street tree.

### 2.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of the Infrastructure SEPP relates to the impact of road noise or vibration on development. The clause applies to residential development that is on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of Roads and Maritime Services) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

A review of the RMS traffic data map has shown that Moore-Oxley Street adjacent to the subject site does not have an annual average daily traffic volume of more than 40,000 vehicles, however the map identifies that its annual average daily traffic volume is between 20,000 and 40,000, and that on this basis, an acoustic assessment was recommended.

An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report provides measurements of background noise levels and specifies building components to be incorporated into the construction of the development to achieve the sound pressure levels required under the legislation. A draft condition has been included requiring the design of the building to incorporate design elements necessary to achieve the sound reduction properties, prior to the issue of a Construction Certificate.

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

The subject site was zoned 2(b) – Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) when the application was made. The proposed development was defined as a ‘Boarding-house’, which was permissible in the zone.

Under the provisions of LEP 2002, a boarding-house is defined to include a house let in lodgings or a hostel, but does not include a motel.

The proposed development was also found to be consistent with the following objectives of the 2(b) – Residential zone:

(a) to permit the development of a range of housing types, and

(b) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Consequently the proposal was deemed to satisfy the provisions of Clause 9 of LEP 2002 at the time of the lodgement of the application.

In accordance with the *Environmental Planning and Assessment Act 1979,* despite the CLEP 2015 being the current planning document at the time of reporting to the Council, LEP 2002 is the relevant document for the purpose of assessing this application.

### 2.5 Campbelltown (Sustainable City) Development Control Plan 2014

The following details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014 being the relevant DCP at the time the development application was lodged.

**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.

**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 two 2,500 litre rainwater tanks.

**Landscaping** - A landscape plan has been provided. The proportion of landscaped area for the site is considered appropriate. Planting within front setbacks minimises impacts of the development on the streetscape. Planting at the rear of the development reduces impacts of the development. Landscaping enhances amenity by providing planting around driveways, footpaths and boundary fences.

**Cut, Fill and Floor Levels** – The proposal involves a maximum cut and fill of 1m and 0.4m, respectively in order to create a level building pad and to facilitate the drainage of stormwater.

**Storm Water** - The proposal involves the drainage of storm water to the kerb and gutter under gravity. The application was referred to Council's Development Engineer for comment. The proposed levels indicate that stormwater can be drained to the street under gravity and is considered to be satisfactory subject to conditions of consent provided.

**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. Habitable room windows and balconies provide passive surveillance opportunities to the street and windows adjacent to the common room entry door allow residents to see who approaches the premises.

**Waste Management** - A Waste Management Plan for construction and operation of the development has been submitted. Waste is proposed to be collected from the kerb. The proposal requires a maximum of six bins to be presented for collection at any one time which does not exceed 50 per cent of the sites frontage width.

### 2.6 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are not applicable to development applications lodged under the Affordable Rental Housing SEPP, pursuant to the provisions of Section 94E of the *Environmental Planning and Assessment Act 1979*.

## 3. Planning Assessment

### 3.1 The Likely Impacts of the Development

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

### 3.2 Impacts on the Natural and Built Environment

The impacts of the development on the built environment are considered likely to be generally positive.

The overall building design consists of articulated facades, and is considered satisfactory with respect to the context of the site and the future desired character of the area. It is considered that the overall development is of an acceptable built form, in terms of building height, bulk and scale, setbacks, architectural style and materials and landscaping.

The design of the proposal has given satisfactory regard to existing adjoining residential dwellings, in terms of separation, privacy, overshadowing and views.

The following issues are considered to be relevant when considering the development's potential impacts on the natural and built environment:

**Noise Generation** - Whilst it is acknowledged the proposal would increase the number of residents and that common noise levels are likely to increase in the vicinity of the site, the ARH SEPP permits the higher density development and it is considered the proposal is acceptable in this regard. The noise generated by the boarding house site is considered to be of a residential nature that is acceptable within the residential zone. A condition of consent has been applied to ensure the boarding house management plan contains rules to minimise noise generation.

**Waste** - The kerbside presentation of the bins is satisfactory due to adequate street frontage for bin placement. A contract cleaner will be responsible to deliver bins to the kerb for collection, return bins the bin storage room after emptying and clean the bins and store room as necessary. The proposed waste management arrangements for the boarding house are satisfactory.

A condition of consent has been recommended for the provision of three 240 litre general waste bins, three 240 litre recycle bins and one 240L green waste bin to be accommodated within the bin storage area.

**Overshadowing** - The proposed boarding house is two storey and not excessive in building height. Due to the orientation of the site, the submitted shadow diagrams demonstrate that overshadowing impacts to adjoining properties would be minor and not result in any unacceptable impacts.

**Traffic** - The proposed boarding house would accommodate a maximum of 18 lodgers therefore an increase in traffic in the locality can be expected. However, the quantum of traffic to be generated and its cumulative impacts are not considered to exceed the environmental capacity of Bocking Avenue or have a significant adverse impact on the current operational efficiency of the nearby intersections.

### 3.3 Social and Economic Impacts

It is considered the social and economic impacts of the proposed development would be positive.

Socially, the proposal would contribute to the supply of affordable housing choices within Bradbury. The location of the site would benefit from being within short walking distance of the services provided by the Campbelltown city centre. Whilst some may suggest that not all people have a desire to live in such accommodation, it is recognised that the availability of diverse housing accommodation choices is important.

Economically, it is considered the provision of affordable housing within an accessible area would offer residents with better opportunities to obtain employment, when compared to less accessible residential suburbs. It is also considered the proposal may employ local tradespeople for the construction of the development.

## 4. Site Suitability

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

The principal matters which determine the suitability of the site have been discussed in the consideration of State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Campbelltown (Urban Area) Local Environmental Plan 2002. It is considered the site is suitable for the development of a boarding house.

## 5. Public Participation

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

The application was publicly notified to surrounding property owners between 18 November 2015 and 9 December 2015.

Council has received three submissions (including a petition) objecting the development. The issues of objection are summarised and discussed below.

| Theme | Objection Detail | Response |
|---|---|---|
| Parking | Parking is already a problem within the street due to No. 3 Bradbury Avenue (boarding house) and No. 5 Bradbury Avenue (four units). Residents park on both sides of the street making it essentially a one way road to drive up and down. The consequence of this situation puts burden on the residents that drive through the street to get to their homes, or find it hard to leave their homes safely. Adding new housing will only increase the demand to use the street for parking, even with the off-street parking proposed. | Due to the boarding house being located within an accessible area the ARH SEPP only requires 0.2 parking spaces per boarding room. Therefore the proposal only requires a total of two car parking spaces to be provided. The ARH SEPP states that Council must not refuse to grant consent on the basis of car parking if the proposal complies with the car parking standard. However, the parking issues raised in the submission are acknowledged. Notwithstanding, in the scenario where each boarding room possessed a vehicle, it is considered the environmental capacity of the surrounding road network would still be sufficient and the proposal would not have a significant adverse impact on car parking within the locality or have a significant adverse impact on the current levels of operation of the intersection. |
| Traffic safety | Bocking Road is narrow and cannot safely accommodate extra traffic due to the proximity of the intersection of Bradbury Avenue and the line-up of vehicles at the traffic lights. Bocking Avenue is used as a thoroughfare, with people using it as an alternative route to driving along the busy Bradbury Avenue. The proposal would increase activity on the street and not everyone drives along it in a safe manner. Concern is raised that children may get run over by a speeding vehicle as a number of children have already been run over by a vehicle travelling along Bocking Avenue and it is only a matter of time before one of these children lose their life from a speeding vehicle. | The proposed development is not considered to be of a magnitude or cause cumulative impact that would have a significantly adverse impact on the efficiency of Bocking Avenue and the nearby intersections. |

| | | |
|---|---|---|
| Building height | Bocking Avenue is almost entirely single storey dwellings and the proposed boarding house would ruin the tranquility of the surrounding residential area. | A relatively low proportion of dwellings in the area have been redeveloped. In this regard, it is important for the boarding house to be consistent with the desired future character of the area, more so than the current character of the area. In this regard, the proposal is within the maximum building height limit of two storeys and 8.5m. The proposal would adjoin two storey developments and there are several two storey developments within the locality. The proposed building height is not unanticipated in residential zones throughout the Campbelltown LGA. |
| Safety and security | As no supervision would be provided, the boarding house will become a crime and drug area. | As the proposal has capacity to accommodate a maximum of 18 lodgers, under the ARH SEPP an onsite boarding house manager is not required to be provided. The responsibility of supervising the occupants of the boarding house lies with the owner of the property and their managing agent. Council is unable to control the identity of the ultimate tenants. In this regard, there is insufficient evidence to determine if the proposal will result an increase in criminal activity associated with the boarding house. |
| Noise | The noise generated by motorcycles at various times will cause noise pollution and grief for residents living nearby. | Following occupation of the development, noise levels expected for a development of this type and nature are considered to be compatible with that of a residential locality. A condition has been included to restrict the use of the outdoor common area after 10.00pm or before 7.00am. |
| Occupation | People require permanent accommodation, not day-to-day accommodation. Occupants will be constantly changing. | A boarding house is required to provide lodgers with a principal place of residence for a minimum of three months. |

## 6. Conclusion

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and is fully compliant with Campbelltown (Urban Area) Local Environmental Plan 2002.

In addition, the application is entirely compliant with the relevant standards for dwelling houses within the Campbelltown (Sustainable City) Development Control Plan 2014, with the exception of the upper level rear setback to Moore-Oxley Street, which is not considered to result in a significant adverse built environmental impact on the locality. The proposed boarding house has a form and scale this is generally consistent with a dwelling house that would be permissible on the site.

Three submissions in relation to the proposal were received. Matters raised in the submissions have been discussed and responded to within this report.

Accordingly, the application is recommended for approval.

## Attachments

1. Recommended conditions of consent (contained within this report)
2. Site Plan (contained within this report)
3. Elevations (contained within this report)
4. Landscape Plan (contained within this report)
5. Shadow Diagrams (contained within this report)
6. Locality Plan (contained within this report)
7. Perspective Plan 1 (contained within this report)
8. Perspective Plan 2 (contained within this report)
9. Perspective Plan 3 (contained within this report)
10. Plan of Management (contained within this report)
11. Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
12. First Floor Plan - confidential for privacy reasons (distributed under separate cover)
13. Notification Plan - confidential for privacy reasons (distributed under separate cover)

## 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.

| Sheet ID | Dated | Author |
|---|---|---|
| P.1 | 24/07/17 | Grant Robinson |
| P.2 | 24/07/17 | Grant Robinson |
| P.3 | 24/07/17 | Grant Robinson |
| A.P.1 | 24/07/17 | Grant Robinson |
| A.P.2 | 24/07/17 | Grant Robinson |
| A.P.3 | 24/07/17 | Grant Robinson |
| A.P.4 | 24/07/17 | Grant Robinson |
| A.P.4a | 24/07/17 | Grant Robinson |
| A.P.5 | 24/07/17 | Grant Robinson |
| A.P.5a | 24/07/17 | Grant Robinson |
| A.P.6 | 24/07/17 | Grant Robinson |
| A.P.7 | 24/07/17 | Grant Robinson |
| A.P.7a | 24/07/17 | Grant Robinson |
| A.P.8 | 24/07/17 | Grant Robinson |
| A.P.8a | 24/07/17 | Grant Robinson |
| A.P.9 | 24/07/17 | Grant Robinson |
| A.P.10 | 24/07/17 | Grant Robinson |
| A.P.11 | 24/07/17 | Grant Robinson |
| A.S.1 | 24/07/17 | Grant Robinson |
| A.S.2 | 24/07/17 | Grant Robinson |
| A.S.3 | 24/07/17 | Grant Robinson |
| A.S.4 | 24/07/17 | Grant Robinson |
| A.E.1 | 24/07/17 | Grant Robinson |
| A.E.2 | 24/07/17 | Grant Robinson |
| A.E.3 | 24/07/17 | Grant Robinson |
| A.E.4 | 24/07/17 | Grant Robinson |
| A.E.5 | 24/07/17 | Grant Robinson |
| A.E.1 – A4 | 24/07/17 | Grant Robinson |
| A.E.2 – A4 | 24/07/17 | Grant Robinson |
| A.E.3 – A4 | 24/07/17 | Grant Robinson |
| A.E.4 – A4 | 24/07/17 | Grant Robinson |

**Associated Documentation:**

Operational Management Plan, Pages: 1 – 6.

**2. Boarding House Management Plan**

The operator of the boarding house shall ensure that the approved Operational Management Plan is complied with at all times. The Boarding House Management Plan shall not be varied without the consent of Council.

A copy of the Boarding House Management Plan must be kept by the owner, the Managing Agent and Council.

**3. Building Code of Australia**

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

**4. 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.

**5. Noise Mitigation Measures**

The following boarding house management restrictions must be adhered to at all times:

a) Outdoor common area is not used after 10.00pm or before 7.00am
b) Doors and windows to the indoor communal area are to be kept closed after 10.00pm and before 7.00am
c) No music to be played in outdoor areas
d) Radios or similar are permitted in the common area when the windows to the common area are kept closed.

**6. Waste Storage Area and Waste Management**

The waste storage area identified on the approved plans shall:

a) include three 240 litre general waste bins, three 240 litre recycle bins and one 240 litres garden organics bin
b) not be stored within vehicle parking, vehicle manoeuvring areas of landscaped areas be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor
c) the floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket
d) a hose chock shall be provided within the storage area.

The waste bins shall adhere to the following:

a) the bins shall be stored within the waste storage area at all times other than for collection
b) all bins shall be presented to the street and returned to the waste storage room by a building manager. Boarding house residents shall not be responsible for presentation and return of bins
c) all waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

**7. External Finishes**

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

**8. Fencing**

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

**9. Switchboards/Utilities**

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

**10. Driveway**

a) The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).
b) The finishes of the paving surfaces are to be non-slip.
c) Clear lines of sight for pedestrian safety must be provided in accordance with Figure 3.3 of AS/NZS 2890.1: 2004.

**11. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

**12. Unreasonable Noise**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9.00pm.

**13. 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.

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown Engineering Design Guide for Development (as amended).

## 15. 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.

## 16. Parking Spaces

a) Two 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 6 (as amended).
b) Two motorcycle parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 (as amended).
c) A Two bicycle racks shall be provided to securely accommodate bicycles, designed and made available to users of the site in accordance with Australian Standards 2890.3 (as amended).

## 17. 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*

## 18. Maximum Number of Lodgers per Room

The building is to contain a maximum of 18 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

| Room Number | Maximum Occupancy |
|---|---|
| Room 1 | Two |
| Room 2 | Two |
| Room 3 | Two |
| Room 4 | Two |
| Room 5 | Two |
| Room 6 | Two |
| Room 7 | Two |
| Room 8 | Two |
| Room 9 | Two |

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

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 two square metres or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

**19. Maximum Number of Lodgers in the Building**

The maximum number of lodgers in the building at any given time is eighteen.

**20. 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.

**21. Rain Water Tank(s)**

Two 2,500 litre rain water tanks 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.

**22. 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.

**23. Utility Servicing Provisions**

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

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

**24. Geotechnical Report**

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

**25. Classification of Residential Lots (Development with dwelling construction)**

Prior to the principal certifying authority issuing a construction certificate for any dwellings approved under this consent, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (as amended).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

**26. Geotechnical Report**

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

**27. Retaining walls**

Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

All components of any retaining walls, including subsoil drainage and backfill, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

**28. 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 to the Principle Certifying Authority. The design must be prepared to comply with Campbelltown Councils Engineering Design Guide for Development (as amended) to make provision for the following:

a) The design shall be generally in accordance with the stormwater drainage concept plans (Layout IDs A.P.7 and A.P.7a) prepared by Grant Robinson dated 24/07/17.
b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of Bocking Avenue.
c) All gravity stormwater pipelines must be laid at a grade that is self-cleansing.
d) Charged lines are only permitted to drain roof water directly to the rainwater tank, no other charged or pump-out stormwater drainage systems are permitted.
e) The clean out pits must be drained to infiltration media below the base of the pit. Provision must be made for any overflow from the pit occurring during maintenance.

f) The roof drainage system must be fitted with measures to prevent leaves entering the charged lines.
g) Areas which cannot be physically drained to Bocking Avenue must remain pervious.
h) A minor overland flow path is located at the rear of the site. This overland flow path must not be obstructed; including during construction. The stormwater drainage design must be amended to show an annotation to this effect.
i) A trench drain must be provided at the Bocking Avenue boundary of the site for the full width of the vehicle crossing in accordance with Regulation 19 of the Roads Regulations 2008.
j) An overland flow path must be provided in the building setback on the southwestern boundary of the site to convey overland flow and any flow in excess of the capacity of the stormwater system to the overland flow path at the rear of the site.
k) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
l) Subsoil drainage provided to retaining walls must be connected to the site stormwater system. All subsoil drainage lines must be shown on the stormwater design plan.
m) An inspection opening or stormwater pit must be installed inside each property, adjacent to the boundary, for all stormwater outlets.
n) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section in accordance with Campbelltown Councils standard drawing SD-R06.
o) Multiple stormwater connections to the kerb must be separated from each other by 600 mm and the kerb at each point of connection must be restored with epoxy cement.

The design must be prepared and certified by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**29. 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.

**30. 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.

**31. 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.

**32. 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.

**33. Acoustic requirements**

Prior to the issue of a Construction Certificate, all of the recommendations in the Acoustic Report prepared by Pollution Control Consultancy and Design dated June 2017 shall be incorporated into the Construction Certificate plans. Certification from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority, indicating that the building design as shown on the Construction Certificate plans will achieve the sound reduction requirements outlined in the report. Should these requirements necessitate amendments to the design of the configuration or finishes of the building, approval from Council shall be obtained.

**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.

**34. 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.

**35. 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.

**36. 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.

**37. 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.

**38. 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.

**39. 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.

**40. 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 the Principal Certifying Authority 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 Work Cover requirements.

d) An appropriate fence preventing public access to the site shall be erected for the duration of demolition works

e) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

**41. Fencing**

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

## DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

### 42. 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 5.00pm |
| Sunday and public holidays | No Work. |

### 43. 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.

### 44. 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.

### 45. 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
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.

**46. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

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

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

**47. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m$^2$ (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

**48. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

**49. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordancewith 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.

**50. 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.

**51. 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.

**52. 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.

**53. 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.

**54. Public Safety**

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

**55. Compliance with Council Specification**

All design and construction work shall be in accordance with:

a) Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
b) Campbelltown Councils Engineering Design Guide for Development as amended
c) Soils and Construction (2004) (Bluebook)
d) Relevant Australian standards and State Government publications.

**56. Footpath Construction**

The developer shall provide by new construction and/or adjustment to the existing footpaths, a continuous accessible concrete sealed footpath(s) of 1.2 metre width to the satisfaction of Council along the frontage of the site which connects to the existing footpath of Bradbury Avenue so as to provide pedestrian access to service the bus stop located on Bradbury Avenue. All proposed works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works, the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3.

**57. Footpath, Kerb and Gutter**

The applicant shall re-construct all damaged bays of kerb and gutter adjacent to the site. Areas not concreted shall be regraded, 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. All works shall be in accordance with the requirements detailed in Council’s Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

**58. Residential Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.

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.

**59. Associated Works**

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

**60. 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 Councils Engineering Design Guide for Development (as amended)..

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

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

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

**61. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate (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 > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

**62. Completion of External Works Onsite**

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

**63. Final Inspection – Works as Executed Plans**

The Principal Certifying Authority must ensure that the access driveway and stormwater drainage system, including overland flow paths, was constructed in accordance with the design plans submitted for the construction certificate and this consent. 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 registered surveyor. The work-as-executed plan(s) must be accompanied by construction compliance certification to verify that the constructed stormwater system and associated works has been carried out in accordance with the stormwater design submitted with the construction certificate(s), relevant codes and standards, and this consent. The construction compliance certification must be provided by a qualified practicing civil engineer and must refer to the work-as-executed plan(s).

**64. Restoration of Public Roads**

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

**65. Public Utilities**

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

**66. 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 Houses Act 2012, Public Health Act 2010*, Regulations, *Local Government Act 1993* and associated technical standards.

**67. Registration**

The boarding house must be registered with The Office of Fair Trading and Campbelltown City Council.

**68. Notices**

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

**69. Cleanliness**

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

**70. Pest and Vermin**

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

**71. Lighting and Ventilation**

Adequate light and ventilation must be maintained in the premises.

**72. Long term residences**

If persons may board or lodge for seven days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

**73. Neighbourhood Amenity**

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products.

**ADVISORY NOTES**

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

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

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

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

**Advice 2. Tree Preservation Order**

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act 1993* (NSW).

**Advice 3. Provision of Equitable Access**

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

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

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

**Advice 4. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 5. Covenants**

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

**Advice 6. Inspections – Civil Works**

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

a. EROSION AND SEDIMENT CONTROL –

i. Direction/confirmation of required measures.
ii. After installation and prior to commencement of earthworks.
iii. As necessary until completion of work.

b. STORMWATER PIPES – Laid, jointed and prior to backfill.

c VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.

d FINAL INSPECTION – All outstanding work.

**Advice 7. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 8. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 9. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (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
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 11. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**Advice 12. Dial before you Dig**

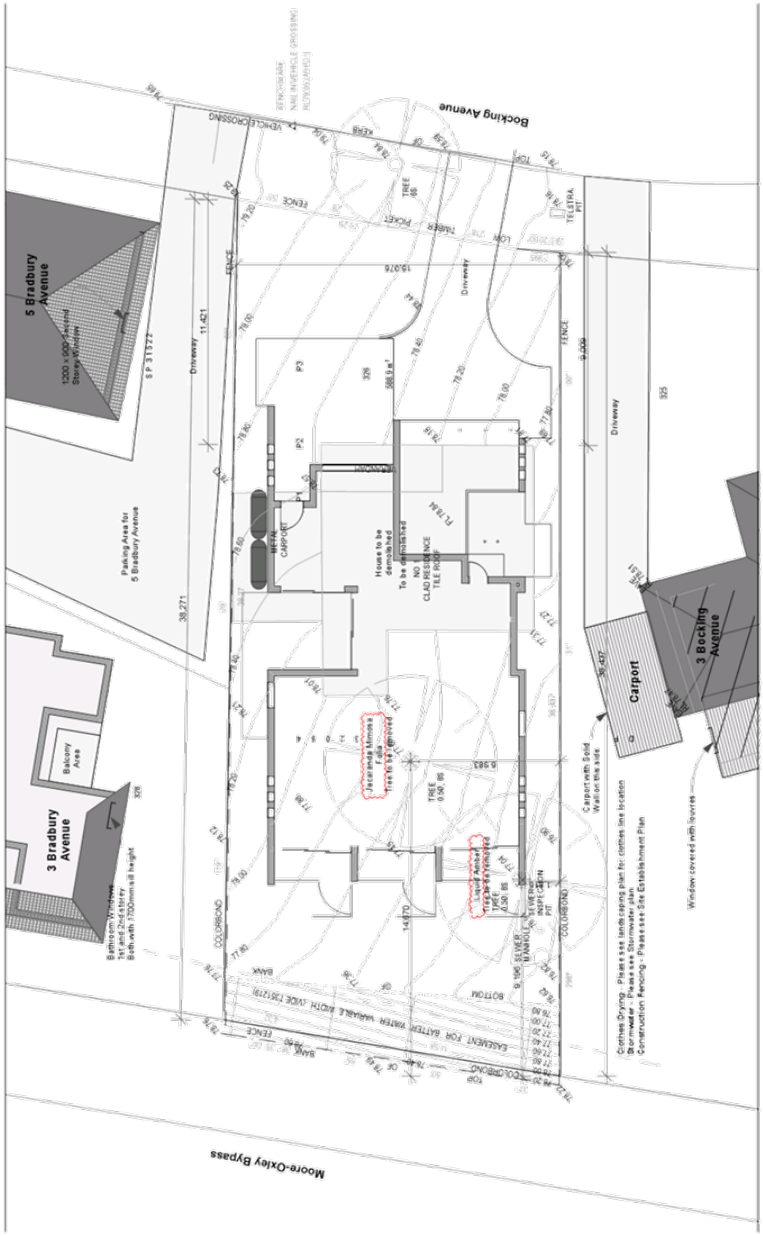
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 13. *Telecommunications Act 1997* (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**


Moore-Oxley Bypass
Bocking Avenue
5 Bradbury Avenue
3 Bradbury Avenue
3 Bocking Avenue
Carport
Driveway
Parking Area for 5 Bradbury Avenue
Balcony Area
House to be demolished
To be demolished
CLAD RESIDENCE
TILE ROOF
CARPORT
FENCE
COLORBOND
BANK
BOTTOM
TREE 198
TREE 197
TREE 196
TREE 195
TELSTRA PIT
Clothes Drying - Please see landscaping plan for clothes line location
Stormwater - Please see Stormwater plan
Construction Fencing - Please see Site Establishment Plan
Window covered with awnings
Carport with Solid Wall on this side
Bathroom - Frosted Glass
Bath width 1700mm sill height
Bath width 1700mm sill height
1200 x 900 Sheds Storage Window
SP 31777
38.271
11.421
15.076
9.009
6.983
14.470
586.9 m²
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P2
P3
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Side - North East

Side - South West

Front - South East

Rear - North West

esign by

**Grant Robinson**

Phone: 07 5472 8746 | Mobile: 0418 372 316
email: grantmatthew@me.com

rawn by Checked by Date

APPLICANT **Grant Robinson**

58 Justin Rd
Doonan
QLD 4560
0418 372 316

PROJECT **Bocking Avenue**

1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2

3 cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE 3 CENTIMETERS (3 cm) EXACTLY, THE DRAWING WILL HAVE BEEN PRINTED AT AN INCORRECT SCALE, AFFECTING ALL LABELED SCALES.

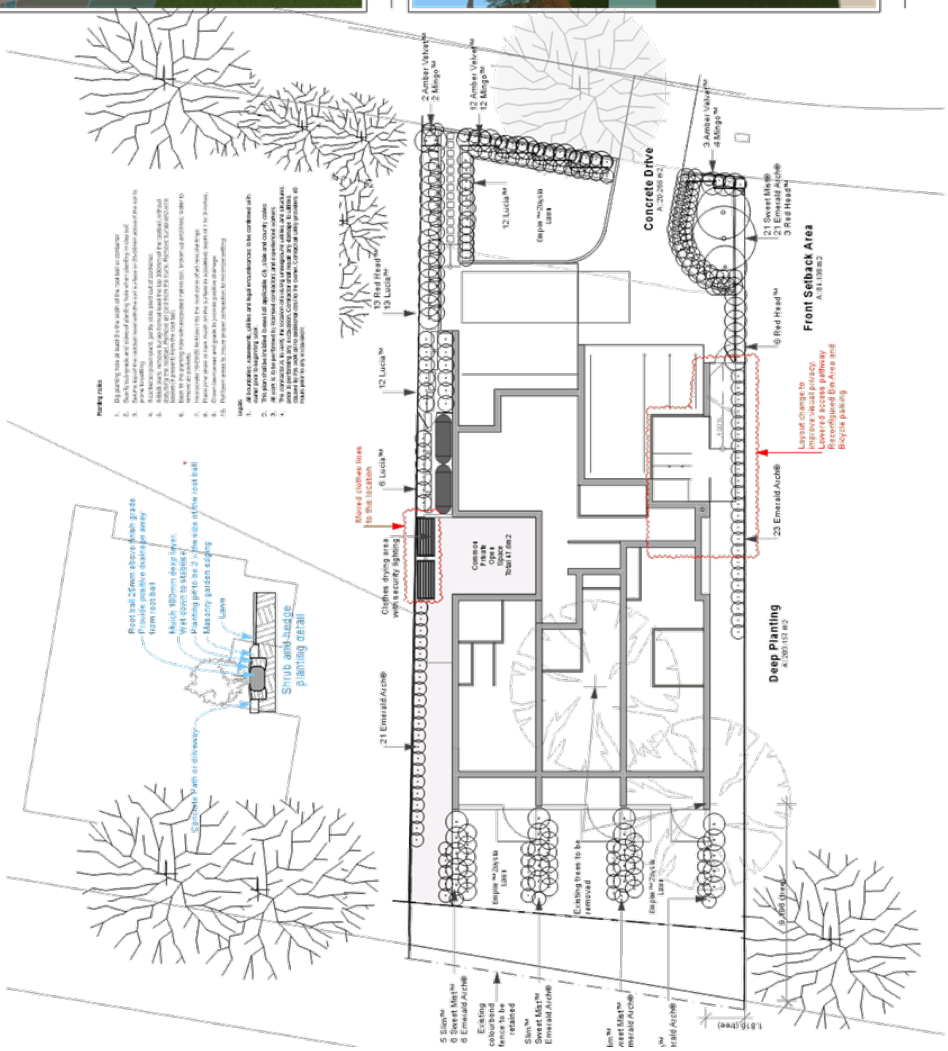
Drawing Name **Presentation Elevations**

Drawing Scale **1:200** Sheet Size **A3**

Layout ID **A.E.5** Status Revision

Front Yard

Rear Yard




Design by **Grant Robinson**
Bachelor of Building (Honours) University of Southern Queensland
Phone: 07 5472 8746 | Mobile: 0418 372 316
email: grantmatthew@me.com

Drawn by Grant Robinson | Checked by Grant Robinson | Date

APPLICANT **Grant Robinson**
58 Justin Rd
Doonan
QLD 4560
0418 372 316

PROJECT **Bocking Avenue**
1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2

3 cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE 3 cm, THE DRAWING SCALES WILL BE INCORRECT. THIS DRAWING WILL HAVE BEEN PRINTED AT A DIFFERENT SCALE AFFECTING ALL LABELED SCALES.

Drawing Name **Landscaping**
Drawing Scale **1:200, 1:166.67**
Sheet Size **A3**
Layout ID **A.P.4**
Status
Revision

Summer - 21st December 9am
Summer - 21st December 12 Noon
Summer - 21st December 3pm
Winter - 21st June 9am
Winter - 21st June 12 Noon
Winter - 21st June 3pm
Bocking Avenue
Moore-Oxley Bypass
5 Bradbury Avenue
3 Bradbury Avenue
1 Bocking Avenue
3 Bocking Avenue
Drawing Name
Shadow Diagrams
Drawing Scale
1:500
Sheet Size
A3
Layout ID
A.P.8
Status
Revision
PROJECT
Bocking Avenue
1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2
APPLICANT
Grant Robinson
58 Justin Rd
Doonan
QLD 4560
0418 372 316
Grant Robinson
Phone: 07 5472 8748 | Mobile: 0418 372 316
email: grantmatthew@me.com
Checked by
Date

DP 117770
CAMPBELLTOWN MUSEUM
DREDGER COTTAGE
STREET
ALLMAN
BYPASS
MOORE-OXLEY
QUEEN
ROAD
BYPASS
BOCKING
DP 213026
0 20 40 60 80 100
metres

esign by
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rawn by
Checked by
Date
APPLICANT
Grant Robinson
58 Justin Rd
Doonan
QLD 4560
0418 372 316
PROJECT
Bocking Avenue
1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2
3cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE 3cm THEN THE DRAWING HAS BEEN PRINTED AT A SCALE OTHER THAN 1:100 AS SPECIFIED.
THIS DRAWING HAS NOT BEEN MADE TO SCALE AND MAY BE AFFECTING ALL LABELED SCALES.
Drawing Name
Presentation Perspectives
Drawing Scale
Sheet Size
A3
Layout ID
P.1
Status
Revision

esign by
Grant Robinson
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email: grantmatthew@me.com
rawn by
Checked by
Date
APPLICANT
Grant Robinson
58 Justin Rd
Doonan
QLD 4560
0418 372 316
PROJECT
Bocking Avenue
1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2
3cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE THREE (3) CENTIMETERS (3 cm) EXACTLY, THE DRAWING WILL NOT BEEN MEASURED AS ACCURATE AFFECTING ALL LABELED SCALES.
Drawing Name
Presentation Perspectives
Drawing Scale
Sheet Size
A3
Layout ID
P.2
Status
Revision

esign by
Grant Robinson
Phone: 07 5472 8748 | Mobile: 0418 372 316
email: grantmatthew@me.com
rawn by
Checked by
Date
APPLICANT
Grant Robinson
58 Justin Rd
Doonan
QLD 4560
0418 372 316
PROJECT
Bocking Avenue
1 Bocking Avenue
Bradbury
NSW 2560
LOT 326 DP 32084
Site Area 588.9m2
3 cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE 3 CENTIMETERS (3 cm) EXACTLY, THE DRAWING (PLAN) HAS BEEN DISTORTED BY PRINTER SCALING, AFFECTING ALL LABELED SCALES.
Drawing Name
Presentation Perspectives
Drawing Scale
Sheet Size
A3
Layout ID
P.3
Status
Revision

**Bradbury House**

**Operational Management Plan**

1. **Off-site property manager**
   a. Essential cleaning and maintenance tasks in order to ensure the premises and grounds are kept in an accessible condition and standard.
   b. Enforce 'House Rules', control and direction in relation to any unacceptable behaviour and on-site disputes between lodgers.
   c. A means of addressing any complaints by neighbours, Council, police or other relevant government agencies and implement any agreed actions.
   d. A point of contact and assistance during emergencies
   e. Implementing appropriate emergency procedures
   f. Implementing on-site work health and safety procedures and practices.

2. **Period of management**
   a. The property manager or his/her representative shall be capable of being contacted 24 hours a day, seven days a week.
   b. Such means of contact may include message/mobile.

3. **Cleaning and maintenance**
   a. The property manager shall be responsible for ensuring the gardens and common rooms are kept in good condition, clean and tidy through regular inspection and maintenance.
   b. The property manager shall be responsible for ensuring all waste bins are collected regularly and they are kept on a clean and tidy condition, placed out for regular collection services and returned to their storage positions promptly after they have been emptied.

4. **Point of contact, security and safety**
   a. The property manager shall enforce a "no smoking in rooms" policy. Smoking shall be prohibited on the open stairs and landings and shall be permitted strictly only on the outside common and garden areas.
   b. Smoke detectors to the applicable Australian Standard shall be maintained in good order in all rooms of the building.
   c. The property manager shall ensure emergency evacuation procedures are implemented and made known to all occupants in the building. All appropriate and required signage shall be displayed at all times.
   d. The property manager shall provide a 'first point of call' service for lodgers needing assistance unless that assistance is normally addressed by way of emergency services, such as police, fire, ambulance etc

5. **House Policy and Rules**

   a. The property manager shall ensure that a copy of the 'House Rules' shall be attached to the rear of the entrance door of each room, together with the required emergency evacuation plan. The 'Draft House Rules' are attached to this Operational Management Plan.
   b. Any amendments to the Operational Management Plan, and attached Draft House Rules, shall be provided to Council within seven days of such changes. The Draft House Rules shall be discussed with prospective lodgers for acceptance prior to adoption.

# Bradbury House

## Draft House Rules

### 1. Introduction

Bradbury House is a general Boarding House with rooms let under the Boarding Houses Act 2012. Lodgers occupy a room within the premises under a Standard Occupancy Agreement.

The House Rules for Bradbury House are in addition to the occupancy agreement, yet are not inconsistent with the occupancy principles.

These rules are for the benefit of all lodgers at Bradbury House and the operator. They are intended to give clear guidance on how this boarding house operates and can be used in NSW Civil and Administrative Tribunal (NCAT) hearings.

### 2. General

**House Rules will be concise and easy to read and will be developed with the needs of lodgers that seek to live at the Bradbury House.**

**The House Rules will be agreed by the property manager and resident prior to any tenancy commencing. This will include:**

a. A summary of lodgers legal rights
b. Rent payment dates
c. Housekeeping requirements and waste management, including garbage disposal and communal living areas
d. Strict policies regarding alcohol, illegal drugs, smoking areas, illegal activities
e. Peace and quiet, abusive language, excessive noise, privacy, parties and other anti social behaviour
f. Damage to property
g. Pets
h. Frequency of room inspections, cleanliness of rooms and annual spring cleans
i. Keeping costs down in terms of electricity and water usage
j. Visiting times and guests
k. Mail management
l. Contact details for emergencies

### 3. Sample of negotiated 'House Rules':

a. Your room must be kept clean, tidy and free of clutter
b. The inventory must be signed and all furniture and fittings left in good condition other than normal wear and tear

c. Any repairs and maintenance must be reported immediately to the property manager neighbours.
d. The occupants and visitors must ensure orderly conduct with no disturbances to to neighbours
e. No guests after 10pm
f. Tidy and wipe down common kitchens and bathrooms after usage
g. The common room will be closed at 10pm daily and reopen at 6am
h. The outdoor common area must be used in a quiet and peaceful manner at all times
i. No motorcycles shall be 'driven' onto the site. They must be turned off at the entry gate and wheeled to the parking areas provided
j. No smoking is permitted in any rooms including the common room. Smoking is only permitted in the outdoor areas, including balconies and common garden areas.

**Signed:** _____

**Tenant:** _____

**Witness:** _____

**Manager:** _____

**Dated:** _____

*Note: See Draft "Occupancy Agreement and "Condition Report" attached.*

## Condition Report and Inventory

## Bradbury House

**Room:_____**

| Room item | Tick if clean & in good order | Notes |
|---|---|---|
| **Condition of room** | | |
| Walls/ceiling | | |
| Doors/windows | | |
| Lights/power points | | |
| Floor coverings | | |
| Blinds/curtains | | |
| **Condition of bathroom/laundry** | | |
| Walls/ceiling | | |
| Doors/windows | | |
| Light/power points | | |
| Tiling | | |
| Mirror/cabinet/basin | | |
| Toilet | | |
| Other | | |
| **Condition of cooking area** | | |
| Walls/ceilings | | |
| Doors/windows | | |
| Lights/power points | | |
| Floor coverings | | |
| Cupboards/drawers | | |
| Benchtop | | |
| Sink/taps | | |
| Other | | |

**Comments:**

**Signed & dated by lodger:** _____

**Signed & dated by witness:** _____

**Condition Report and Inventory – Furnishings**

**Bradbury House**

**Room:_____**

| Furnishing item | Tick if clean & in good order | Notes |
|---|---|---|
| Bed | | |
| Bed linen | | |
| Side light | | |
| Bedside table/drawers | | |
| Chest of drawers | | |
| Cupboards | | |
| Bookshelf | | |
| Kitchen table | | |
| Kitchen chairs | | |
| Coffee table | | |
| Lounge | | |
| Fridge | | |
| Microwave | | |
| Oven | | |
| Cooktop | | |
| Washing machine | | |
| Crockery, cutlery, jug etc | | |
| Rug | | |
| Heater | | |
| Other | | |

**Comments:**

**Signed & dated by lodger:** _____

**Signed & dated by witness:** _____

## 8.2 Construction of a fifteen room boarding house at No. 60 Moore Street, Campbelltown

### Reporting Officer

Director City Development
City Development

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 2 Outcome Two: A Respected and Protected Natural Environment | 2.5 - Plan for and ensure that development in our city is sustainable and resilient |

### Officer's Recommendation

That the proposed development be approved subject to the recommended conditions of consent as outlined in attachment 1.

### Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979.*

This development application is required to be reported to Council due to the nature of the proposed development being a boarding house and the receipt of submissions from the occupants of seven properties in response to the public exhibition and notification of the proposed development.

| | |
|---|---|
| **Property Description** | Lot 2 DP 128118 60 Moore Street, Campbelltown NSW 2560 |
| **Application No** | 2746/2015/DA-MAH |
| **Applicant** | Mr Grant Robinson |
| **Owner** | Mr Neville Glen Henry and Mrs Michelle Yuqing Henry |
| **Provisions** | Campbelltown 2027 Looking Forward |
| | State Environmental Planning Policy (Affordable Rental Housing) 2009 |
| | State Environmental Planning Policy (Infrastructure) 2007 |
| | Campbelltown (Urban Area) Local Environmental Plan 2002 |
| | Draft Local Environmental Plan 2014 |
| | Campbelltown Local Environmental Plan 2015 |
| | Campbelltown (Sustainable City) Development Control Plan 2014 |
| **Date Received** | 1 October 2015 |

## Report

The development application was lodged with Council on 1 October 2015 for the demolition of an existing single storey dwelling and the construction of a 15 room boarding house at No. 60 Moore Street, Campbelltown.

**The Site and Surrounds**

The site is located on the southern side of the Moore-Oxley Bypass, and currently contains a single storey dwelling. It has an area of 919.3sqm and is rectangular in shape. It is adjoined to the north-east by a single storey dwelling, to the south-west by a single storey dwelling, to the south-east by a two storey multi-unit strata development and to the north-west by Moore Street.

**The Proposal**

The proposed boarding house would contain 15 boarding rooms over two storeys including a manager's room and two adaptable rooms. Each boarding room would contain its own kitchen, bathroom and laundry facilities. A communal living area would be provided. The proposed boarding house would have four car parking spaces (including one accessible parking space) and four bicycle and three motorcycle parking spaces in front of the building accessed from Moore Street.

**1. Non-Statutory Provisions**

**1.1 Campbelltown 2027 - Looking Forward**

Campbelltown 2027 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 2027 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 2027 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 in accordance with the relevant controls.

## 2. Statutory 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 consideration.

### 2.1 Relationship of Environmental Planning Instruments

The development application was lodged on 1 October 2015. At that time, Campbelltown Local Environmental Plan 2015 (CLEP 2015) had not been gazetted. This means that despite CLEP 2015 now being the relevant local planning instrument, the previous planning instrument, which was Campbelltown (Urban Area) Local Environmental Plan 2002, is the relevant local planning instrument for this application and has been referenced as such in this assessment report.

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

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

(a) to provide a consistent planning regime for the provision of affordable rental housing

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards

(c) to facilitate the retention and mitigate the loss of existing affordable rental housing

(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing

(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing

(f) to support local business centres by providing affordable rental housing for workers close to places of work

(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

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

When the application was made, the site was zoned 2(b) – Residential, pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) and in accordance with the relevant provisions of the *Environmental Planning Assessment Act 1979,* the application has been assessed having regard to that plan. Notwithstanding this, it is noted that the newly operational Campbelltown Local Environmental Plan 2015 (CLEP 2015) zones the site R3 - Medium Density Residential. Given that the 2(b) – Residential zone of LEP 2002 is equivalent to Zone R2 Low Density Residential and the site is within an accessible area (as the land is within 800 metres walking distance of a public entrance to a railway station and/or 400 metres walking distance of a bus stop used by a regular bus service), Part 2 Division 3 of the Affordable Rental Housing SEPP applies.

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of Part 2 Division 3 of the Affordable Rental Housing SEPP.

| **Criteria** | **Proposed** | **Compliance** |
|---|---|---|
| **Clause 29 (1) – Density and Scale**<br>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:<br><br>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land. | A maximum floor space ratio of 0.55:1 applies to the subject land pursuant to Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014. It is noted that since the lodgement of the development application, the Local Environmental Plan 2015 become operational and the site is now zoned R3 - Medium Density Residential. The maximum floor space ratio is 0.75:1 pursuant to Clause 4.4(2A).<br><br>First floor = 360sqm<br>Ground floor = 313sqm<br><br>673/919.3sqm<br><br>=0.73:1. | Yes |
| **Clause 29 (2) (a) – Building Height**<br>A consent authority must not refuse consent to development to which this Division applies, 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. | When the application was made there were no building height limit controls contained within an Environmental Planning Instrument (Council's Sustainable City DCP 2014 sets a maximum two storey height limit (9.5m), the SCDCP is not an environmental planning instrument).<br>It is noted that the building height of 8.2m complies with the maximum building height of 9 metres pursuant to Clause 4.3(2) of CLEP 2015, which became operational on 11 March 2016. | NA |
| **Clause 29 (2) (b) – Landscaped Area**<br>A consent authority must not refuse consent to development to which this Division applies, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. | The landscape treatment is considered to enhance the streetscape. | Yes |

| Criteria | Proposed | Compliance |
|---|---|---|
| **Clause 29 (2) (c) – Solar Access**<br>A consent authority must not refuse consent to development to which this Division applies, 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. | The proposal provides for one common room. The common room receives three hours direct sunlight during mid-winter. | Yes |
| **Clause 29 (2) (d) – Private Open Space**<br>A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area):<br><br>(i) one area of at least 20sqm with a minimum dimension of 3m is provided for the use of the lodgers | The layout includes a common open space area (adjacent to the common room) approximately 58.3sqm in area and 5m wide for the use of all lodgers. | Yes |
| **Clause 29 (2) (d) – Private Open Space**<br><br>A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area):<br><br>(ii) if accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5m is provided adjacent to that accommodation. | The development includes a 50.6sqm private open space area for the boarding house manager with a minimum width of 5m. | Yes |
| **Clause 29 (2) (e) – Parking**<br>A consent authority must not refuse consent to development to which this Division applies, if:<br><br>(i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room.<br><br>Based on 14 boarding rooms, three car parking spaces are required and an additional parking space is required for the on-site manager, equating to four spaces. | The subject site is located within an accessible area, as it is within 400 metres of a bus stop on the 882 route, which operates the prescribed number of services under the definition of accessible area.<br><br>Accordingly, a car parking space of 0.2 spaces per boarding room is applicable. Based on 14 boarding rooms, three car parking spaces are required and an additional parking space is required for the on-site manager, equating to four spaces. | Yes |
| **Clause 29 (2) (e) – Parking**<br>A consent authority must not refuse consent to development to which this Division applies, if:<br><br>(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. | A designated parking space for an on-site manager is provided. | Yes |

| Criteria | Proposed | Compliance |
|---|---|---|
| **Clause 29 (2) (f) – Accommodation Size**<br>A consent authority must not refuse consent to development to which this Division applies, 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:<br><br>(i) 12sqm in the case of a boarding room intended to be used by a single lodger, or<br>(ii) 16sqm in any other case. | The proposal includes 14 boarding rooms that could accommodate two lodgers. All boarding rooms are greater than 16sqm (excluding any area used for the purposes of private kitchen and bathroom facilities). | Yes |
| **Clause 29 (3) – Kitchen and Bathroom Facilities**<br>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. | The proposed boarding house provides a private kitchen and bathroom facilities in each boarding room. | Yes |
| **Clause 29 (4)**<br>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). | | |
| **Clause 30 (1) (a) – Communal Living Room**<br>A consent authority must not consent to development to which this Division applies, unless if a boarding house has five or more boarding rooms, at least one communal living room will be provided. | The proposed boarding house contains 15 boarding rooms (including one manager's room) and provides a 36sqm communal living room. | Yes |
| **Clause 30 (1) (b) – Gross Floor Area**<br>A consent authority must not consent to development to which this Division applies, unless 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 25sqm. | The gross floor area of each boarding room is 25sqm or less (excluding the area used for the purposes of a private kitchen or bathroom facilities). | Yes |
| **Clause 30 (1) (c) – Number of Lodgers**<br>A consent authority must not consent to development to which this Division applies, unless no boarding room will be occupied by more than two adult lodgers. | The application details that each room is to be occupied by a maximum of two lodgers. A total of 28 adult lodgers may be housed at the development. | Yes. Furthermore, a condition has been included within the recommendation requiring the occupation of the suites by no more than the number of lodgers proposed. |
| **Clause 30 (1) (d) – Bathroom and Kitchen Facilities**<br>A consent authority must not consent to development to which this division applies, unless adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger. | Each room has private bathroom and kitchen facilities, which are considered to be of an appropriate size for the accommodation by up to two lodgers in each boarding room. | Yes |

| Criteria | Proposed | Compliance |
|---|---|---|
| **Clause 30 (1) (e) – Boarding House Manager**<br>A consent authority must not consent to development to which this division applies, unless 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. | The maximum capacity of adult boarders is 28. A boarding house manager's room is proposed to satisfy clause 30(1)(e). | Yes. A condition has been included within the recommendation requiring Room 4 to be occupied by a boarding house manager. |
| **Clause 30 (1) (g) – Residential Space Fronting a Street**<br>A consent authority must not consent to development to which this Division applies unless, 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. | The site is not zoned primarily for commercial purposes. | NA |
| **Clause 30 (1) (h) – Bicycle and Motorcycle Parking**<br>A consent authority must not consent to development to which this division applies, unless at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every five boarding rooms.<br><br>Equating to three bicycle and three motorcycle parking spaces for a 14 room boarding house. | Three motorcycle spaces have been provided in the parking area accessed from Moore Street.<br><br>A bicycle rack which includes four bicycle spaces has been provided within the entrance area of the boarding house on the ground floor.<br><br>Sufficient bicycle and motorcycle parking has been provided. | Yes |
| **Clause 30A – Character of Local Area**<br>A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. | An assessment of the proposal in terms of various aspects of its built form is outlined below the table. | Yes |
| **Clause 52 - No subdivision of Boarding House**<br><br>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house. | The proposal does not involve subdivision. | Yes |

### 30A Character of local area

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

An assessment of the proposal in terms of various aspects of its built form is outlined below:

**Building Height** - The proposed boarding house is a two-storey building which is consistent with the building height applicable to the site under the Campbelltown (Sustainable City) Development Control Plan 2014. The maximum height of the building above natural ground level would be 8.2 metres, which is less than the maximum building height for single dwellings (9.5 metres) allowed under Council's (Sustainable City) DCP.

The height of the proposed boarding house is not inconsistent with that of the two-storey brick townhouse development adjoining the rear of the subject property at No. 6 Reddall Street.

It is important to note that the maximum height for the subject site under the provisions of the now operational Campbelltown Local Environmental Plan 2015 is 9 metres.

- **Building bulk and scale/site coverage** – The Affordable Housing SEPP requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. At the time of lodgement, the maximum floor space ratio of 0.55:1, contained within Council's (Sustainable City Development Control Plan) 2014, applied to the subject site, being the maximum floor space ratio that a single dwelling would be able to achieve. It is important to note that since lodgement of the development application, Local Environmental Plan 2015 become operational and the subject site is now zoned R3 - Medium Density Residential. Pursuant to Clause 4.4(2A) of CLEP 2015. The maximum floor space ratio for residential development within the R3 - Medium Density Residential zone is 0.75:1. The floor space ratio of the proposed development is 0.73:1, which is less than the maximum floor space permitted under the floor space ratio provisions of CLEP 2015. The proposed floor space ratio is compliant with the maximum permitted floor space ratio under the provisions of CLEP 2015.

  It must be noted that residential lots adjoining the subject site and within the immediate visual catchment also have a maximum floor space of 0.75:1 under the Campbelltown Local Environmental Plan 2015.

  Overall, the bulk and scale of the proposed boarding house is considered to be compatible with the future character of the local area.

- **Setbacks** – Campbelltown (Sustainable City) Development Control Plan 2014 does not contain any specific setback controls for boarding house developments. Part 17 of Campbelltown (Sustainable City) Development Control Plan 2015 came into effect on 8 November 2016 after the time of lodgement of the development application. Although this part of the plan is not a consideration under section 79C of the EP&A Act, the proposed boarding house is entirely consistent with the setback requirements as demonstrated in the table below:

| Control | Requirement | Proposed | Complies |
|---|---|---|---|
| **17.2.3 (a) (i)** | 5.5 metres from the primary street boundary. | 9.3m | Yes |
| **17.2.3 (a) (ii)** | 3 metres from the secondary street boundary. | The subject site does not contain a secondary street. | NA |
| **17.2.3 (a) (iii)** | 0.9 metres from any side boundary at the ground level. | Minimum 0.9m | Yes |
| **17.2.3 (a) (iv)** | 1.5 metres from any side boundary for all levels above the ground level. | 1.5m | Yes |
| **17.2.3 (a) (v)** | 5 metres from the rear boundary at the ground level. | 6.5m | Yes |

| Control | Requirement | Proposed | Complies |
|---|---|---|---|
| **17.2.3 (a) (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. | The land is zoned R3 under the provisions of Campbelltown Local Environmental Plan 2015 which become operational on 11 March 2016. | NA |
| **17.2.3 (a) (vii)** | 6.5 metres from the rear boundary for all levels above ground level within land zoned R3 under the CLEP. | 6.5m | Yes |
| **17.2.3 (b)** | Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 metres from any street boundary. | Garages do not form part of the proposal. | NA |

The setbacks of the proposed boarding house allow for adequate spatial relief between the proposed boarding house and the adjoining properties which negates overlooking opportunities. All first floor balconies and windows include privacy screens to further reduce overlooking opportunities. In addition, the primary street setback allows for adequate landscaping which is considered to be consistent with and enhance the streetscape.

- **Architectural style/materials** - It is important to note that the majority of buildings immediately adjacent to and surrounding the site are from previous eras of architectural building design. For this reason, it is important for the boarding house to be consistent with the future desired character of the area, than exhibit the current character of the area, which is the case in this instance. Overall, the proposed architectural design of the development would not be unexpected were a dwelling house to be constructed on the site.

- **Landscaping/Fencing –** Overall, the proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed between the 900mm fence and the property boundary to soften the appearance of the fence and reduce the likelihood of graffiti to be applied to the fence.

### 2.3 State Environmental Planning Policy (Infrastructure) 2007

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Infrastructure SEPP.

| Clause | Control | Requirement | Proposed | Compliance |
|---|---|---|---|---|
| 101 (2) (a) | Development with Frontage to Classified Road | The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than the classified road. | The layout provides vehicular access via a classified road frontage. | Yes |

| Clause | Control | Requirement | Proposed | Compliance |
|---|---|---|---|---|
| 101 (2) (b) (i) | Development with Frontage to Classified Road | The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road, will not be adversely affected by the development as a result of the design of the vehicular access to the land. | The application was referred to Roads and Maritime Services (RMS) for comment. The RMS provided concurrence to the development subject to recommended conditions of consent contained in attachment 1. | Yes |
| 101 (2) (b) (ii) | Development with Frontage to Classified Road | The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of, the emission of smoke or dust from the development. | Smoke and dust emissions from the development are unlikely to be more than extremely minimal. | Yes |
| 101 (2) (b) (iii) | Development with Frontage to Classified Road | The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of, the nature, volume or frequency of vehicles using the classified road to gain access to the land. | The layout provides vehicular access via the classified road frontage. The application was referred to Roads and Maritime Services (RMS) for comment. The RMS provided concurrence to the development subject to recommended conditions of consent contained in attachment 1. | NA |
| 101 (2) (c) | Development with Frontage to Classified Road | The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. | The design includes the provision of acoustically treated windows and substantial landscaping along the Moore Street frontage. It is considered that such will ameliorate traffic noise and emission impacts from the adjacent classified road. | Yes |

| Clause | Control | Requirement | Proposed | Compliance |
|---|---|---|---|---|
| 102 | Impact of road noise or vibration on non-road development | Clause 102 applies to residential development that is on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of Roads and Maritime Services) and that the consent authority considers is likely to be adversely affected by road noise or vibration.<br><br>A review of the RMS traffic data map has shown that Moore-Oxley Bypass adjacent to the subject site does not have an annual average daily traffic volume of more than 40,000 vehicles, however the map identifies that its annual average daily traffic volume is between 20,000 and 40,000, and that on this basis, an assessment of road and traffic noise is recommended. | An acoustic report prepared by Pollution Control Consultancy ad Design, dated 7 July 2017, was submitted with the development application.<br><br>The report provides measurements of background noise levels (predominantly caused by road traffic noise), and specifies the required weighted sound reduction index of the external components of the building that are required in order for the building to achieve the sound pressure levels required under the legislation. A condition has be recommended requiring the design of the building to incorporate design elements necessary to achieve the nominated sound reduction properties recommended in the report, prior to the issue of a Construction Certificate. | Yes |

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

The subject site was zoned 2(b) – Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) when the application was made. The proposed development was defined as a Boarding-house, which was permissible in the zone. Under the provisions of LEP 2002, a boarding-house is defined to include a house let in lodgings or a hostel, but does not include a motel.

The proposed development was also found to be consistent with the following objectives of the 2(b) – Residential zone:

(a) to permit the development of a range of housing types, and

(b) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Consequently the proposal was deemed to satisfy the provisions of Clause 9 of LEP 2002 at the time of the lodgement of the application.

In accordance with the *Environmental Planning and Assessment Act 1979,* despite the CLEP 2015 being the current planning document at the time of reporting to the Council, LEP 2002 is the relevant document for the purposes of assessing this application.

### 2.5 Draft Campbelltown Local Environmental Plan 2014

The subject site was zoned R3 Medium Density Residential under the provisions of Draft Campbelltown Local Environmental 2014. The proposed development is defined as a boarding-house, which is permissible in the zone.

Under the provisions of draft LEP 2014, a boarding-house means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) 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.

The proposed development is consistent with the definition of a boarding house and is permissible in the R3 zone under the provisions of Draft Campbelltown Local Environmental Plan 2014 (Draft LEP 2014).

As mentioned earlier, the site is now zoned R3 Medium Density Residential under the gazetted Campbelltown LEP 2015.

**Clause 4.3 Height of buildings**

Under the provision of Clause 4.3(2), the maximum height for the subject land is 9m. The maximum height of the proposed development is 8.2m from existing ground level, which complies with Clause 4.3(2) of Draft LEP 2014.

**Clause 4.4 Floor space ratio**

Clause 29(1) of the SEPP states that the consent authority must not refuse consent to the development if the floor space ratio of the building is not more than the maximum floor space ratio for any form of residential accommodation permitted on the land. Under the provisions of clause 4.4(2A) of Draft LEP 2014, the maximum prescribed floor space ratio permitted on the subject land is 0.75:1. The proposed floor space ration is 0.73:1. The proposed development complies with Clause 4.4(2A) of Draft Campbelltown Local Environmental Plan 2014 and the now operational Campbelltown Local Environmental Plan 2015.

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

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014.

**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.

**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 5000 litre rainwater tank located in the manager's private open space area within the rear setback of the proposed development.

**Landscaping** – A landscape plan has been submitted with the development application. The application provides an adequate amount of landscaping, which surrounds the boundaries of the site. The proposed landscaping is considered to soften the 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 in attachment 1.

**Stormwater** – The application was referred to Council's Development Engineer, and conditions of consent were provided and are recommended in attachment 1.

**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 rear retaining wall would be set back a minimum of 1.4m from the rear property boundary.

**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 the kerb which is supported by Council.

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

Development contributions are not applicable for boarding house type developments, pursuant to the provisions of Section 94E of the *Environmental Planning and Assessment Act 1979*.

## 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 bulk and scale of the development is not considered to result in any 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:

**Vehicular Maneuvering -** A swept path analysis was provided with the application demonstrating that all vehicles can enter and exit the site in a forward direction. The proposed parking arrangements meet the Affordable Rental Housing SEPP standards and are therefore considered satisfactory.

**Roads and Maritime Services -** In accordance with Section 138 of the *Roads Act 1993*, the development application was referred to Roads and Maritime Services. Roads and Maritime Services provided concurrence subject to the conditions of consent recommended in attachment 1.

**Noise Generation -** An acoustic report, prepared by Pollution Control Consultancy and Design (PCCD) dated July 2017, was submitted with the development application. In order to ensure that noise emissions are controlled to prevent any impact on the nearby residences, the following construction and management requirements were recommended to manage noise impacts:

- roof, external walls and glass doors to the indoor common area are to be constructed using a specific weighted sound reduction index
- outdoor common area is not used after 10.00pm or before 7.00am
- doors and windows to the indoor communal area are to be kept closed at all times when in use
- no music to be played in outdoor areas
- radios or similar are permitted in the common area when the windows to the common area are kept closed.

The acoustic report concludes that through the adoption of the above recommendations, noise generated by the site, particularly outside the common room, is expected to be lower than the ambient noise level cause predominantly by road traffic noise in Moore-Oxley Street and, as such, will not cause any disturbance to neighbouring properties. A proposed condition of consent requires that the recommendations within the acoustic report be adopted in addition to the Plan of Management of the boarding house.

**Waste -** The application was referred to Council's Waste section. A response was received which confirmed that the kerbside presentation of the bins is satisfactory due to adequate street frontage for bin placement. The proposed waste management arrangements for the boarding house are satisfactory.

A condition of consent has been recommended for the provision of five 240 Litre general waste bins, five 240 Litre recycle bins and one green waste bin to be accommodated within the bin storage area.

**Overshadowing Impacts -** At Council's request, the applicant provided a solar analysis to examine the amount of existing and proposed sunlight, received at No. 4 Reddall Street, Campbelltown.

No. 4 Reddall Street, Campbelltown was approved as part of a dual occupancy development in conjunction with No. 62 Moore Street, Campbelltown (D286/93). The approved site plan shows the clothes drying area in the rear of No. 4 Reddall Street where the most sunlight is received during 9.00am to 3.00pm 21 June. The approved clothes drying area is inconsistent with the area that is currently used as a clothes drying area (NW wall of No. 4 Reddall Street). The existing shadow diagrams illustrates that the NW wall of No. 4 Reddall Street (currently used as a clothes drying area) is completely in shadow from 11.00am onwards and is not the ideal, or approved, location for the clothes drying area. The approved clothes drying area at the rear of No. 4 Reddall Street receives a minimum of 18sqm between 12.00pm and 3.00pm. The proposed development reduces the solar access by approximately 3.7sqm which is considered to be of minor impact upon the total sunlight received.

The clothes drying and open space area for No. 62 Moore Street is located between the existing house and the secondary Reddall Street setback. The shadow diagrams indicate that this area is not overshadowed from the proposed development

The shadow diagrams demonstrate that the overshadowing impacts of the development on adjoining properties (with particular reference to No. 62 Moore Street and No. 4 Reddall Street) would not result in any adverse effects to adjoining properties, with particular reference to the adjoining neighbours clothes drying and private open space areas.

### 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 future desired character of the area 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 State Environmental Planning Policy (Affordable Rental Housing) 2009. It is considered that the site is suitable for the development of a boarding house.

## 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 20 November and 9 December 2015. During this period, Council received six submissions objecting to the development, two from the same property owner. During the course of the assessment process, the design of the boarding house was amended and re-notified to the property owners who provided a submission of objection to the initial notification. The re-notification period was from 8 May to 22 May 2017 and resulted in one submission of objection received. The issues of objection raised during the notification period and Council's response to these issues, are discussed below.

| Theme | Objection Detail | Response |
|---|---|---|
| **Insufficient Car Parking** | The development provides for no access to car parking facilities to accommodate the 20 room development and will impact on the availability of car parking in the locality.<br><br>The applicant may argue that people using boarding rooms do not have cars, but I say who does not have a car or motor bike these days. | 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.<br><br>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.<br><br>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.<br><br>Based on 14 boarding rooms (excluding the manger's room), three car parking spaces are required and an additional parking space is required for the on-site manager, equating to four spaces, which complies with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.<br><br>Further, if the development complies with the SEPP's car parking requirements, Council cannot refuse an application on car parking grounds. |
| | I draw Council's attention that residents and visitors will need to park on Reddall Street, which, throughout all hours of the day is already busy. I ask Council to also consider the proposed target group of future tenants where health care, home care and meals on wheels workers will need to park on Reddall Street to perform their roles. | Additional car parking is not required under the provisions of the SEPP. Four car parking spaces are provided which complies with the SEPP. |

| Theme | Objection Detail | Response |
|---|---|---|
| **Additional Parking Provision** | I note that NSW State Government Affordable Rental Housing Policy 2009, Division 3 Boarding Houses in regard to parking. Whilst 60 Moore Street may be within a SEPP area, I ask Council to consider additional parking considering Moore Street is a No Stopping zone and that the proposed development is 20 rooms. | Additional car parking is not required under the provisions of the SEPP. Four car parking spaces are provided which complies with the SEPP. |
| **Manoeuvring** | The allocated parking specified looks difficult to manoeuvre off a busy, free flowing, six lane road. This will require slowing of traffic in a very busy location. | The manoeuvring on site has been assessment and is considered satisfactory. |
| **On-street Parking Generation** | Reddall Street and Moore-Oxley Bypass will be a parking lot day and night. | No evidence has been submitted to support this claim.<br><br>Further, Moore-Oxley has no parking restrictions. |
| **Decline in value of surrounding properties** | The development will impact on the property value of my property. | No evidence has been submitted to support this claim. |
| **Boarding House Term** | Insufficient information on the nature and legal situation of the term 'boarding-house'. | The proposed development was defined as a boarding-house, which was permissible in the zone. Under the provisions of LEP 2002, a boarding-house is defined to include a house let in lodgings or a hostel, but does not include a motel.<br><br>The ARHSEPP also defined a boarding house and the application is consistent with such. |
| **Crime** | Buildings of this nature will become areas of crime and drugs as there is no statement to having a resident supervisor. | Under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, the proposal is required to include a boarding house manager. A boarding house manager is proposed to be included with this development application in Room No. 4.<br><br>It is noted that Council cannot control who the ultimate tenants of the building will be. However, the design and management of the boarding house is considered to mitigate potential issues. There is no evidence to suggest that there would be increased criminal or antisocial behavior associated with the boarding house. |
| **Slums** | Please do not pass this development application. They will be the slums of Campbelltown in years to come. | No evidence has been submitted to support this claim. |
| **Development Type** | The area is sufficient to build at least five town houses or villas similar to | The proposed development was defined as a boarding house, which was |

| Theme | Objection Detail | Response |
|---|---|---|
| | recent buildings in Condamine Street and Moore Street. Council should be asking the developer to reconsider this proposal. | permissible in the zone. Under the provisions of LEP 2002, a boarding house is defined to include a house let in lodgings or a hostel, but does not include a motel.<br><br>The ARHSEPP also defined a boarding house and the application is consistent with such. |
| **Over-shadowing** | No. 4 Reddall Street is significantly shadowed by the proposed development in the winter. This specifically affects drying of washing. Currently, the clothesline is located and attached to the NW wall of No. 4 Reddall Street. In the 9.00am-12.00noon shadow drawing, the clothes line is shadowed by the proposed development. As the winter sun moves in the afternoon, this clothesline becomes shadowed by the garage of No. 62 Moore Street. Unfortunately, relocating the clothes line is not an option as the only other available location will be in shade all day. | At Council's request, the applicant provided a solar analysis to examine the amount of existing and proposed sunlight, received at No. 4 Reddall Street, Campbelltown. The existing shadow diagrams illustrates that the NW wall of No. 4 Reddall Street (currently used as a clothes drying area) is completely in shadow from 11.00am onwards.<br><br>No. 4 Reddall Street, Campbelltown was approved as part of a dual occupancy development in conjunction with No. 62 Moore Street, Campbelltown (D286/93).<br><br>The approved site plan shows the clothes drying area in the rear of No. 4 Reddall Street where the most sunlight is received during 9.00am to 3.00pm 21 June. The approved clothes drying area is inconsistent with the area that is currently used as a clothes drying area (NW wall of No. 4 Reddall Street).<br><br>However, the approved clothes drying area at the rear of No. 4 Reddall Street receives a minimum of 18sqm between 12.00pm and 3.00pm. The proposed development reduces the solar access by approximately 3.7sqm which is considered to be a minimum impact. |
| **Privacy** | I would appreciate the applicant add privacy screen on both balconies and windows. This would also be beneficial to the future tenants of 60 Moore Street, reducing heat from the hot summer western sun. | The design incorporates sufficient privacy measures to ensure overlooking of adjoining properties is minimised. |
| **Landscaping** | The proposed front landscape of the design is primarily hard surface, with a few small shrubs. I disagree with the applicant that the design fits with the surrounding environment.<br><br>The front of 60 Moore Street is neat and fully landscaped with a range of plants and trees. | The original plans submitted with the development application proposed a significant amount of handstand area within the front setback.<br><br>At Council's request, revised plans were submitted for review which increased landscaping in the front setback. The proposed landscaping treatment is |

| Theme | Objection Detail | Response |
|---|---|---|
| | I would like to see 60 Moore Street provide a more desirable integration of landscaping in line with its adjacent neighbours. | satisfactory and adequately softens the visual impact of the development<br><br>The development application was re-notified, and the landscaping issue was not raised as a concern. |
| **Unneighbourly Form of Development** | The proposed development, by reason if it's size, setting and design would represent an un-neighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential properties, particularly by reason of the overbearing effect. | Clause 30A of the SEPP requires the consent authority to take into consideration the design of the development of whether it is compatible with the character of the local area.<br><br>Overall, the building form and bulk and scale of the proposed boarding house is considered to be compatible with the future character of the local area particularly consider the lots adjoining the subject site (the area bound by Moore Street and Lindesay Street) is zoned R3 Medium Density Housing under the now operational CLEP 2015. |
| **Neighbourhood Amenity** | The use of the property as a boarding house introduces a diverse element that by reason of the use is likely to result in noise, disturbance, safety and nuisance to the detriment of neighbours' residential amenity. | A boarding house manager is proposed to be included with this development application.<br><br>It is noted that Council cannot control who the ultimate tenants of the building will be. However, the design and management and proposed conditions of the boarding house are considered to mitigate potential issues. There is no evidence to suggest that there would be increased criminal or antisocial behaviour associated with the boarding house. |
| **Privacy Concerns** | The boarding house is a serious invasion of privacy. I would urge you to consider the responsibilities of the council under the *Human Rights Act 1998* in particular Protocol 1, Article 1 that states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. I believe that the proposed development would have a dominating impact on me and my right to the quiet enjoyment of my property. | A boarding house manager is proposed to be included with this development application. Further, a Boarding House Management Plan provided with the application.<br><br>In addition, the design of the proposal (which includes acoustic construction measures and privacy screen to all side elevation upper level windows and balconies) reduces the potential for overlooking and increases the privacy for the boarding house occupants and adjoining properties.<br><br>Overall, through the inclusion of the boarding house manager, implementation of the Boarding House Plan of Management and design of the proposal, potential privacy issue are mitigated. |
| | | |

| Theme | Objection Detail | Response |
|---|---|---|
| **Traffic Issues** | Moore Street is already a busy and congested road. This additional concentration of traffic will cause traffic problems and create a safety hazard for other motorists. | The proposal allows for vehicles to enter and leave the site in a forward direction and to be wholly contained on the site before being required to stop. Further, a condition of consent has been recommended in attachment 1 that any landscaping or fencing must not hinder sight lines to and from the vehicular crossing to motorists, pedestrians and cyclists on Moore Street.<br><br>The proposed development is not anticipated to cause traffic problems or a safety hazard for other motorists. |

**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 provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and is fully compliant with Campbelltown (Urban Area) Local Environmental Plan 2002.

In addition, the application is compliant with the building height and floor space ratio provisions contained within the now operational Campbelltown Local Environmental Plan 2015.

The proposed boarding house has a form and scale this is generally consistent with development permissible in the R3 Medium Density Residential Zone.

Seven submissions in relation to the proposal were received. Matters raised in the submissions have been discussed and responded to within this report.

Accordingly, the application is recommended for approval.

## Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality Plan (contained within this report)
3. Streetscape Perspective (contained within this report)
4. Elevations (contained within this report)
5. Landscape Plan (contained within this report)
6. Shadow Diagrams (contained within this report)
7. Colour Material Schedule (contained within this report)
8. Plan of Management (contained within this report)
9. Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
10. First Floor Plan - confidential for privacy reasons (distributed under separate cover)
11. Notification Plan - confidential for privacy reasons (distributed under separate cover)

# 2746/2015/DA-BH
## 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 by these condition of consent:

| Drawing Title | Revision | Prepared by | Dated |
|---|---|---|---|
| Site Plan | A | Grant Robinson | 22/05/2017 |
| Carparking and Hardscaping | B | Grant Robinson | 23/05/2017 |
| Driveway Sections | A | Grant Robinson | 22/05/2017 |
| Landscaping | A | Grant Robinson | 22/05/2017 |
| Landscaping Plant Details | A | Grant Robinson | 22/05/2017 |
| Site Estblish & Erosion Control | A | Grant Robinson | 22/05/2017 |
| Site over satalite | A | Grant Robinson | 22/05/2017 |
| Ground Floor Plan | - | Grant Robinson | 21/09/2017 |
| First Floor Plan - Lower Roof Plan | - | Grant Robinson | 5/10/2017 |
| Room and Area Sizes | C | Grant Robinson | 6/09/2017 |
| Sections A and B | C | Grant Robinson | 6/09/2017 |
| Sections C and D | B | Grant Robinson | 23/05/2017 |
| Elevations | B | Grant Robinson | 23/05/2017 |
| Elevations | B | Grant Robinson | 23/05/2017 |
| Presentation Elevations | A | Grant Robinson | 22/05/2017 |
| Presentation Elevations | A | Grant Robinson | 22/05/2017 |
| Side Fence Elevations | B | Grant Robinson | 23/05/2017 |
| View from the West | B | Grant Robinson | 23/05/2017 |
| View from the North | B | Grant Robinson | 23/05/2017 |

| Drawing Title | Revision | Prepared by | Dated |
|---|---|---|---|
| View of the front entrance | - | Grant Robinson | 23/05/2017 |
| Aerial side view from the North | B | Grant Robinson | 23/05/2017 |
| Rear yard-common area | B | Grant Robinson | 23/05/2017 |
| Colour Schedule | - | - | May 2017 |

| Document Name | Prepared by | Dated |
|---|---|---|
| Plan of Management - A management plan for 15 room boarding house | Grant Robinson Property Services | 22 May 2017 |
| Assessment of Road Traffic Noise and Required Weighted Sound Index (Rw) of Building Components | Pollution Control Consultancy and Design (PCCD) | July 2017 |

**2. Boarding House Management Plan**

The operator of the boarding house shall ensure that the approved Boarding House Management Plan is complied with at all times. The Boarding House Management Plan shall not be amended without the consent of Council.

A copy of the Boarding House Management Plan must be kept by the owner, the Managing Agent, the on-site Manager and Campbelltown City Council.

**3. Boarding House Manager**

The Boarding House Manager must permanently reside on-site in Room No. 4.

The 24 hour contact details of the on-site Manager (including phone number and mobile phone number) must be displayed externally at the front entrance of the boarding house and internally within the communal living area.

The Managing Agent must notify Council in writing if there is any change to the management arrangements or contact details for the manager of the boarding house within 24 hours of becoming aware of the change.

**4. 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.

**5. Roads and Maritime Services**

The following conditions are imposed by the Roads and Maritime Services:

a) All buildings and structures together with any improvements on the site must be wholly within the freehold property along the Moore Street site boundary.

b) All vehicles are to enter and leave the site in a forward direction.

c) Landscaping and fencing must not hinder sight lines to and from the vehicular crossing to motorists, pedestrians and cyclists on Moore Street.

d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore Street.

e) All works/regulatory signage associated with the proposed development shall be at no cost to Roads and Maritime Services.

f) The applicant shall be responsible for all public utility adjustment/relation works, necessitated by the development and as required by the various public utility authorities and/or their agents.

**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 Council's Native Gardening Guide.

The landscaping within the front setback of the site shall be maintained so as to not obstruct sight lines to and from the vehicular crossing to motorists, pedestrian and cyclists on Moore Street.

**7. Acoustic Construction Requirements**

The development shall incorporate the construction requirements recommended in the Assessment of Road Traffic Noise and Required Weighted Sound Reduction Index of Building Components prepared by Pollution Control Consultancy and Design, dated July 2017.

**8. Noise Mitigation Measures**

The following boarding house management restrictions recommended within the Assessment of Road Traffic Noise and Required Weighted Sound Reduction Index of Building Components prepared by Pollution Control Consultancy and Design, dated July 2017, must be adhered to at all times:

a) The occupants and visitors must ensure orderly conduct with no disturbances to neighbours.

b) No guests after 10.00pm.

c) The common room will be closed at 10.00pm daily and re-open at 7.00am.

d) The outdoor common area and rear open space must be used in a quiet and peaceful manner at all times.

e) No motorcycles shall be driven onto the site. They must be turned off before crossing the footpath and wheeled to the parking areas provided.

f) Peace and quiet is to be upheld at all times. Abusive language, excessive noise, privacy, parties and other anti-social behaviour will not be tolerated.

In addition, the following must be adhered to at all times:

a) outdoor common area is not used after 10.00pm or before 7.00am

b) no music to be played in outdoor areas

c) radios or similar are permitted in the common area when the windows to the common area are kept closed.

**9. Waste Storage Area and Waste Management**

The approved plans are to be amended to incorporate the following details in relation to the waste storage areas and those amendments are to be included in any construction certificate plans:

a) include five 240 litre general waste bins and five 240 litre recycle bins

b) not be stored within vehicle parking, vehicle manoeuvring areas of landscaped areas

c) be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor

d) the floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket

e) a hose chock shall be provided within the storage area.

The waste bins shall adhere to the following:

a) the bins shall be stored within the waste storage area at all times other than for collection

b) all bins shall be presented to the street and returned to the waste storage room by a building manager. Boarding house residents shall not be responsible for presentation and return of bins

c) all waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

**10. 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.

**11. 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.

**12. Driveway**

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

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

**13. Switchboards/Utilities**

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

**14. 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.

**15. Unreasonable Noise**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 10.00pm.

**16. 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.

**17. 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.

**18. 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 (as amended) and Campbelltown City Council Engineering Design Guide for Development (as amended).

**19. Signage**

All vehicle entries and exits, to and from the site, shall be made in a forward direction. A sign shall be placed at the entrance to the property within the site, advising drivers of this information.

No parking sign on turning bay area shall be installed. Line marking and signage on accessible parking area, motor bike parking area and turning bay area shall be installed in accordance with Australian Standards.

**20. Retaining Wall**

All retaining walls must be constructed wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works adjacent to the common boundaries shall not compromise the structural integrity of any existing structures.

Where retaining structures exceed 600mm in height, they shall be designed by an appropriately qualified engineer. Upon completion, the retaining structures shall also be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

**21. Car Parking Spaces**

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

One car parking space shall be designed, sealed, line marked in accordance with Australian Standards 2890.1 and 2 (as amended), and designated to the Boarding House Manager.

Three motorcycle and a minimum of four bicycle spaces shall also be provided and made available to all users of the site.

**22. Act 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*

**23. Maximum Number of Lodgers per Room**

The building is to contain a maximum of 28 persons (excluding the Boarding House Manager). The maximum occupancy rate of each boarding room shall be two persons per room.

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

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 2sqm or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

**24. Maximum Number of Adult Lodgers in the Building**

The maximum number of adult lodgers in the building at any given time is 28.

**25. 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.

**26. 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.

**27. 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.

**28. Acoustic Construction Requirements**

Prior to the issue of a Construction Certificate, all of the recommendations in the Assessment of Road Traffic Noise and Required Weighted Sound Reduction Index of Building Components prepared by Pollution Control Consultancy and Design, dated July 2017, shall be incorporated into the Construction Certificate plans. Certification from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority, indicating that the building design as shown on the Construction Certificate plans will prevent any impact on the nearby residences. Should these requirements necessitate amendments to the design of the building or finishes, approval from Council must be obtained.

**29. Redundant Driveway**

The redundant driveway on Moore Street shall be removed and replaced with kerb and gutter to match existing. Prior to Council or an accredited certifier issuing a construction certificate and any road works, details of the design and construction of the gutter crossing and kerb and gutter are to be submitted to Roads and Maritime for written approval.

Details of the design and construction requirements should be obtained from Roads and Maritime Services (Manager Development Works, Statewide Delivery, Parramatta, Ph: 8849 2138).

A plan checking fee and lodgement of a performance bond may be required prior to the release of the approved road design plans by Roads and Maritime.

**30. Construction Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a Construction Management Plan to Council, for written approval by the Manager of Development Services, demonstrating that the works will not impact on the existing traffic flows and pedestrian movements on Moore Street. The plan must demonstrate that all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore Street.

If the works will impact upon the existing traffic flows on Moore Street, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Moore Street during construction activities, including demolition activities.

**31. Road Occupancy Licence**

Prior to Council or an accredited certifier issuing a construction certificate and prior to any works commencing on the site, the applicant shall obtain a Road Occupancy Licence from Transport Management Centre for any works that may impact on traffic flows on Moore Street during construction activities, including demolition activities.

If the Applicant is of the opinion that the construction and demolition activities will not impact traffic flows on Moore Street, written confirmation must be received from Roads and Maritime Services, and submitted to Campbelltown City Council, stating that the construction (and demolition) activities will not impact on traffic flows on Moore Street during construction.

**32. 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 authority's water or sewer infrastructure.

**33. Tree Protection Measures**

Prior to Council or an accredited certifier issuing a construction certificate, any trees on adjoining properties likely to be impacted by the construction of the development must be protected in accordance with AS4970 Protection of Trees on Development Sites.

A certificate from an AQF level 5 site arborist must be received by Council confirming that the tree protection measures are in accordance with AS4970 Protection of Trees on Development Sites.

Tree protection measures must be in place prior to the demolition of any structures on the property.

**34. 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.

**35. Vehicles**

Prior to Council or an accredited certifier issuing a construction certificate, a plan shall be submitted for written approval to Council's Director City Development demonstrating that all vehicles can enter and exit the site in a forward direction.

**36. Roads and Maritime Services Approval**

Prior to issue of a construction certificate, the applicant shall obtain a written approval from Roads and Maritime Services (RMS) for all the works proposed in Moore Street road reserve. In this regards, the applicant shall submit detailed engineering plans for stormwater connection to Moore Street underground drainage system and new vehicle crossing construction to RMS for approval. A copy of the written approval from RMS shall be submitted to Council. All the requirements given on the RMS approval shall be complied with. All the cost shall be borne by the applicant.

**37. Geotechnical Report**

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

**38. 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.

**39. 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 State Roads Authority manual Traffic Control at Work Sites and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with WorkCover Authority requirements. A copy shall be submitted to Council for its records.

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels.

Finished ground surface of the site shall be regraded to have a continuous fall of minimum 1 per cent without any trapped low points.

Stormwater shall be conveyed from the site to the existing drainage pit located in front of the site in Moore Street by gravity with approval from Road and Maritime Services (RMS).

All proposals shall comply with the requirements given on RMS approval and requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

**41. Existing Drainage**

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

**42. 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.

**43. Work on Public Land**

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

**44. Clearance to Services**

The proposed vehicular crossing including layback shall be located a minimum of 1 metre clear of the lintel of existing stormwater kerb inlet pit located in Moore Street.

**45. 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.

**46. 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.

**47. 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.

**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.

**48. 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.

**49. 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.

**50. 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.

**51. 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.

**52. 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.

**53. 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. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**54. 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.

**55. Fencing**

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

**56. 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.

**57. Demolition of Existing Dwelling**

Prior to the commencement of any other works, the existing dwelling and existing front retaining wall 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.

**58. 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. |

**59. 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.

**60. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore Street.

**61. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council.

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

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

**62. 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

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.

**63. 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.

**64. 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.

**65. 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.

**66. 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.

**67. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual Traffic Control at Work Sites (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all 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.

**68. 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 (as amended) & Campbelltown City Council Engineering Design Guide for Development (as amended);

c) Soils and Construction (2004) (Bluebook); and

d) Relevant Australian standards and State Government publications.

**69. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

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

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the site, in accordance with the requirements detailed on Roads and Maritime Services approval and Council's Medium Density Vehicle Crossing Specification *and* Campbelltown City Council Engineering Design Guide for Development (as amended).

Vehicular crossing shall be perpendicular to the street kerb and gutter.

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council/Roads and Maritime Services (RMS), must be lodged with Council and RMS 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 civil works directed by Council/Roads and Maritime Services, 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 Roads and Maritime Services requirements and Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

Details of the Roads and Maritime Services requirements shall be obtained from Roads and Maritime Services (Manager Develop Works, Statewide Delivery, Parramatta, Ph: 8849 2138).

All concrete area in footpath associated with redundant vehicle crossings shall be removed and reinstated with turf.

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

### 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 > 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. 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.

### 77. 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.

### 78. 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 has been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Campbelltown City Council Engineering Design Guide for Development (as amended).

Details on line marking/sign posting undertaken in relation to the development and details of constructed stormwater drainage system shall be shown on the work as executed plan.

### 79. Restoration of Public Roads

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

**80. 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.

**81. 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 *Public Health Act 2010, Boarding Houses Act 2012*, *Local Government Act 1993* and associated technical standards.

**82. Registration**

The premise is required to be registered with Council and the Office of Fair Trading so that regular inspections can be carried out to ensure health standards are maintained. Please contact The Office of Fair Trading on 13 3220 and Council’s on (02) 46454604 for registration details.

**83. Notices**

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

**84. Cleanliness**

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

**85. Pest and Vermin**

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

**86. Lighting and Ventilation**

Adequate light and ventilation must be maintained in the premises.

**87. Long Term Residences**

If persons may board or lodge for seven days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

**88. Waste**

All waste and recycling generated from the business is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

A commercial waste contract agreement for regular waste and recycling collection and disposal must be arranged with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.

**89. Neighbourhood Amenity**

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products. In addition, the recommendations included in the Assessment of Road Traffic Noise and Required Weighted Sound Reduction Index of Building Components prepared by Pollution Control Consultancy and Design, dated July 2017, and the approved Boarding House Management Plan must be implemented and complied with at all times.

**ADVISORY NOTES**

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

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

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

a) Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.

b) Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.

c) Give Council at least two days notice prior to the commencement of any works.

d) Have mandatory inspections of nominated stages of the construction inspected.

e) Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act 1993* (NSW).

**Advice 3. Provision of Equitable Access**

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

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

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

**Advice 4. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 5. Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

**Advice 6. Covenants**

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

**Advice 7. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council/Roads and Maritime Services prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 8. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 9. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP (as amended) and Campbelltown City Council 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
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

**Advice 11. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**Advice 12. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 13. *Telecommunications Act 1997* (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**

esign by
**Grant Robinson**
Bachelor of Building (Honors) University of Southern Queensland
Phone: 07 5472 8748 | Mobile: 0418 372 316
email: grantmatthew@me.com

rawn by | Checked by | Date

APPLICANT **Grant Robinson**
58 Justin Rd
Doonan
NSW 4562
0418 372 316

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE 3cm THEN THE CERTIMETERS (cm) EXACTLY THE DRAWING WILL NOT HAVE BEEN PRINTED TO THE CORRECT SCALE, AFFECTING ALL LABELED SCALES.

Drawing Name **Site over Satalite**

| Drawing Scale | Sheet Size |
|---|---|
| **1:500** | **A3** |

| Layout ID | Status | Revision |
|---|---|---|
| **A.P.10** | | **A** |

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email: grantmatthew@live.com
Checked by
Date
APPLICANT
Grant Robinson
56 Justin Rd
Doonan
NSW 4562
0418 372 316
PROJECT
The Summit
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2
Drawing Name
Aerial side view from the North
Layout ID
Status
Revision

Drawing Name
View from the West

Layout ID
Status
Revision

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The Summit
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Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

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Design by
Grant Robinson
Residential Building Professional Designer of Excellence Sydney
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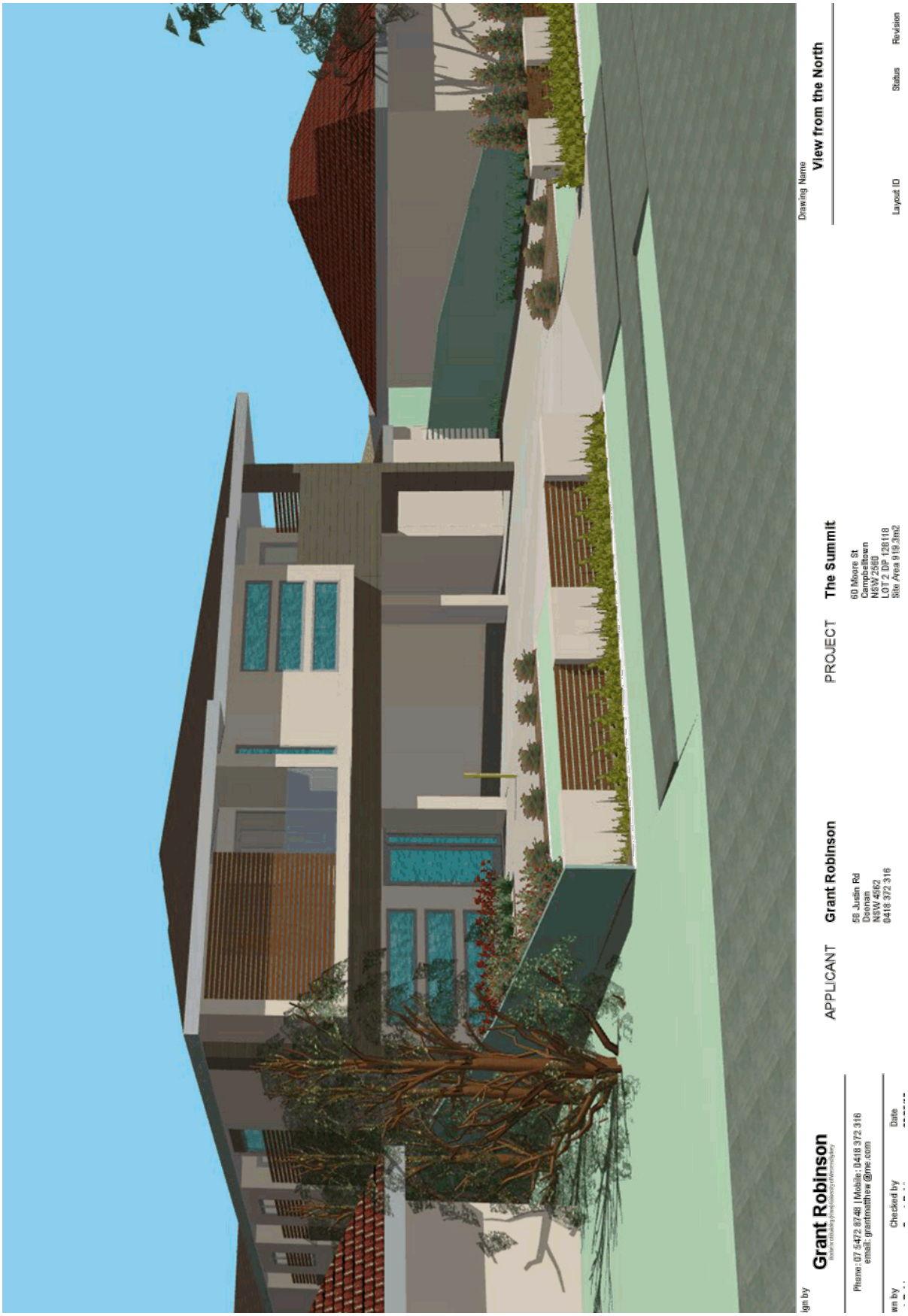
Drawn by
Checked by
Date


Grant Robinson
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Dromana
NSW 4562
0418 372 316
PROJECT
The Summit
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2
Drawing Name
View from the North
Layout ID
Status
Revision

Design by
**Grant Robinson**
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Drawn by | Checked by | Date

APPLICANT **Grant Robinson**
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0418 372 316

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3 cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE THREE (3) CENTIMETERS (3 cm) EXACTLY, THE DRAWING WILL HAVE BEEN PLOTTED AT A SCALE DIFFERENT TO THE SCALE(S) LABELED.

Drawing Name
**Presentation Elevations**

Drawing Scale **1:100** | Sheet Size **A3**

Layout ID **A.P.19** | Status | Revision **A**

Drawing Name
**Presentation Elevations**

Drawing Scale **1:100** | Sheet Size **A3**

Layout ID **A.P.20** | Status | Revision **A**

PROJECT **The Summit**
60 Moore St
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APPLICANT **Grant Robinson**
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esign by **Grant Robinson**
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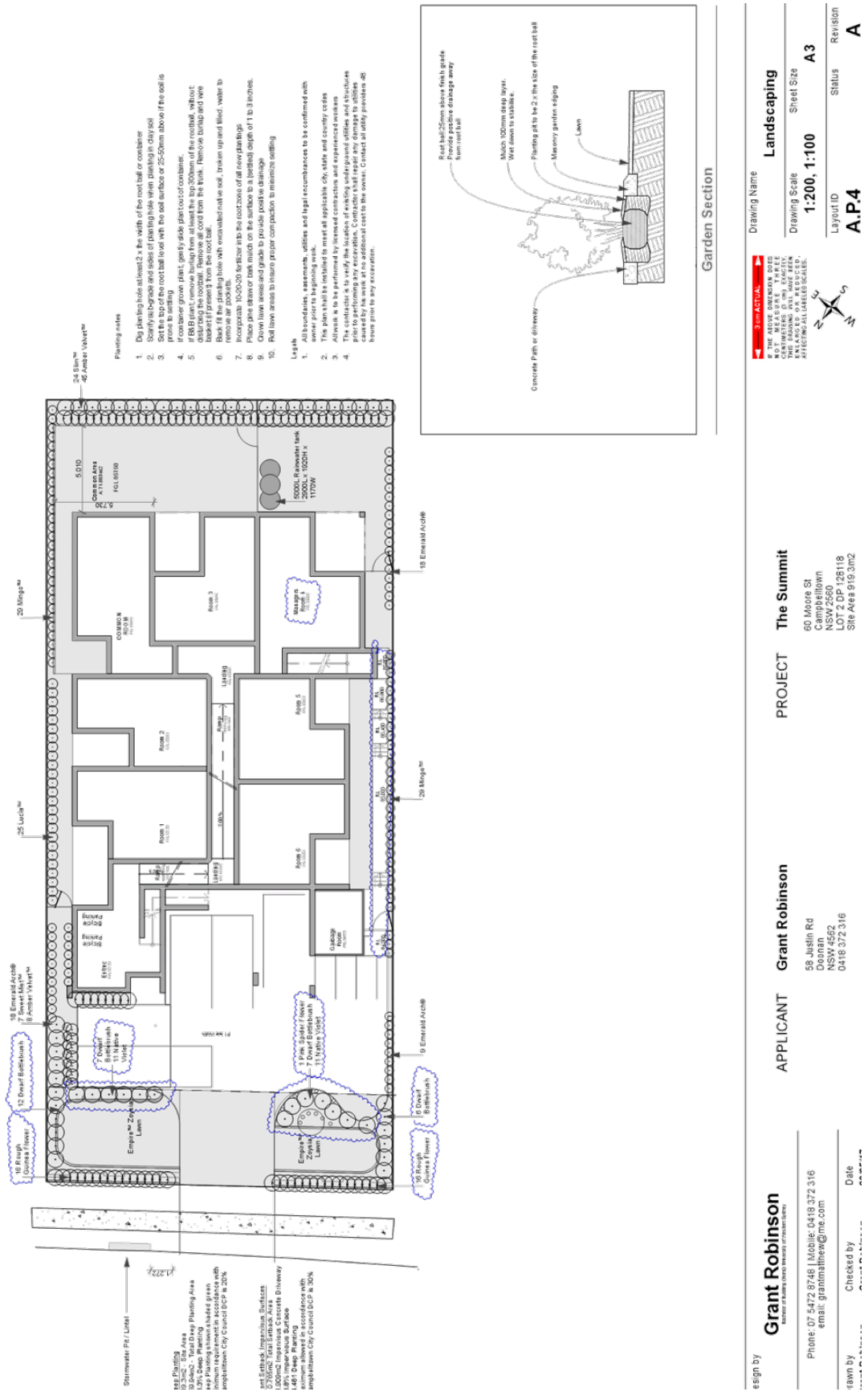
rawn by | Checked by | Date


Planting notes
1. Dig planting hole at least 2 x the width of the root ball or container
2. Scarify subgrade and sides of planting hole when planting in clay soil
3. Set the top of the root ball level with the soil surface or 25-50mm above if the soil is prone to settling
4. If container grown, carefully slide plant out of container
5. If B&B plant, remove burlap from at least the top 300mm of the root ball, without disturbing the root ball. Remove all cord from the trunk. Remove burlap and wire basket if present from the root ball.
6. Back fill the planting hole with excavated native soil, broken up and lifted, water to remove air pockets.
7. Incorporate 10-20-20 fertilizer into the root zone of all new plantings
8. Place pine straw or bark mulch on the surface to a (settled) depth of 1 to 3 inches.
9. Cover lawn areas and grade to provide positive drainage
10. Roll lawn areas to insure proper compaction to minimize settling
Legals
1. All boundaries, easements, utilities and legal encumbrances to be confirmed with owner prior to beginning work.
2. The plans shall be installed to meet all applicable city, state and country codes
3. All work is to be performed by licensed contractors and experienced workers
4. The contractor is to verify the location of existing underground utilities and structures prior to performing any excavation. Contractor shall repair any damage to utilities caused by his work at no additional cost to the owner. Contact all utility providers 48 hours prior to any excavation.
Garden Section
Concrete Path or driveway
Roof ball 25mm above finish grade Provide positive drainage away from root ball
Mulch 100mm deep layer. Wet down to stabilise.
Planting pit to be 2 x the size of the root ball
Masonry garden edging
Lawn
Stormwater Pit / Lintel
Common Area 2171m2 FGL 85.50
5.730
5.010
5000L Rainwater tank 2500L x 1520H x 1170W
Room 1
Room 2
Room 3
Room 5
Room 6
Laundry
Ramp
Garbage Bins Room
Managers Room 1
Managers Room 2
Existing Paving
Existing Paving
Existing Paving
Empire™ Zoysia Lawn
Empire™ Zoysia Lawn
7 Dwarf Bottlebrush
11 N Native Violet
1 Pink Spider Flower
7 Dwarf Bottlebrush
11 Native Violet
8 Dwarf Bottlebrush
10 Rough Guinea Flower
12 Dwarf Bottlebrush
18 Emerald Arch®
7 Sweet Mary™
8 Amber Velvet™
25 Lucia™
29 Mingo™
24 Slim™
46 Amber Velvet™
18 Emerald Arch®
29 Mingo™
18 Emerald Arch®
esp Planting
10.3m2 Site Area
10.3m2 Total Deep Planting Area
1.3% Deep Planting
esp Planting shown shaded green
Minimum requirement is 500m2 or 30% impervious area in accordance with ampelitown City Council DCP is 30%
esp Permeable Impervious Surfaces
0.2m2 Total Permeable Area
1,000m2 Impervious Concrete Driveway
1.4% Impervious Surface
Deep Planting
Minimum requirement is 500m2 or 30% impervious area in accordance with ampelitown City Council DCP is 30%
3cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT EQUAL 3cm THEN THE DRAWING IS NOT TO SCALE
CENTIMETERS (cm) EXACTLY TWO POUNDS (£2) WILL WAIT LEFT TO RIGHT ON A SHEET AFFECTING ALL LABELED SCALES.
N
NE
E
SE
S
SW
W
NW
Drawing Name
Landscaping
Drawing Scale
1:200, 1:100
Sheet Size
A3
Layout ID
A.P.4
Status
Revision
A
PROJECT
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rawn by
Checked by
Date

A
**Amber Velvet** - *Anigozanthos hybrid*
- Beautiful Amber flowers with red and yellow
- Mid-sized landscape Kangaroo Paw
- Clean and robust foliage (more ink spot resistant)

**Description:** 'Amber Velvet' is a beautiful Kangaroo Paw with bold amber flowers that reach about 1 to 1.2 metres tall. With robust and clean foliage, 'Amber Velvet' will be a real feature in any landscape garden.
**Size:** 60cm high x 40cm wide.
**Uses:** Mass planting, pots and low maintenance gardens or landscapes. For lowest maintenance it is best planted behind/in between evergreen strappy leaf plants.
**Position:** Full sun open position. Best suits well drained soils or raised gardens, avoid wet feet. Tolerates frost and drought.
**Care:** Water as required for 8-13 weeks until established. Plant in a well mulched garden (chunky mulch is recommended). Ensure crown or base of plant is not below soil level. If required use a native slow release fertiliser in spring. Remove older flower stems and cut back foliage every 1-2 years, unless planted in bands between strappy leaf plants.

B
**Mingo - Themeda australis - Dwarf Blue Kangaroo Grass**
**Description:** An attractive and versatile low growing Australian native grass featuring stunning blue grassy foliage. 'MINGO' is a low growing Australian native Themeda. Plants need annual trimming, they thrive in most soils and are drought and frost tolerant. Ocassional watering will make the plant look nicer.
**Uses:** Ideal for rocky pockets, as a low border, for planting on sloping sites and as a low ground cover under trees and shrubs or open sunny positions. It makes an ideal ground cover grass for native gardens, golf courses or anywhere an informal ground cover is needed.
Add blue foliage colour to your landscape with the lowest growing native grass that can out compete many weeds.
**Position:** Grows well in both sunny and part shaded positions.
**Care:** Water well for the first 2-3 months to promote a quicker ground cover. Trim older foliage when required and apply slow release fertilizer in Spring and Autumn.
'Mingo', a blue prostrate form of Kangaroo grass with rusty red/brown semi prostrate seed heads. Flowers over the Summer months.
'Mingo' has an overall spread of about 60cm in diameter and stands approximately 15cm to 30cm tall.

C
**Sweet Mist®** *Phormium tenax* 'PH0S2'
- Stunning colour contrast for the modern garden
- Ultra compact
- Exceptional bronze colour

**Description:** Sweet Mist® Phormium is an ultra-compact, bronze coloured Phormium. It is much tougher than Elfin and Bronze Baby with cleaner foliage and is one of the most compact forms available.
**Size:** 40cm high x 40cm wide.
**Uses:** Mass plantings, low borders, fill in plant, containers and patio pots.
**Position:** Full sun to partly shaded positions. Tolerates frost and moderate dry. Tolerates a wide variety of soil types but prefers free draining soil. In Sydney it needs a shaded position and irrigation, except for coastal positions which will handle full sun.
**Care:** Water as required for 8-13 weeks until established, needs water in summer. Plant in a well mulched garden (chunky mulch is recommended). Ensure crown or base of plant is not below soil level. If required use slow release fertiliser in spring. Remove older foliage as required or every 5-7 years cut back to half the height (will look better with pruning every 5 years, this depends on your requirements).

D
**Emerald Arch®** *Dianella tasmanica* 'DT23'
- Broad arching leaves
- Creates warm tropical feel for cooler climates
- Deep green foliage for most of the year

**Description:** This Flax Lily has broad arching leaves and blue – yellow flowers from September to November. It creates a tropical feel whilst being extremely cold hardy. Emerald Arch® Dianella has low water requirements and is better suited to cool or temperate climates.
**Size:** 55cm high x 50cm wide.
**Uses:** Mass plantings, specimen plantings and low water gardens.
**Position:** Full sun to heavy shade. Tolerates drought and frost. Emerald Arch® Dianella suits well drained soils to clay soils. Avoid very poor soils. For Sydney and north, light shade to heavy shade only (can use in full sun if near the coast).
**Care:** Water as required for 8-13 weeks until established. Plant in a well mulched garden (chunky mulch is recommended). Ensure crown or base of plant is not below soil. Use slow release fertiliser in spring. Trim older leaves as required and cut back halfway every 2-7 years (will look better with pruning every 3 years, this depends on your requirements).

E
**Lucia™** *Dianella caerulea* 'DC101'
- Low growing, excellent spreading Dianella
- Best spreading Dianella for roadsides/median strips, very good recovery
- Low cost ground cover option at 4 – 6 plants per square metre.

**Description:** Lucia™ Dianella has deep green foliage with mulberry flower buds in spring. These open to purple flowers that sit high above foliage, followed by purple berries in summer. Grows well in coastal and inland climates, may discolour in winter in very cold climates, but handles frosts down to -7°c with minor leaf burn. Multiple rhizome shoots means excellent coverage and quick damage recovery.
Lucia™ Dianella is a good erosion control option as it strengthens the soil
**Size:** 30 – 40cm high x 50 cm wide.
**Uses:** Mass planting for roadsides, median strips and borders.
**Position:** Full sun to part shade. Tolerates drought & frost. Lucia™ Dianella suits sandy loam to clay soils. Avoid very poor soils.
**Care:** Water as required for 8-13 weeks until established. Plant in a well mulched garden (chunky mulch is recommended, but will handle any well composted mulch). Ensure crown or base of plant is not below soil or mulch level. If required use slow release fertiliser in spring. If required cut back to half the height every 4-8 years (will look better with pruning every 4 years, this depends on your requirements).

F
**Red Head™** *Acmena smithii* 'BWNRED'
- Dense foliage with red new growth
- Extremely Psyllid resistant
- Highly Myrtle Rust resistant

**Description:** Red Head™ Acmena is an attractive large shrub/small tree with glossy rounded, deep green foliage. New growth flushes red to deep claret then changes to chocolate before hardening off the dark green. The dense foliage can be pruned down to 1.5m high and is fire retardant. Clusters of small white flowers are followed by bright purple edible berries.
**Size:** 6m high x 2m wide.
**Uses:** Ideal for specimen planting, hedging and screening.
**Position:** Full sun to part shade. Tolerates cold and drought. Red Head™ Acmena suits well drained to heavy clay soils.
**Care:** Trim as required. Water as required for 8-13 weeks until established. Plant in a well mulched garden (chunky mulch is recommended). If required use slow release fertiliser in spring. For a tidy hedge prune yearly, for a natural shape prune every 2-3 years or not at all.

G
**Slim™** *Callistemon viminalis* 'CV01'
- Unique with narrow growth habit
- Great as a screen or hedge
- Highly Myrtle Rust resistant

**Description:** Slim™ Callistemon provides landscape professionals and homeowners with a bottlebrush solution for tight planting areas. A large number of flower buds develop in spring and will open to classic bottlebrush throughout spring, summer and later again in autumn. Has been tested down to -6 degrees Celsius with no leaf burn, this is excellent for a Callistemon.
**Size:** 3m high x 1.5m wide.
**Uses:** Screen, hedge or feature for tight planting areas.
**Position:** Full sun to part shade. Suits most soil types. Tolerates drought and frost.
**Care:** Water as required for 8-13 weeks until established. Plant in a well mulched garden (chunky mulch is recommended). If required use slow release fertiliser in spring. If desired prune to shape 1-2 times a year after flowering (this depends on your requirements, more frequent pruning will provide a tidier hedge/shape).

H
**Empire™** *Zoysia* Turf grows Australia Wide and provides a lawn grass which is easy to look after. It has a relatively fine leaf which is soft to touch, excellent wear tolerance and thrives in extreme heat and humidity.
EMPIRE™ is good in the shade and keeps a good winter colour and it can generally outcompete the weeds once established. EMPIRE™ ZOYSIA generally requires less watering & less mowing than any other commercially grown lawn in Australia.

I
Dwarf Bottle Brush *Callistemon subulatus*
Small, red flowering bottlebrush, 1 to 2 metres tall. Flowers October to February.

J
Rough Guinea Flower *Hibbertia aspera*
Small shrub often only 20 to 25cm but may grow up to 60cm tall. Yellow flowers August to December.

K
Pink Spider Flower *Grevillea sericea*
Shrub 1 to 2 metres tall with pink flowers mostly July to November, but some flowers at other times.

L
Native Violet *Viola hederacea*
Small herb which spreads by runners. Leaf blades are kidney shaped or oval. Flowers are white to pale violet with darker blotches towards the centre. Flowers mainly September to December, with a few flowers at other times.

esign by
**Grant Robinson**
Bachelor of Building (Hons) University of Western Sydney

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email: grantmatthew@me.com

| rawn by | Checked by | Date |
|---|---|---|
| | | |

APPLICANT **Grant Robinson**
58 Justin Rd
Doonan
NSW 4562
0418 372 316

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3 cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Drawing Name
**Landscaping Plant Details**

| Drawing Scale | Sheet Size | |
|---|---|---|
| 1:1 | A3 | |
| Layout ID | Status | Revision |
| A.P.5 | | A |

Existing Plan View Scale 1:400

Existing Perspective View

Proposed Plan View 1:400




Proposed Perspective View

9am - As the sun rises in t East a shadow from the proposed development wil be cast over the rear yard 4 Reddall Street. The Northern side of 4 Reddall Street has sun on the side wall of the house.

esign by
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rawn by | Checked by | Date

APPLICANT **Grant Robinson**

58 Justin Rd
Doonan
NSW 4562
0418 372 316

**Sun Angle**
Azimuth 42.83°
Altitude 26.01°

PROJECT **The Summit**

60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

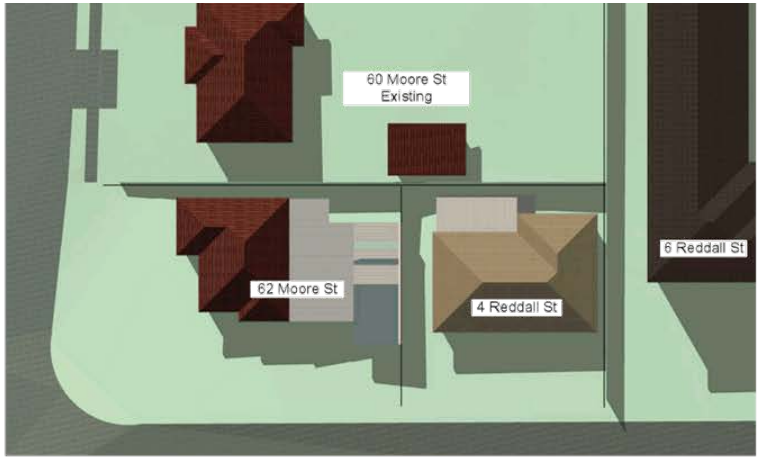
3cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT EQUAL 3 CENTIMETERS (3 cm) EXACTLY, THE DRAWING WILL HAVE BEEN PLOTTED AT AN INCORRECT SCALE AFFECTING ALL LABELED SCALES.

Drawing Name
**Reddall St | Sun Study | 9 AM**

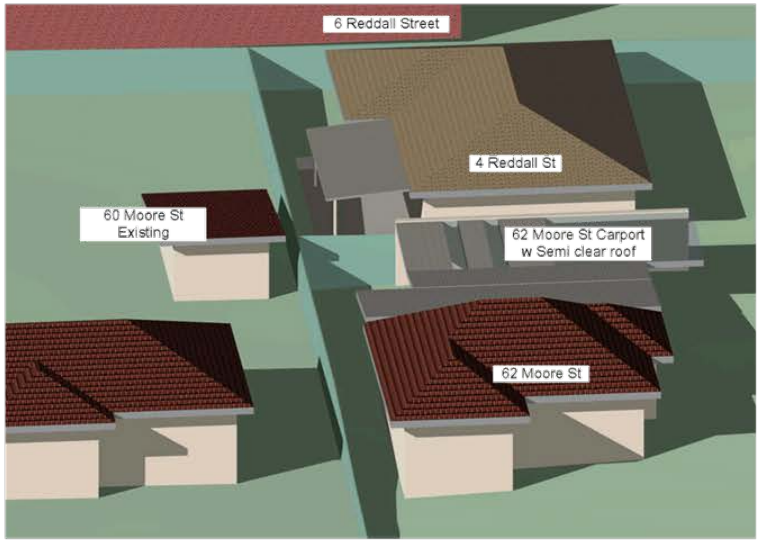
Drawing Scale | Sheet Size
**A3**

Layout ID | Status | Revision
**9am** | | **A**




Existing Plan View Scale 1:400

Proposed Plan View 1:400




Existing Perspective View

Proposed Perspective View

10am - The sun angle mov
a little higher and providin
direct solar access to the
northern yard area of 4
Reddall Street.

esign by

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| rawn by | Checked by | Date |
|---|---|---|
| | | |

APPLICANT **Grant Robinson**

58 Justin Rd
Doonan
NSW 4562
0418 372 316

**Sun Angle**
Azimuth 26.01°
Altitude 30.30°

PROJECT **The Summit**

60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3 cm ACTUAL

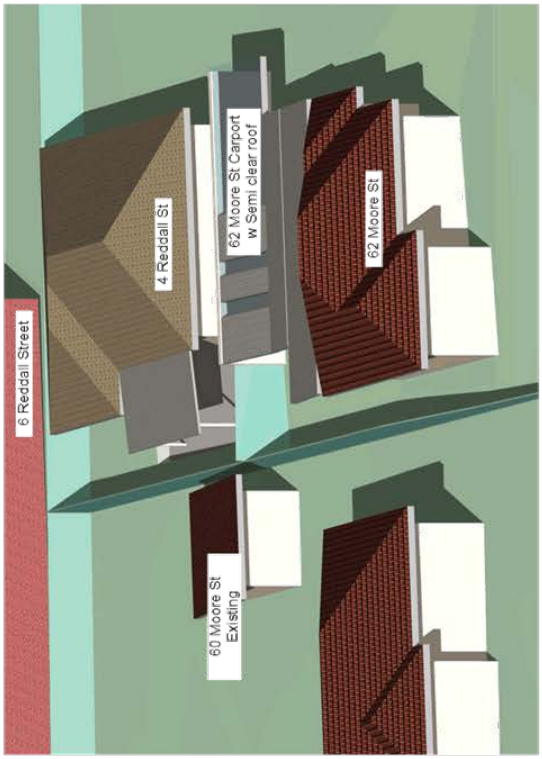
IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

N E S W

Drawing Name
**Reddall St | Sun Study | 10 AM**

| Drawing Scale | Sheet Size | |
|---|---|---|
| | A3 | |
| Layout ID | Status | Revision |
| **10am** | | **A** |

Existing Plan View Scale 1:400




Existing Perspective View




Proposed Plan View 1:400

Proposed Perspective View

11am - The sun moves further towards the North. The perspective view abo clearly show direct solar access to the covered outdoor area from 11am.

esign by
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rawn by — Checked by — Date

APPLICANT **Grant Robinson**
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Doonan
NSW 4562
0418 372 316

**Sun Angle**
Azimuth 15.65°
Altitude 30.87°

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3cm = ACTUAL
IF THE ABOVE DIMENSION DOES NOT EQUAL 3cm, THE PLOTTED CENTIMETERS (3 cm) EXACTLY THE PROPORTION THAT HAS BEEN MAINTAINED FOR ALL DRAWINGS AFFECTING ALL LABELED SCALES.

Drawing Name
**Reddall St | Sun Study | 11 AM**

Drawing Scale — Sheet Size **A3**

Layout ID **11am** — Status — Revision **A**

Existing Plan View Scale 1:400

Existing Perspective View




Proposed Plan View 1:400




Proposed Perspective View

12 Noon - The sun is now Azimuth 359.59° providing direct solar access to mos the yard. The low winter si angle also allow direct soli access to the undercover area.

esign by
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APPLICANT **Grant Robinson**
58 Justin Rd
Doonan
NSW 4562
0418 372 316

**Sun Angle**
Azimuth 359.59°
Altitude 32.53°

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3cm ACTUAL

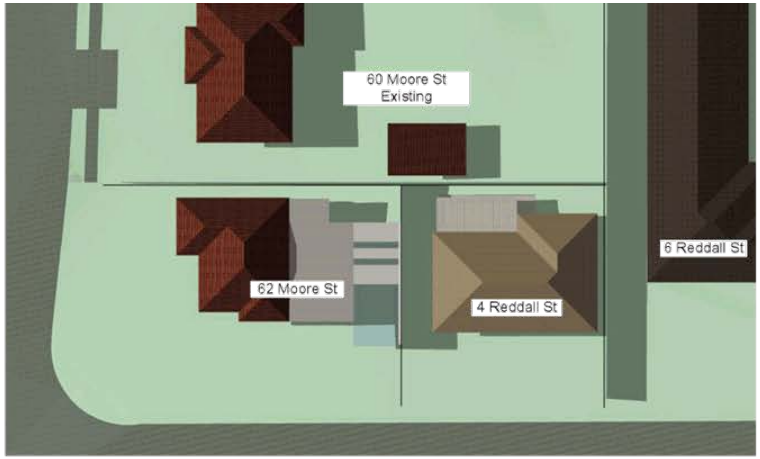
IF THE ABOVE DIMENSION DOES NOT EQUAL 3cm THEN THE PLANS HAVE BEEN PRINTED AT A SCALE OTHER THAN 1:100. EXACTITUDE CENTIMETERS 0 cm. EXACTITUDE THE PROGRAM PLAN HAVE BEEN PRINTED AT A SCALE OTHER THAN 1:100. AFFECTING ALL LABELED SCALES.

Drawing Name
**Reddall St | Sun Study | 12 Noon**

Drawing Scale
Sheet Size
**A3**

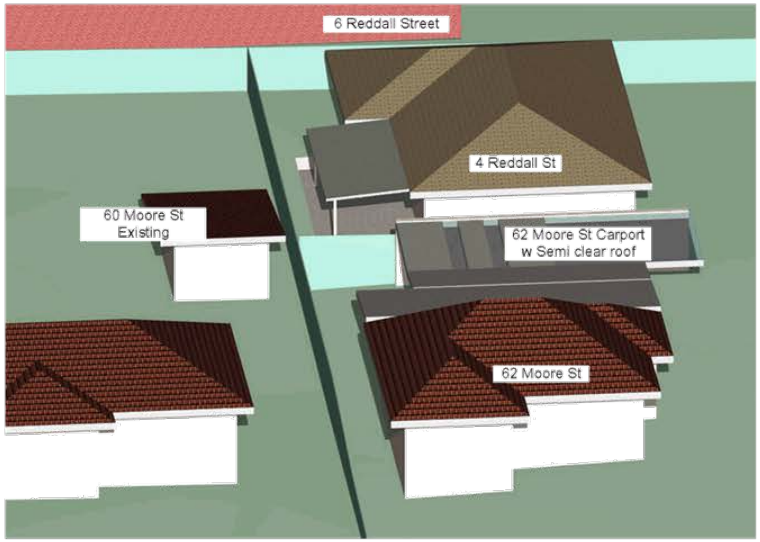
Layout ID
**12 Noon**
Status
Revision

drawn by
Checked by
Date




Existing Plan View Scale 1:400

Proposed Plan View 1:400




Existing Perspective View

Proposed Perspective View

1pm - By this time no overshadowing to any part 4 Reddall Street is occurin 4 Reddall Street has direc solar access to most of the rear yard including the cov outdoor area.

esign by

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| rawn by | Checked by | Date |
|---|---|---|
| | | |

APPLICANT **Grant Robinson**

58 Justin Rd
Doonan
NSW 4562
0418 372 316

**Sun Angle**
Azimuth 343.57°
Altitude 30.70°

PROJECT **The Summit**

60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3 cm ACTUAL

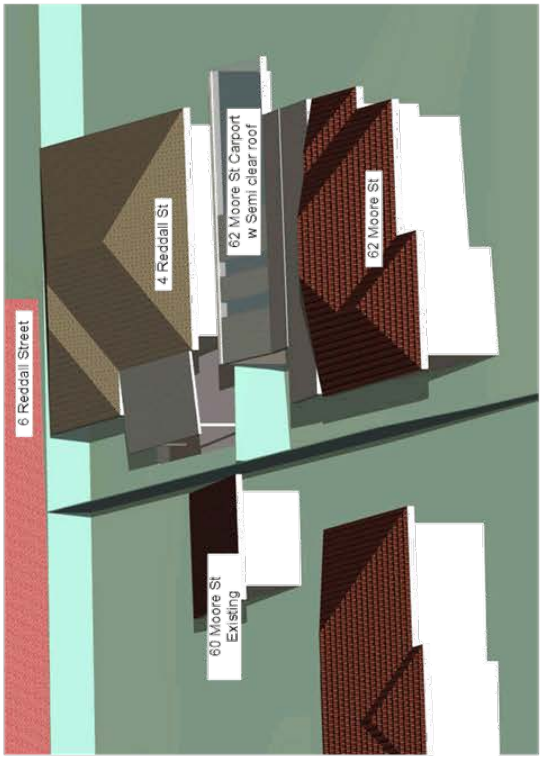
IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Drawing Name
**Reddall St | Sun Study | 1 PM**

| Drawing Scale | Sheet Size |
|---|---|
| | A3 |

| Layout ID | Status | Revision |
|---|---|---|
| 1pm | | A |

Existing Plan View Scale 1:400




Existing Perspective View




Proposed Plan View 1:400

Proposed Perspective View

2pm - The sun begins moving to the west and th altitude angle is beginning lower. The covered outdoo area has direct solar acce

esign by
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rawn by Checked by Date

APPLICANT **Grant Robinson**
58 Justin Rd
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NSW 4562
0418 372 316

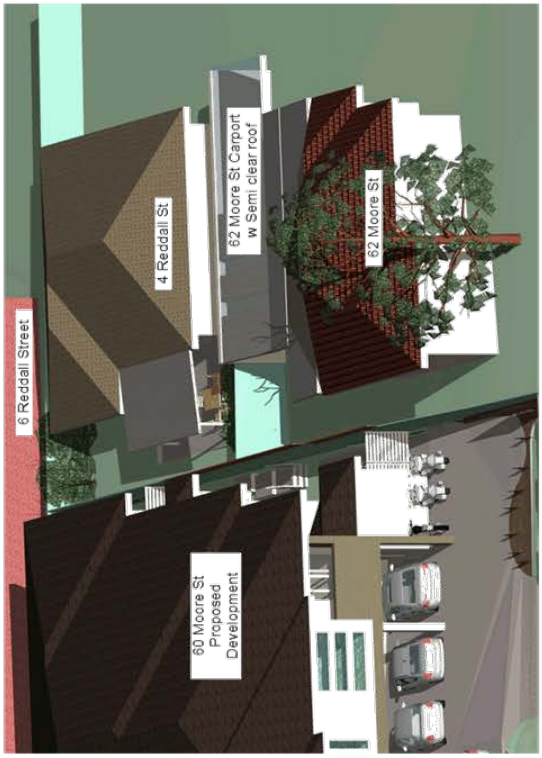
**Sun Angle**
Azimuth 329.03°
Altitude 25.69°

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

IF THE ABOVE DIMENSION DOES NOT EQUAL 31mm THEN THE DRAWING IS NOT TO SCALE. CENTIMETERS 0 cm. EXACTLY. THE DRAWING FILE HAS BEEN DAMAGED OR MODIFIED AFFECTING ALL LABELED SCALES.

Drawing Name **Reddall St | Sun Study | 2 PM**
Drawing Scale
Sheet Size **A3**
Layout ID **2pm**
Status
Revision **A**

Existing Plan View Scale 1:400




Existing Perspective View




Proposed Plan View 1:400




Proposed Perspective View

3pm - The sun is making it way to setting. The low su angle means there is still plenty of direct solar acces to the outdoor area of 4 Reddall Street.

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rawn by
Checked by
Date

APPLICANT **Grant Robinson**
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NSW 4562
0418 372 316

**Sun Angle**
Azimuth 316.60°
Altitude 18.18°

PROJECT **The Summit**
60 Moore St
Campbelltown
NSW 2560
LOT 2 DP 128118
Site Area 919.3m2

3cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE 3 CENTIMETERS (3 cm) EXACTLY, THE DRAWING HAS HAD EITHER UNEVEN SCALING OR NON-UNIFORM SCALING AFFECTING ALL LABELED SCALES.

Drawing Name
**Reddall St | Sun Study | 3 PM**

Drawing Scale
Sheet Size
**A3**

Layout ID
**3pm**
Status
Revision
**A**

## 14. Colour Schedule

| | |
|---|---|
| External Walls smooth render | Taubmans *'Abstract'* |
| Hard surfaces, Fences, Awnings and Trim | Taubmans *'Cookie Jar'* |
| Doors and Window Frames | Colorbond *'Ultra Silver Gloss'* |

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PROPERTY SERVICES

# Plan of Management

A management plan for 15 Room Boarding house.

60 Moore Street
Campbelltown

By Grant Robinson
22 May 2017

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PROPERTY SERVICES

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# The Summit Residences

## Plan of Management

This plan of Management is for a proposed new generation boarding house located at:
60 Moore Street
Campbelltown.

The intention of this plan is to ensure that all residents of the new building live harmoniously with each other and provide a positive experience for neighbouring properties and the local community.

To create an environment that is positive and beneficial relies on
1. Selecting the right people to live in the proposed new building
2. Ensuring that the people selected want to stay and become long term tenants by providing a clean safe and comfortable space for them to live.

Long term tenants
It has been shown that longer term lease although they attract lower weekly income are more profitable as the management of people coming in and out of a building becomes expensive. The goal of the building owners is to find tenants that will make the space home and who would like to live in the space on an ongoing long term arrangement. The intention is to have a quite building that is easy to live in as it is close to all amenities. All tenants will be offered either six month or 12 month lease agreements using the Standard residential tenancy agreement (copy attached).

Local Real Estate agency
The intention of the owners of the building to attract and maintain long term tenants who will take pride and ownership of the space in which they live. To ensure the right people are chosen a local real estate company with years of experience and long track record will be selected to manage the incoming tenants, leases and payments. Using a local real estate agency will mean the management team will have access to a database of potential residents. Their database and local knowledge will allow them to screen out any potentially unsatisfactory tenants.

Surrounding Residents
It will be the responsibility of the Local Real Estate agency to contact via a mailed letter the surrounding residents. The surrounding residents will be notified of the managing agent contact details and the contact details of the on site manager. This letter will encourage the surrounding residents to contact the Local Real Estate agency during business hours or the on site manager for emergency or other complaints.
Each time the contact phone number for the on site manager changes it will be the responsibility of the Local Real Estate agency to notify the surrounding residents via a mailed out letter.

Staffing arrangements
The Local Real Estate agency will be the contact during business hours. Outside of business hours the onsite manager will be available for contact.

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Noise or amenity impacts

It will be the responsibility of the onsite manager to ensure that all residents do not create excessive noise or disruption to other residents or surrounding neighbours. The onsite manager will be the communication lead when any complaints are raised. All facts around any complaints will be recorded in the complaints register. Attached is a copy of a page from the complaints register.

On site manager

In addition to having a local real estate office to manage the building an on site manager will be available to manage the following

- Maintain the gardens and general upkeep of the common areas. This is important to maintain a high calibre of residents which respect the space.
- Be available outside of the real estate office hours.
- Manage the use of the common areas.
- Locking and unlocking of common areas.
- Taking the bins out on bin night.
- Bring the bins back in after collection.
- Mowing the lawn area
- Weeding gardens and lawns
- Watering of gardens when needed
- Trimming trees and hedges
- Sweeping path
- Removal of any graffiti or vandalism to the property
- Fortnightly cleaning of bin area and quarterly cleaning of waste bins.
- Maintenance and cleanliness of the common room including the replacement of board games when they become old and the upkeep of interesting books in the book shelf.
- General maintenance to doors, locks, and fixtures and fittings including any maintenance requests by tenants.
- Overseeing maintenance work being performed by tradesmen.

Common Areas

Common area usage including the common open space will only be available for use between 7am and 10pm. The onsite manager will ensure these areas are not used outside of these hours by locking the common room and the gate leading to the common open space.

The common area will be supplied with a range of games for the tenants to use. Suggestions are chess, monopoly, cards and other board games.

Waste Bins

In order to reduce the number of bin being used the onsite manager will lock some of the waste bins and some of the recycling bins until the unlocked bins are nearly full. Once the unlocked bins are nearly full the locked bins will be unlocked to allow the resident to use them. This process will encourage residents to reduce their waste volume by squashing packaging.

Each week on the night before bin collection day following the locking of the common areas the onsite manager will wheel any of the general waste bins that have been used to the kerb for collection. Should that week be a recycling collection week then any of the recycling bins that have been used will also be wheeled to the kerb for collection. If it is not a recycling bin collection week then the green waste bin will be taken to the kerb for collection.

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## House Policy and Rules

The property manager shall ensure that a copy of the 'House Rules' shall be attached to the rear of the entrance door of each room, together with the required emergency evacuation plan. The Summit is a general Boarding House with rooms let under a standard residential tenancy agreement. The House Rules for The Summit are in addition to the residential agreement.

These rules are for the benefit of all tenants at The Summit and the operator. They are intended to give clear guidance on how this boarding house operates and can be used in NSW Civil and Administrative Tribunal (NCAT) hearings.

**House Rules**

a. Your room must be kept clean, tidy and free of clutter

b. The inventory must be signed and all furniture and fittings left in good condition other than normal wear and tear

c. Any repairs and maintenance must be reported as soon as practical to the property manager.

d. The occupants and visitors must ensure orderly conduct with no disturbances to to neighbours

e. No guests after 10pm

f. Tidy and wipe down common kitchens and bathrooms after usage

g. The common room will be closed at 10pm daily and reopen at 7am

h. The outdoor common area and rear open space must be used in a quiet and peaceful manner at all times

i. No motorcycles shall be 'driven' onto the site. They must be turned off before crossing the footpath and wheeled to the parking areas provided.

j. No smoking is permitted in any rooms including the common room. Smoking is only permitted on private balconies.

k. No alcohol is to be consumed in any common areas.

l. Any evidence of illegal drugs or illegal activities will result in immediate termination of your lease arrangement.

m. Peace and quiet is to be upheld at all times. Abusive language, excessive noise, privacy, parties and other anti social behaviour

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will not be tollerated and may result in termination of your lease arrangement.

n. Pets - no pets are to be kept on the premises without prior written approval from management.

o. Residents must not tamper with or change a door locks.

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## Condition Report and Inventory

**The Summit**

**Room:_____**

| Room item | Tick if clean & in good order | Notes |
|---|---|---|
| **Condition of room** | | |
| Walls/ceiling | | |
| Doors/windows | | |
| Lights/power points | | |
| Floor coverings | | |
| Blinds/curtains | | |
| **Condition of bathroom/laundry** | | |
| Walls/ceiling | | |
| Doors/windows | | |
| Light/power points | | |
| Tiling | | |
| Mirror/cabinet/basin | | |
| Toilet | | |
| Other | | |
| **Condition of cooking area** | | |
| Walls/ceilings | | |
| Doors/windows | | |
| Lights/power points | | |
| Floor coverings | | |
| Cupboards/drawers | | |
| Benchtop | | |
| Sink/taps | | |
| Other | | |

**Comments:**

**Signed & dated by tenant:** _____

**Signed & dated by witness:** _____

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PROPERTY SERVICES

## Condition Report and Inventory – Furnishings

**The Summit**

**Room:**_____

| Furnishing item | Tick if clean & in good order | Notes |
|---|---|---|
| Bed | | |
| Bed linen | | |
| Side light | | |
| Bedside table/drawers | | |
| Chest of drawers | | |
| Cupboards | | |
| Bookshelf | | |
| Kitchen table | | |
| Kitchen chairs | | |
| Coffee table | | |
| Lounge | | |
| Fridge | | |
| Microwave | | |
| Oven | | |
| Cooktop | | |
| Washing machine | | |
| Crockery, cutlery, jug etc | | |
| Rug | | |
| Heater | | |
| Other | | |

**Comments:**

**Signed & dated by tenant:** _____

**Signed & dated by witness:** _____

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**Signage**

The following signs will be located around the building as follows.

Located on the front fence

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## The Summit Residence

Common areas are open from 7am to 10pm.

- This common area is for the use of residents only.
- Excessive noise is prohibited by the discretion of the onsite manager.
- Failing to follow direction of the onsite manager can lead to the termination of your lease arrangements.

Located within the common area

## The Summit Residence

Emergency Contact Numbers
Police, Ambulance or Fire Dial - 000

For building maintenance emergency
During business hours - 02 5555 XXX
Outside business hours - 0418 555 XXX

Located in the entrance foyer and also
On each front security gate

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The Summit Residence

Common areas are open from 7am to 10pm.

Located on the common area gate

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## Register of Tenants

This register is to be kept onsite and to be available for inspection by public authorities when requested.

| Rm No | In date | Out date | First Name | Surname | Contact Number |
|---|---|---|---|---|---|
| | | | | | |
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PROPERTY SERVICES

## Register of Complaints

This register is to be kept onsite and to be available for inspection by public authorities when requested.

Date:_____ Time:_____ Complaint Number:_____

Complainant is under no obligation to reveal details however in order to keep communication open to resolve any ongoing issues it is sometime helpful to have a record of the complainants details

Complainants Name:_____ Contact Number_____

Details of Complaint.

_____
_____
_____
_____
_____
_____

Room number causing complaint:_____

Resulting Action:_____

---

Date:_____ Time:_____ Complaint Number:_____

Complainant is under no obligation to reveal details however in order to keep communication open to resolve any ongoing issues it is sometime helpful to have a record of the complainants details

Complainants Name:_____ Contact Number_____

Details of Complaint.

_____
_____
_____
_____
_____
_____

Room number causing complaint:_____

Resulting Action:_____

## 8.3 Demolition of an existing dwelling and construction of two double storey semi-detached dwellings and detached garage at No. 40 Carinda Street, Ingleburn

### Reporting Officer

Director City Development
City Development

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.8 - Enable a range of housing choices to support different lifestyles |

### Officer's Recommendation

1. That Council allow the requested variation to Clause 4.1C of Campbelltown Local Environmental Plan 2015 which relates to the minimum allotment size required for semi-detached dwelling development.

2. That subject to recommendation No.1, development application 1292/2017/DA-M for the demolition of an existing dwelling and construction of two double storey semi-detached dwellings at 40 Carinda Street, Ingleburn, be approved, subject to the conditions detailed in attachment 1 of this report.

3. That subject to recommendations 1 and 2, approval of the development application be recorded in Council's quarterly report to the Department of Planning and Environment pursuant to Circular PS 08-003.

4. That a housekeeping amendment to the Campbelltown Local Environmental Plan 2015 be commenced, to provide a savings provision for Clause 4.1C(2) to allow for the development of the existing narrow lots within the R2 Low Density Residential land use zone of Ingleburn as referred to in the map at attachment 10.

5. That an amendment to the Campbelltown Local Environmental Plan 2015 be considered to facilitate the development of existing narrow lots within the R2 land use zone for the purpose of attached dwellings, consistent with previous planning controls that were in place prior to the commencement of the Campbelltown Local Environmental Plan 2015.

### Purpose

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

This development application is required to be reported to Council pursuant to Department of Planning Circular PS 08-014 dated 14 November 2008 as it is seeking a variation of greater than 10 percent to a development standard contained in Campbelltown Local Environmental Plan 2015.

A variation is sought from the minimum 700sqm qualifying lot size for semi-detached dwelling development in the R2 Low Density Residential land use zone, pursuant to the provisions of Clause 4.1C(2) of the Campbelltown Local Environmental Plan 2015.

| | |
|---|---|
| **Property Description** | Lots 1 & 2 Section L DP 1703 |
| | 40 Carinda Street, Ingleburn NSW 2565 |
| **Application No** | 1292/2017/DA-M |
| **Applicant** | Palefields Pty Ltd |
| **Owner** | Palefields Pty Ltd |
| **Provisions** | State Environmental Planning Policy Building Sustainability Index: (BASIX) 2004 |
| | Campbelltown Local Environmental Plan 2015 |
| | Campbelltown (Sustainable City) Development Control Plan 2015 |
| **Non-Statutory** | Campbelltown 2027 – Looking Forward |
| **Date Received** | 26 April 2017 |

## History

The development application was lodged with Council on 26 April 2017 for the demolition of the existing dwelling and construction of two double storey semi-detached dwellings at 40 Carinda Street, Ingleburn.

## Report

### The Site and Surrounds

The site comprises two existing allotments, legally described as Lots 1 and 2 in Section L in DP 1703. Each allotment maintains an individual area of 224.8sqm (total site area 449.6sqm) and a frontage of 6.706 metres to Carinda Street (total site frontage 13.412m). The site maintains a dual frontage to Carinda Street and Raglan Avenue. Raglan Avenue is a no through road.

The site is located on the eastern side of Carinda Street, with vehicular access gained from Raglan Avenue. Current improvements on the site include a single storey clad and tile dwelling with attached single car garage fronting Raglan Avenue. There is an existing street tree along the site's Carinda Street frontage.

The site is situated within the established residential area of the suburb of Ingleburn. Surrounding development comprises a mix of low and medium density residential development, including dwellings, attached dwellings, dual occupancies and multi dwelling housing.

### The Proposal

The development application proposes the demolition of the existing dwelling and the construction of two double storey semi-detached dwellings and a detached garage.

Each dwelling maintains downstairs kitchen and living/dining area, laundry and toilet, with upstairs comprising four bedrooms with ensuite to main and a separate bathroom. The dwelling on Lot 1 comprises a detached single car garage, with vehicular access to be gained via the Raglan Avenue frontage. The dwelling on Lot 2 comprises an attached single car garage, with vehicular access proposed to be gained via Carinda Street.

## 1. Non-statutory provisions

### 1.1 Vision

Campbelltown 2027 - 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 a result of Council's consideration of extensive community consultation and public input. Relevant strategic directions include:

- growing the Regional City
- building a distinctive Campbelltown sense of place.

Relevant desired outcomes of the strategic directions include:

- development and land use that matches environmental capacity and capability
- a working desire to create a range of sustainable and high quality lifestyle opportunities across a framework of liveable neighbourhoods
- an impression of architecture that engages its environmental context in a sustainable way.

The development has been assessed having regard to Campbelltown 2027 – Looking Forward. The development achieves the desired outcomes of the relevant strategic directions. The three lots are existing and are readily able to facilitate the proposed development. The development is contributing to the provision of affordable housing to meet the needs of the growing local population. The development presents a design that is consistent with existing residential development along Carinda Street and within the broader Ingleburn locality.

## 2. Statutory Provisions

### 2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires a BASIX Certificate to accompany development applications for dwellings.

A BASIX Certificate detailing the BASIX commitments applicable to the development have been provided for each dwelling:

- Certificate number: 801694SW, Issued: 3 April 2017

- Certificate number: 801747S, Issued: 3 April 2017.

The commitments have been detailed on the development plans and a condition of development consent has been recommended to ensure the implementation of these commitments prior to the issue of an occupation certificate.

### 2.2 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP). The development comprises two semi-detached dwellings.

A semi-detached dwelling is defined in the CLEP 2015 as:

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

Development for the purpose of semi-detached dwellings is permissible with consent in the R2 land use zone.

Following is a discussion of the relevant provisions of the CLEP.

Clause 2.7 Demolition requires development consent

Clause 2.7 provides that the demolition of a building or work may be carried out only with development consent. Consent is sought of the demolition of the existing dwelling as part of this development application.

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

Clause 4.1C(2) relevantly provides that development consent may be granted to development for the purpose of semi-detached dwellings in the R2 Low Density Residential zone, if the area of the lot is equal to or greater than 700sqm.

The development is proposed across two existing lots, with a combined area of 449.6sqm; a deficit in qualifying site area of 250.4sqm.

A variation to this development standard has been sought in accordance with the provisions of Clause 4.6, discussed below.

Clause 4.3 Height of Buildings

Pursuant to the provisions of Clause 4.3 a maximum building height of 9 metres is applicable to the site. The development maintains a maximum building height of 8.205 metres, in compliance with this clause.

Clause 4.3A Height restrictions for certain residential accommodation

Clause 4.3A relevantly provides that an attached dwelling must not be higher than 2 storeys. The attached dwelling does not exceed 2 storeys in height.

Clause 4.4 Floor Space Ratio

Pursuant to the provisions of Clause 4.4 a maximum floor space ratio (FSR) of 0.6:1 is applicable to the site. As the two lots are existing; the FSR has been calculated individually for each lot:

| Lot No. | GFA (sqm) | Site Area (sqm) | FSR |
|---|---|---|---|
| 1 | 126.8 | 224.8 | 0.56:1 |
| 2 | 127 | 224.8 | 0.56:1 |

**Table 1: FSR Calculations**

Both lots maintain a FSR of 0.56:1, in compliance with the maximum 0.6:1 FSR.

Clause 4.6 Exceptions to development standards

Clause 4.6 relevantly provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard. The development contravenes the following development standard:

- Clause 4.1C(2) The site maintains a total area of 449.6sqm; 250.4sqm less than the required qualifying site area of 700sqm for semi-detached dwelling development in the R2 zone. This equates to a 35.77 per cent variation deficit from the 700sqm qualifying lot size.

The Statement of Environmental Effects (SEE) includes a Clause 4.6 Variation Request which addresses the contravention of the abovementioned development standard.

| **Clause 4.6** | | **Campbelltown Local Environmental Plan 2015** | |
|---|---|---|---|
| **Subclause** | **Requirement** | **Response** | **Complies** |
| (3) | Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:<br>• that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and<br>• that there are sufficient environmental planning grounds to justify contravening the development standard. | The applicant has provided a written request to vary the minimum qualifying lot size for semi-detached dwellings in Clause 4.1C(2).<br><br>Compliance with the abovementioned development standard is considered unreasonable in the circumstances of the case. The two lots are existing and are readily capable of facilitating the semi-detached dwelling development. | Yes |

| **Clause 4.6** | | **Campbelltown Local Environmental Plan 2015** | |
|---|---|---|---|
| **Subclause** | **Requirement** | **Response** | **Complies** |
| (4) | Development consent must not be granted for development that contravenes a development standard unless:<br><br>• the consent authority is satisfied that:<br><br>o the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and<br><br>o the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and<br><br>• the concurrence of the Secretary has been obtained. | Council is satisfied that the applicant's written request has adequately addressed subclause (3).<br><br>The objectives of Clause 4.1C are maintained and the development is generally consistent with the requirements of the DCP. The proposed development is therefore in the public interest.<br><br>Council has delegation. | Yes<br><br>Yes |

**Table 2: Clause 4.6 Assessment**

Clause 5.9 Preservation of trees or vegetation

Clause 5.9 relevantly provides that a person must not remove any tree or other vegetation to which the Campbelltown (Sustainable City) Development Control Plan 2015 (Sustainable City DCP) applies without development consent.

As part of the proposed development, one street tree at the sites Carinda Street frontage is proposed to be removed. This tree is a *Callistemon viminallis*, commonly known as a bottlebrush tree. A condition of consent has been recommended requiring the replacement of this street tree with the same species. Further, the condition requires the additional two street trees proposed along the site's Raglan Avenue frontage to also be of the same species.

Clause 5.10 Heritage conservation

The dwelling to be demolished is not a heritage item and therefore the heritage conservation provisions of the CLEP are not applicable.

Clause 7.10 Essential services

Clause 7.10 provides that development consent must not be granted to development unless Council is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

The site is readily serviced by water, electricity, sewer and telecommunication services. The development demonstrates the ability to cater for stormwater drainage and vehicular access from Carinda Street and Raglan Avenue.

## 2.3 Campbelltown (Sustainable City) Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan (the Sustainable City DCP) is the relevant development control plan for the site and development type.

The development has been assessed against the relevant provisions of Part 2 (Requirements Applying to all Types of Development) and Part 3 (Low and Medium Density Residential Development and Ancillary Residential Structures) of the Sustainable City DCP.

**Volume 1 Part 2 – Requirements applying to all types of development**

General design requirements with regard to possible environmental impacts of the development are outlined in Part 2 of the Sustainable City DCP.

| | | **Campbelltown (Sustainable City) Development Control Plan 2015** | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **2.4.1 Rain Water Tanks** | In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings. | A BASIX Certificate has been provided for each of the dwellings which detail the BASIX commitments for the semi-detached dwelling development. | Yes |
| | Above ground water tanks shall be located behind the primary or secondary building line. | A rainwater tank has been provided for each dwelling. The rainwater tanks have been located within the rear setback for each dwelling, behind the primary building line. | Yes |
| **2.4.3 Natural Ventilation** | The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning. | The design of the dwellings, where practical, encourages cross flow ventilation, with the placement of windows and sliding doors. | Yes |
| **2.4.5 BASIX** | BASIX Certificate is required | A BASIX Certificate has been provided for each of the dwellings. | Yes |
| **2.5 Landscapin g** | Landscape Concept Plan is required | A Landscape Plan has been provided. A condition of consent has been recommended requiring this plan to be amended (prior to the issue of a CC) to include species height and spread detail as well as to ensure street trees are the same species as the existing street tree to be removed at the site's Carinda Street frontage. | Will comply through imposition of condition of consent |
| **2.7 Erosion and Sediment Control** | An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface. | Erosion and Sediment Control details have been provided on the Site Plan. A condition of consent has been recommended requiring the installation of erosion and sediment control measures prior to the commencement of works. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **2.9 Demolition** | A development application involving demolition shall be considered having regard to the following information:<br>• a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);<br>• details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);<br>• a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain;<br>• details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and<br>• a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure. | Demonstration of compliance with these provisions prior to any demolition commencing is recommended as a standard condition of development consent. | Yes |
| **2.10.3 Stormwater Drainage** | A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site. | A Stormwater Plan has been submitted demonstrating that the development is able to drain via gravity into the existing stormwater system along Carinda Street and Raglan Avenue. | Yes |
| **2.15 Waste Managemen t** | A detailed WMP is required to address waste management during the construction and on-going phases of the development | A Waste Management Plan has been provided. | Yes |

**Table 3: Sustainable City DCP Part 2 Assessment**

**Volume 2 Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures**

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **3.4.1**<br>**Building Form and Character** | Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods. | Several of the properties along Carinda Street have undergone redevelopment/are in the process of being redeveloped and the character of the street is currently a mix of older single storey dwellings and newer dwellings and medium density development. The dwellings are of a design and scale that does not offend the current streetscape, whilst also responding to the future desired character of the neighbourhood. | Yes |
| | Development on corner sites shall incorporate façade treatments that address both street frontages and achieve positive articulation in building design. | The development incorporates porches which address both street frontages. Articulation of the north-eastern façade of the dwelling on Lot 1 is provided. | Yes |
| | The built form shall relate to the natural landform and setting. | Minimal earthworks are required to facilitate the development. | Yes |
| | On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place. | Each dwelling has been provided with a single car garage.<br><br>The garage of Lot 1 is detached from the dwelling and accessed via the site's Raglan Avenue frontage. The garage of Lot 2 maintains a 5.5 metre setback. A condition of consent has been recommended (prior to the issue of a CC) requiring the location of the garage of Lot 2 to be amended to maintain a 6 metre front setback to Carinda Street; consistent with the setback of the recently approved adjoining attached dwelling development at 42 Carinda Street. | Will comply through imposition of condition of consent |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| | Garage doors facing a public street shall not be wider than 50% of the width of the building's facade fronting the street. | The garage door of Lot 2 is greater than 50 per cent of the width of the building's façade. Given that the lots are existing narrow lots on which semi-detached dwellings are permissible, a variation from this requirement is considered appropriate and is consistent with similar recent approvals granted in the area. | No – but considered reasonable in the circumstances |
| | No carports or garages (or like structures) shall be located within 6 metres of the primary street boundary. | See above comment. | Will comply through imposition of condition of consent |
| | No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment. | No bathroom, ensuite, toilet or laundry windows face Carinda Street. There is a bathroom window along the side façade fronting Raglan Avenue; however Raglan Avenue is a secondary street frontage. | Yes |
| **3.4.1.2**<br>**Building Height** | The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places. | The development maintains a maximum building height of 8.205 metres. First floor bedroom windows on the south-western side façade of Lot 2 maintain minimum 1.5 metre sill heights, to reduce visual and acoustic privacy impacts on adjacent properties. Shadow diagrams submitted with the application demonstrate that the development achieves adequate solar access for the adjacent number 42 Carinda Street. | Yes |
| **3.4.2**<br>**Car Parking and Access** | The minimum dimensions of any required parking space shall be 2.5 metres x 5.5 metres. If the car parking space adjoins a vertical edge which is 100mm or higher, the minimum width of the car parking space shall be 2.7 metres. | The dwelling on Lot 2 is provided with a car space in front of the garage, this space maintains the dimensions of 5.5 metres x 4.2 metres. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| | The minimum internal dimension of an enclosed garage shall be 3 metres x 6 metres. | The detached garage of Lot 1 maintains the internal dimensions of 5.8metres x 4.32 metres. The attached garage of Lot 2 maintains internal dimensions of 6.13metres x 3.14 metres. Given that the lots are existing; a variation to the 6 metre depth requirement for Lot 1 is considered acceptable. | Yes |
| | Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking. | The driveways have been designed to comply with the transitional grades in AS2890.1. | Yes |
| | The minimum width of the driveway at the street kerb shall be 2.5 metres where the driveway provides access for one dwelling. | Each driveway maintains a width in excess of 2.5m at the street kerb. | Yes |
| | Driveways shall be designed and located perpendicular to the road. | Driveways have all been designed perpendicular to the road. | Yes |
| **3.4.3.2**<br><br>**Visual Privacy** | No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space (POS) of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened. | The living room windows along the side boundaries on the ground floor of the dwellings are appropriately screened by the 1.8m high boundary fence.<br><br>In order to address privacy impacts on the existing adjoining development, as well as having appropriate regard to any future development on the adjoining lots; the bedroom windows on the first floor side boundary adjoining 42 Carinda Street maintain a minimum sill height of 1.5m. | Yes |
| **3.4.4**<br><br>**Solar Access** | Living areas shall generally have a northerly orientation. | The living areas, where possible, generally have a northerly orientation. | Yes |
| | A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level. | A minimum 20sqm fixed area of POS for each dwelling receives at least 3 hours solar access. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| | Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development. | Shadow diagrams have been provided which demonstrate that the proposed development does not adversely impact the POS areas of adjoining residential development. | Yes |
| | Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures. | The dwellings have been sited having regard to the topography of the site. The site does not contain any significant vegetation. | Yes |
| **3.5.1 Fencing** | Residential fencing along the rear and side boundaries shall be:<br>• located behind the primary street building line;<br>• a maximum 2.1 metres in height (excluding retaining walls); and<br>• a maximum 1.8 metres in height, if adjoining a secondary street. | A condition of consent has been recommended identifying acceptable fencing materials and heights. | Yes |
| **3.5.2.1 Outbuildings General Requirements** | Outbuildings shall:<br>• incorporate similar or complementary design features, finishes, materials and colours to those of the principal dwelling house;<br>• not contain any other sanitary fixtures other than a toilet and a hand basin; and<br>• not be used for any habitable, commercial or industrial purpose. | The detached garage on Lot 1 is of a design and colour which compliments the dwelling on Lot 1. The garage does not contain any sanitary fixtures and does not have the potential to be utilised for any habitable, commercial or industrial purposes. | Yes |
| **3.5.2.2 Maximum Floor Area for Outbuildings** | The combined areas for all detached outbuildings (including carports and garages) shall be a maximum of 55sqm. | The detached garage maintains a total floor area of 27.9sqm. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **3.5.2.3 Setbacks for Outbuildings** | Outbuildings shall be setback by a minimum of:<br>• 6 metres from the primary street boundary;<br>• 3 metres from the secondary street boundary for all domestic outbuildings other than any garage that is accessed directly from the secondary street;<br>• 5.5 metres from the secondary street boundary for the garage , where the garage is accessed directly from the secondary street;<br>• 0.45 metres from the side boundaries; and<br>• 0.90 metres from the rear boundary. | The detached garage maintains a setback in excess of 6 metres from the Carinda Street boundary. The garage does not maintain the minimum 5.5 metre secondary street setback to Raglan Avenue. Given that Raglan Avenue is a no through street and that the lot dimensions are existing, a variation to the 5.5 metre setback is considered acceptable. The garage maintains a900mm setback from the rear boundary and a zero lot setback to the side boundary with the adjoining Lot 2. A condition of consent has been recommended requiring the provision of a 900mm wide access for maintenance for the length of the garage; burdening Lot 2 and benefitting Lot 1. | Partial compliance – justified where non-compliant |
| **3.6.4.1 Semi-detached Dwellings – Zones R2 & R3 General Requirements** | Semi-Detached Dwellings shall only be permitted on an allotment having;<br>• 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 boundaries where they intersect the kerb line. | The lots each maintain a 6.706 metre frontage. Given that the lots are existing, a variation to the required 7.5 metres is considered acceptable. | No – but considered reasonable in the circumstances |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **3.6.4.2 Setbacks** | Semi-detached dwellings shall be setback a minimum of:<br><br>• 5.5 metres from the primary street boundary for the semi-detached dwellings;<br><br>• 6.0 metres from the primary street boundary for the garage or the undercover parking space;<br><br>• 3 metres from the secondary street boundary;<br><br>• 5.5 metres from the secondary street boundary for the garage or the undercover parking space, where the garage is accessed directly from the secondary street;<br><br>• 0.9 metres from any side boundary, for the part of the building that is not attached to the other dwelling; and<br><br>• 3 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and<br><br>• 8 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing). | The development maintains the following setbacks:<br>Primary street (both lots) – 6m<br>Garage (Lot 2) – 5.5m – condition of consent recommended to achieve 6 metre setback<br>Secondary (Lot 1) – 969mm – variation considered acceptable as encroachment does not generate any adverse visual impacts.<br>Rear (both lots) – 9.038m (from alfresco)<br>Side (Lot 2) – 900mm<br>Upper levels are setback less than 1.5m from side boundary, a variation from this requirement is considered acceptable as the narrow lots are existing and the encroachment does not result in any unacceptable amenity impacts | Partial compliance – – justified where non-compliant |
| **3.6.4.3 Car Parking Rates** | Each dwelling that is part of a semi-detached dwelling development shall be provided with a minimum of one single garage. | Each dwelling is provided with a single car garage. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| **3.6.4.4 Private Open Space** | Each dwelling that is part of a semi-detached dwelling shall be provided with an area of private open space that:<br>• is located behind the primary building setback<br>• has a minimum area of 60 sqm<br>• has a minimum width of 3 metres<br>• includes a minimum levelled area of (5x5)sqm<br>• has a minimum unfragmented area of 40sqm<br>• has an internal living room directly accessible to outdoor private open space areas<br>• satisfies solar access requirements contained in section 3.4.4. | Each dwelling maintains an area of POS behind the primary building setback, which maintains a minimum area of 60sqm and minimum width of 3 metres. The POS areas maintain a minimum levelled area of 25sqm and a minimum unfragmented area of 40sqm. The POS of each dwelling is accessed from the combined lounge/dining area and satisfies the solar access requirements at Section 3.4.4. | Yes |
| **3.6.4.5 Presentation to Public Streets** | Where a development involves the construction of an additional dwelling to create a semi-detached dwelling, the existing dwelling (where it is proposed to be retained) shall be renovated to match the colour, material, texture and architectural style of the proposed building so as to create a harmonious development. | The existing dwelling is to be removed. | N/A |
| **3.6.4.6 Landscaping and Deep Soil Planting** | A development application for a semi-detached dwelling shall include a detailed landscape plan prepared by a suitably qualified person. | A Landscape Plan has been provided. A condition of consent has been recommended requiring this plan to be amended (prior to the issue of a CC) to include species height and spread detail as well as to ensure street trees are the same species as the existing street tree to be removed at the site's Carinda Street frontage. | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2015 | |
|---|---|---|---|
| **Control** | **Requirement** | **Proposed** | **Complies** |
| | A semi-detached dwelling shall satisfy the following provisions relating to deep soil planting:<br>• no more than 30 per cent of the area forward of any building line shall be surfaced with impervious materials<br>• a minimum of 20 per cent of the total site area shall be available for deep soil planting. | Lot 1 provides in excess of 30 per cent of the front setback area for deep soil planting. Lot 2 provides less than the required 30 per cent front setback area for deep soil planting. Given that the lots are existing and maintain a narrow frontage, a variation to this requirement is considered acceptable. This is consistent with the approach adopted for similar development in the locality. | Partial compliance – considered reasonable in the circumstances |
| **3.6.4.7 Waste bin requirements** | Space shall be allocated behind the primary and secondary building lines and out of public view to store the following for each dwelling:<br>• a 140 litre bin<br>• two 240 litre bins. | The plans denote space behind the building line of each dwelling for the storage of bins. | Yes |
| **3.6.4.8 Site Services** | The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council. | Noted. A condition of consent has been recommended. | Yes |
| | Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage). | The site is readily serviced by existing essential services. | Yes |
| | All site services shall be placed underground. | Noted. A condition of consent has been recommended. | |
| | All communication dishes, antennae and the like shall be located to minimise visual prominence. | Noted. A condition of consent has been recommended. | Yes |
| **3.8.1 Residential Subdivision General Requirements** | All allotments within a subdivision that are located adjacent to the intersection of local public roads (existing or proposed) shall provide a splay in accordance with Council's Engineering Design Guide for Development to ensure adequate sight distances and maintain footpath widths. | A condition of consent has been recommended requiring the dedication of a splay corner to Council at the site's Carinda Street and Raglan Avenue intersection. This is consistent with the approach adopted by Council for other corner lot development in the vicinity of the subject site. | Yes |

**Table 4: Sustainable City DCP Part 3 Assessment**

## 3. Impacts of the natural and built environment

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

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- vegetation removal
- demolition and construction
- solar access
- built form.

### 3.1 Vegetation Removal

The development involves the removal of a street tree at the site's Carinda Street frontage. The tree identified for removal comprises a bottle brush tree, with a replacement, as well as additional street tree planting along the site's Raglan Avenue frontage proposed as part of the landscape design. A condition of consent has been recommended to ensure that the landscape design utilises a high proportion of native species, consistent with the provisions of the Sustainable City DCP.

### 3.2 Demolition and Construction

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration. Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

### 3.3 Solar Access

The shadow diagrams submitted with the development application demonstrate that due to the orientation of the lots and the design of the dwellings, the development does not have any unreasonable impacts on the solar amenity of the adjacent lots or on the useable private open space of the development.

### 3.4 Built Form

The design of the dwellings provides visual articulation through variations in roof form, the use of porches on the front facade and variations in the use of colours and materials. The dwelling design is consistent with existing redeveloped lots along Carinda Street, whilst also not offending the existing established streetscape. The streetscape is currently in the process of transitioning to a more contemporary urban area through the gradual redevelopment of sites.

Considering the Sustainable City DCP provisions applicable to built form, the garage door of Lot 2 is greater than 50 per cent of the width of the building's facade. Given that the lots are existing narrow lots on which attached dwellings are permissible, a variation from this requirement is considered appropriate.

Further, the detached garage on Lot 1 is setback less than the required 5.5 metres and the dwelling is setback less than the required 3 metres from the secondary street frontage. Given the existing lot configuration and dimensions and the fact that Raglan Avenue is a no through road, a variation to this requirement is considered appropriate.

## 4. Social and Economic Impacts

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Having regard to social and economic impacts generated by the development, the semi-detached dwellings are contributing to the provision of affordable housing within the Ingleburn locality, to meet the housing needs of the local community. The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation on employment.

## 5. 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 semi-detached dwellings are permissible with consent in the R2 land use zone and are consistent with the objectives of the zone. The site comprises two existing allotments which are readily capable of accommodating the development and is considered suitable for the development.

The development is similar in nature, scale and appearance to those that have been approved and constructed nearby over several years.

## 6. Submissions

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 notified to surrounding property owners from 6 June 2017 to 20 June 2017. During this period Council received one written submission in response to the development.

The issues of objection raised during the notification period and Council's response to these issues, are discussed below.

| Theme | Objection Detail | Response |
|---|---|---|
| **Demolition** | That it be carried out according to best practice, that we are notified of the start date, that we get necessary information about the contractor and a contact number sot that in the event of problems, excessive (asbestos) dust or other pollutants can be stopped in time | Conditions of consent have been recommended for demolition works and erosion and sediment control measures to mitigate dust nuisance during the demolition and construction phases of the development. |
| | | |

| Theme | Objection Detail | Response |
|---|---|---|
| **Privacy** | Frosted glass should be a requirement for second level | Privacy has been addressed by the design of the development with the first floor side elevation bedroom windows of the property adjoining no. 42 Carinda Street (i.e. Lot 2) on the maintaining a sill height of 1.5 metres; minimising the potential for overlooking of the adjoining property. The first floor side elevation bedroom windows of Lot 1 front Raglan Avenue and do not present any overlooking issues. |
| **Shadow** | From the drawings provided I can't see being a problem | Noted. Development complies with solar access requirements. |

**Table 5: Summary of Submissions**

## 7. The public interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the public interest when dealing with a development application. The development is providing affordable housing stock to meet the housing needs of the local community. The demolition and construction phase of the development will generate positive economic benefits through the generation of employment. The development is considered to be in the public interest.

## 8. Conclusion

The development application for the demolition of the existing dwelling and construction of two double storey semi-detached dwellings at 40 Carinda Street, Ingleburn has been assessed against the relevant matters for consideration within the relevant environmental planning legislation and Council's development controls.

The development's impacts on the natural and built environment are considered to be minimal, subject to management of potential issues during the demolition and construction phases, including noise and dust. Further, the dwelling design is consistent with existing redeveloped lots along Carinda Street, whilst also not offending the existing established streetscape.

The development is similar in nature, scale and appearance to those that have been approved and constructed nearby over several years and the site is therefore considered suitable for the development.

With due reference to the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed development is generally consistent with the relevant planning legislation and policies and is therefore recommended for approval subject to the conditions detailed in attachment 1.

## 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. Elevations (contained within this report)
5. Landscape Plan (contained within this report)
6. Floor Plans - confidential for privacy reasons (distributed under separate cover)
7. Notification Plan - confidential for privacy reasons (distributed under separate cover)

# 1292/2017/DA-M

## 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. | Issue | Prepared by | Date |
|---|---|---|---|
| Ground Floor Plan / 8811 | B | Abode Drafting | 17/07/2017 |
| First Floor Plan / 8811 | B | Abode Drafting | 17/07/2017 |
| Section & Elevation / 8811 | B | Abode Drafting | 17/07/2017 |
| Elevations / 8811 | B | Abode Drafting | 17/07/2017 |
| Lot 1 Garage / 8811 | B | Abode Drafting | 17/07/2017 |
| Site Plan / 8811 | B | Abode Drafting | 17/07/2017 |
| Landscaping Plan | B | Dominic Bruszewski | June 2017 |
| Proposed External Colour Schedule | - | - | - |
| BASIX Certificate / 801694S | - | Abode Drafting | 3/04/2017 |
| BASIX Certificate / 801747S | - | Abode Drafting | 3/04/2017 |

### 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 Landscape Plan is to be amended to reflect the following:
  - Denote the mature height and spread of species
  - The three street trees proposed across the site's Carinda Street and Raglan Avenue frontages are to be *Callistemon viminallis*, consistent with the species of the street tree to be removed along the site's Carinda Street frontage.

- The plans are to be amended to locate the garage of Lot 2 a minimum distance of 6 metres from the primary street boundary.

### 3. Building Code of Australia

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

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

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

This clause does not apply:

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

b) To the erection of a temporary building.

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

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

a) In the case of work for which a principal contractor is required to be appointed:

   i. The name and licence number of the principal contractor
   ii. The name of the insurer by which the work is insured under Part 6 of that Act.

b) In the case of work to be done by an owner-builder:

   i. The name of the owner-builder, 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.

**7. External Finishes**

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

**8. 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. Rubbish/Recycling Bin Storage**

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

**11. Driveway**

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

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.

**12. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

**13. 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.

**14. 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.

**15. 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.

### 16. Demolition of Existing Dwelling

Prior to Council or an accredited certifier issuing a construction certificate, the existing dwelling on the property shall be demolished and all materials removed from the site.

### 17. 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.

### 18. Waste Management Plan

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

### 19. Geotechnical Report

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

### 20. 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.

### 21. Classification of Residential Lots (Development with dwelling construction)

Prior to the principal certifying authority issuing a construction certificate for any dwellings approved under this consent, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (as amended).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Carinda Street and Raglan Avenue. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

**23. 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.

**24. Section 94A Developer Contribution - Community Facilities and Services**

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

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

- Where the value of the proposed development is greater than $100,000 but less than $500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or

- Where the value of the proposed development is $500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under developer contributions on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's City Development 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.

**5. 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.

**26. 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.

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

**27. Erosion and Sediment Control**

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

**28. Erection of Construction Sign**

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

a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours

b) Stating that unauthorised entry to the work site is prohibited

c) Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)

d) Stating the approved construction hours in which all works can occur

e) Showing the name, address and telephone number of the principal certifying authority for the work.

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

**29. Toilet on Construction Site**

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

a) A public sewer

b) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council

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

**30. Trade Waste**

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

**31. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent 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.

**32. 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.

**33. 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.

**34. 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.

**35. 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.

**36. Fencing**

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

**37. Geotechnical Reference**

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

**38. 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

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

**39. Construction Work Hours**

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

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

**40. Erosion and Sediment Control**

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

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

**41. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98 per cent standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m$^2$ (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

**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. Dust Nuisance**

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

**44. 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.

**45. 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 'Engineering Design Guide

c) Soils and Construction (2004) (Bluebook)

d) Relevant Australian standards and State Government publications.

**46. 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.

**47. Residential Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.

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.

**48. 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 - Volumes 1 and 3 (as amended).

**49. Completion of Construction Works**

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

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

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

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

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

**50. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation 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 > 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.

**51. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed it he Campbelltown City Engineering Design Guide for Development (as amended).

**52. Restoration of Public Roads**

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

**53. 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.

**54. 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.

**55. 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.

**56. Splay Corner (Residential)**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall dedicate a 4m x 4m splay corner as road widening at the intersection of Carinda Street and Raglan Avenue at no cost to Council.

**57. Maintenance Easement**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall create an appropriate restriction on the use of land under Section 88B of the *Conveyancing Act 1919*:

a) Easement for maintenance to enable repair of the detached garage, as nominated on the approved plan containing Council's stamp.

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

**58. Completion of External Works Onsite**

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

**59. Council Fees and Charges**

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

**ADVISORY NOTES**

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

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

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

a) Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.

b) Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.

c) Give Council at least two days notice prior to the commencement of any works.

d) Have mandatory inspections of nominated stages of the construction inspected.

e) Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act 1993* (NSW).

**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.

**Advice 6. Inspections – Civil Works**

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

a) EROSION AND SEDIMENT CONTROL –

   i. Direction/confirmation of required measures.
   ii. After installation and prior to commencement of earthworks.
   iii. As necessary until completion of work.

b) STORMWATER PIPES – Laid, jointed and prior to backfill.

c) VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.

d) FINAL INSPECTION – All outstanding work.

**Advice 7. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 8. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 9. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (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
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

**Advice 11. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**Advice 12. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

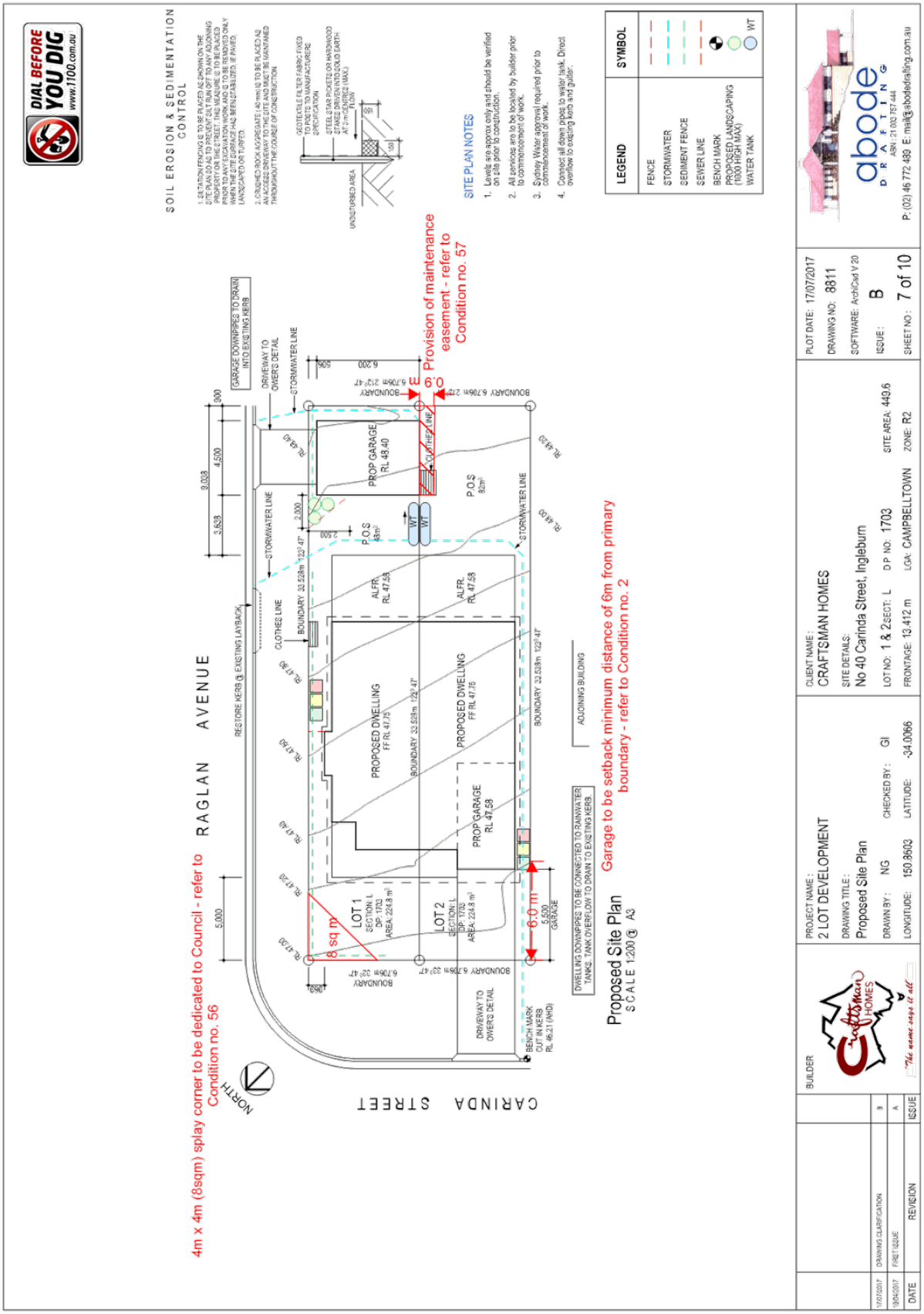
**Advice 13. *Telecommunications Act 1997* (Commonwealth)**

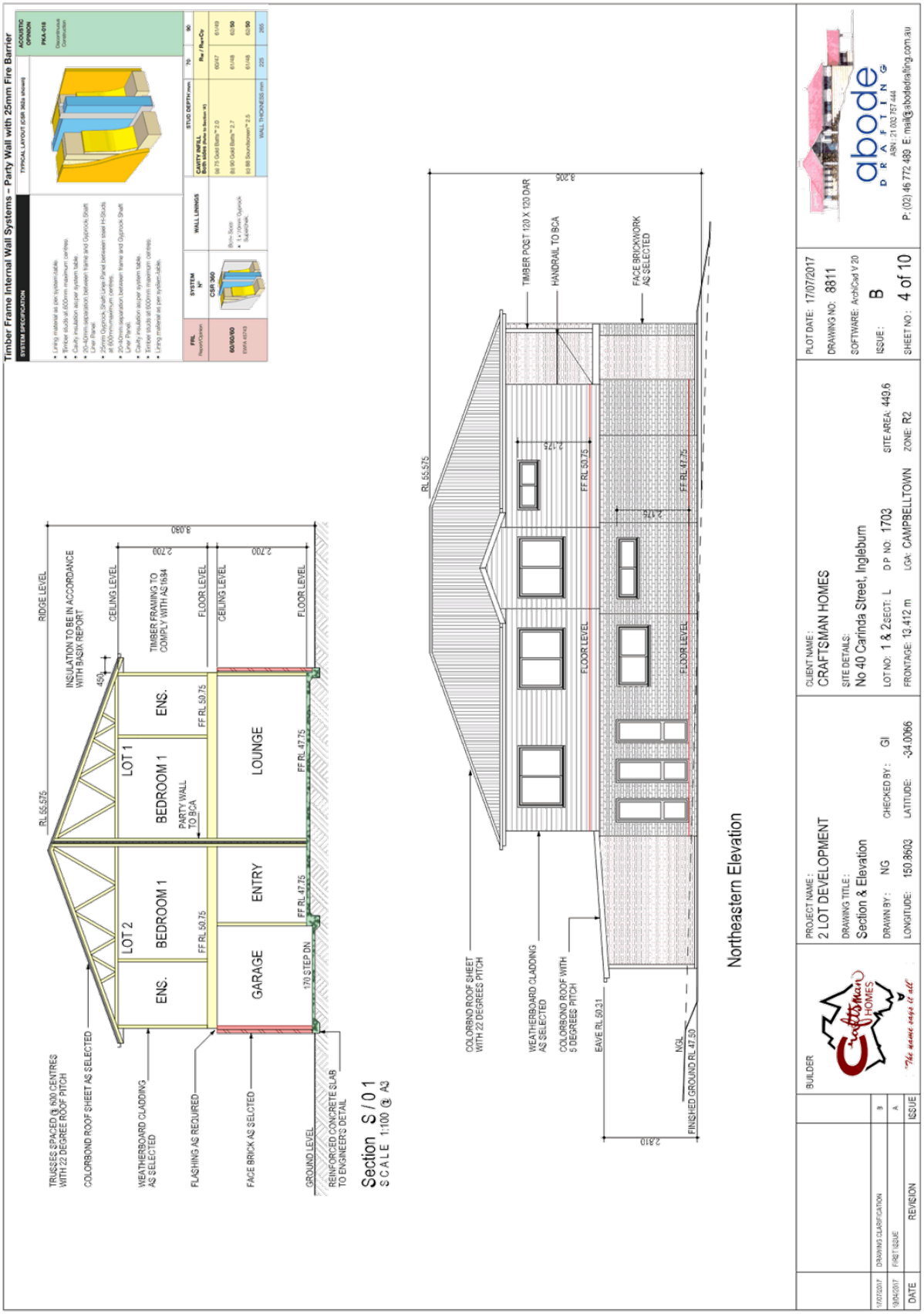
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

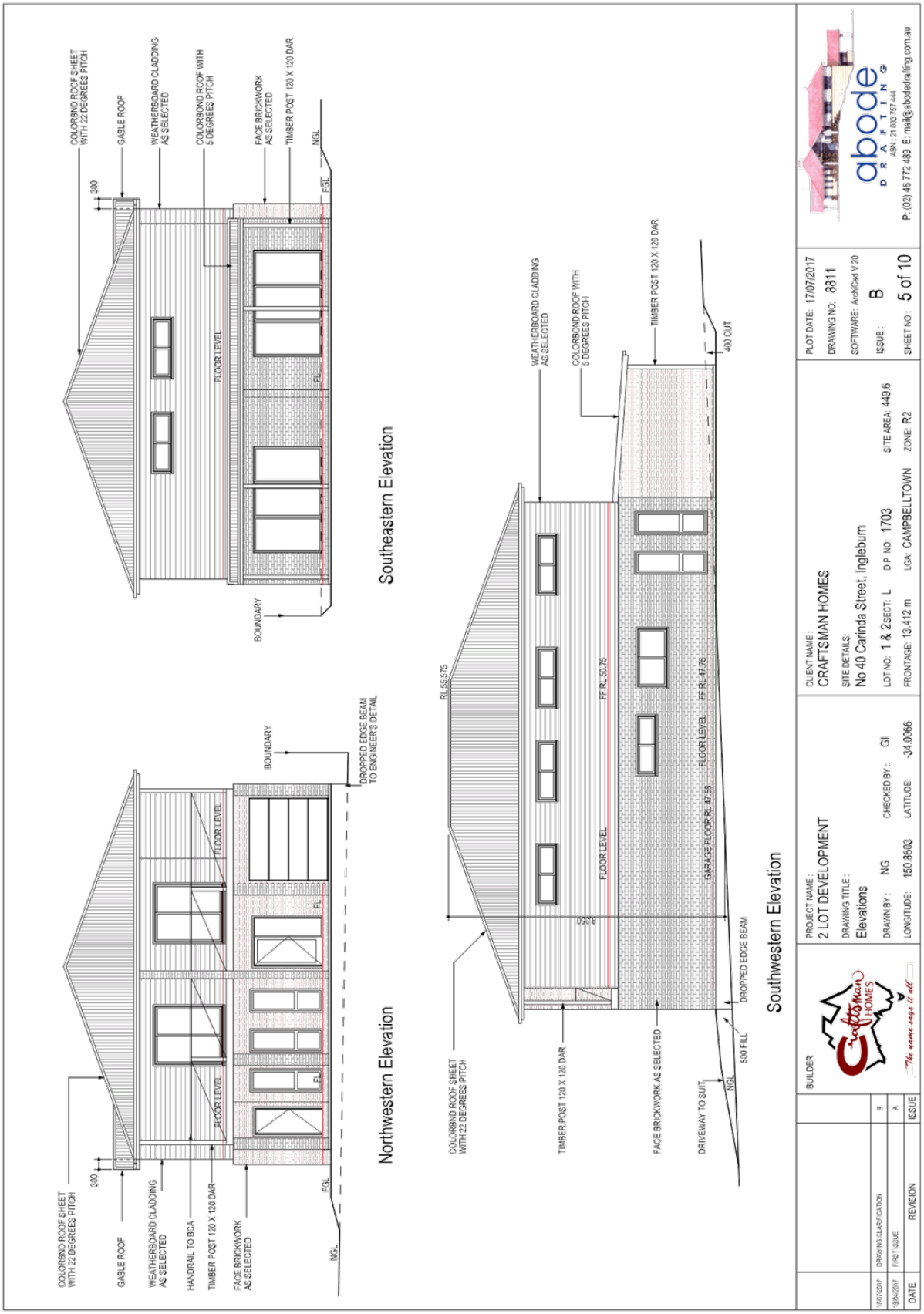
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**

AVENUE
RAGLAN
AVENUE
PHOENIX
DP 1703
DP 1703
DP 1703
DP 1703


DIAL BEFORE YOU DIG
www.1100.com.au
SOIL EROSION & SEDIMENTATION CONTROL
1. SILTATION FENCING IS TO BE PLACED AS SHOWN ON THE SITE PLAN SO AS TO PREVENT DILT RUN OFF TO ANY ADJOINING PROPERTY OR PUBLIC LAND. SILTATION FENCING IS TO BE PLACED PRIOR TO ANY EXCAVATION WORK AND IS TO BE REMOVED ONLY WHEN THE SITE SURFACE HAS BEEN STABILIZED, (IE PAVED, LANDSCAPED OR TURFED.
2. CRUSHED ROCK AGGREGATE (40 mm) IS TO BE PLACED AS AN ACCESS DRIVEWAY TO THE SITE AND MUST BE MAINTAINED THROUGHOUT THE COURSE OF CONSTRUCTION
GEOTEXTILE FILTER FABRIC FIXED TO POSTS TO MANUFACTURERS SPECIFICATION
STEEL STAR PICKETS OR HARDWOOD STAKES DRIVEN INTO COLD EARTH AT 2.0m CENTRES (MAX.)
FLOW
UNDISTURBED AREA
SITE PLAN NOTES
1. Levels are approx only and should be verified on site prior to construction.
2. All services are to be located by builder prior to commencement of work.
3. Sydney Water approval required prior to commencement of work.
4. Connect all down pipes to water tank. Direct overflow to existing kerb and gutter.
LEGEND
SYMBOL
FENCE
STORMWATER
SEDIMENT FENCE
SEWER LINE
BENCH MARK
PROPOSED LANDSCAPING (1000 HIGH MAX)
WATER TANK
WT
Provision of maintenance easement - refer to Condition no. 57
Garage to be setback minimum distance of 6m from primary boundary - refer to Condition no. 2
4m x 4m (8sqm) splay corner to be dedicated to Council - refer to Condition no. 56
RAGLAN AVENUE
CARINDA STREET
NORTH
GARAGE DOWNPIPES TO DRAIN INTO EXISTING KERB
DRIVEWAY TO OWERS DETAIL
STORMWATER LINE
CLOTHES LINE
RESTORE KERB @ EXISTING LAYBACK
BOUNDARY 33.528m 122° 47'
BOUNDARY 6.706m 212° 47'
PROPOSED DWELLING FF RL 47.75
PROP GARAGE RL 48.40
PROP GARAGE RL 47.53
P.O.S 49m²
P.O.S 82m²
ALFR. RL 47.53
LOT 1 SECTION L DP 1703 AREA 224.8 m²
LOT 2 SECTION L DP 1703 AREA 224.8 m²
8 sq m
6.0 m
ADJOINING BUILDING
DWELLING DOWNPIPES TO BE CONNECTED TO RAINWATER TANKS. TANK OVERFLOW TO DRAIN TO EXISTING KERB
BENCH MARK CUT IN KERB RL 46.21 (AHD)
Proposed Site Plan
SCALE 1:200 @ A3
BUILDER
Craftsman HOMES
"The name says it all"
PROJECT NAME: 2 LOT DEVELOPMENT
DRAWING TITLE: Proposed Site Plan
DRAWN BY: NG
CHECKED BY: GI
LONGITUDE: 150.3602
LATITUDE: -34.0066
CLIENT NAME: CRAFTSMAN HOMES
SITE DETAILS: No 40 Carinda Street, Ingleburn
LOT NO: 1 & 2 SECT: L
D P NO: 1703
SITE AREA: 449.6
FRONTAGE: 13.412 m
LGA: CAMPBELLTOWN
ZONE: R2
PLOT DATE: 17/07/2017
DRAWING NO: 8811
SOFTWARE: ArchiCad V 20
ISSUE: B
SHEET NO: 7 of 10
abode DRAFTING
ABN: 21 003 757 444
P: (02) 46 772 489 E: mail@abodedrafting.com.au
DATE
REVISION
ISSUE
17/07/2017
DRAWING CLARIFICATION
B
19/04/2017
FIRST ISSUE
A


Timber Frame Internal Wall Systems – Party Wall with 25mm Fire Barrier
SYSTEM SPECIFICATION
TYPICAL LAYOUT (CSR 360s shown)
ACOUSTIC OPINION
PKA-018
Discontinuous Construction
FRL
Room/Cavity
60/60/60
EWFA 4013
SYSTEM N°
CSR 360
WALL LINNGS
Below Sizes
• 1 x 25mm Gyprock Sound Stop
CAVITY INFILL
Batts or Blanket
STUD DEPTH mm
70
90
Rw / Rw+Ctr
M 75 Good Batts ** 2.0
60/47
61/49
Bd 90 Good Batts ** 2.7
61/48
62/50
60 88 Soundscreen ** 2.5
61/48
62/50
WALL THICKNESS mm
225
265
RIDGE LEVEL
RL 55.575
INSULATION TO BE IN ACCORDANCE WITH BASIX REPORT
CEILING LEVEL
FLOOR LEVEL
8,080
2,200
450
TIMBER FRAMING TO COMPLY WITH AS1684
LOT 1
ENS.
BEDROOM 1
PARTY WALL TO BCA
FF RL 50.75
LOUNGE
FF RL 47.75
LOT 2
ENTRY
GARAGE
170 STEP DN
TRUSSES SPACED @ 600 CENTRES WITH 22 DEGREE ROOF PITCH
COLORBOND ROOF SHEET AS SELECTED
WEATHERBOARD CLADDING AS SELECTED
FLASHING AS REQUIRED
FACE BRICK AS SELCTED
GROUND LEVEL
REINFORCED CONCRETE SLAB TO ENGINEER'S DETAIL
Section S / 0 1
SCALE 1:100 @ A3
8,205
TIMBER POST 120 X 120 DAR
HANDRAIL TO BCA
FACE BRICKWORK AS SELECTED
2,175
2,175
COLORBOND ROOF SHEET WITH 22 DEGREES PITCH
WEATHERBOARD CLADDING AS SELECTED
COLORBOND ROOF WITH 5 DEGREES PITCH
EAVE RL 50.31
NGL
FINISHED GROUND RL 47.50
2,810
Northeastern Elevation
BUILDER
Craftsman HOMES
"The name says it all"
PROJECT NAME :
2 LOT DEVELOPMENT
DRAWING TITLE :
Section & Elevation
DRAWN BY : NG
CHECKED BY : GI
LONGITUDE: 150.3602
LATITUDE: -34.0066
CLIENT NAME :
CRAFTSMAN HOMES
SITE DETAILS:
No 40 Carinda Street, Ingleburn
LOT NO: 1 & 2 SECT: L
D P NO: 1703
SITE AREA: 449.6
FRONTAGE: 13.412 m
LGA: CAMPBELLTOWN
ZONE: R2
PLOT DATE: 17/07/2017
DRAWING NO: 8811
SOFTWARE: ArchiCad V 20
ISSUE : B
SHEET NO : 4 of 10
abode DRAFTING
ASN : 21 003 757 444
P: (02) 46 772 489 E: mail@abodedrafting.com.au
17/07/2017 DRAWING CLASIFICATION B
19/04/2017 FIRST ISSUE A
DATE REVISION ISSUE


COLORBND ROOF SHEET WITH 22 DEGREES PITCH
GABLE ROOF
WEATHERBOARD CLADDING AS SELECTED
COLORBOND ROOF WITH 5 DEGREES PITCH
FACE BRICKWORK AS SELECTED
TIMBER POST 120 X 120 DAR
NGL
FGL
300
FLOOR LEVEL
FL
BOUNDARY
Southeastern Elevation
HANDRAIL TO BCA
DROPPED EDGE BEAM TO ENGINEER'S DETAIL
Northwestern Elevation
RL 55.575
FF RL 50.75
GARAGE FLOOR RL 47.59
FF RL 47.75
400 CUT
DROPPED EDGE BEAM
500 FILL
DRIVEWAY TO SUIT
Southwestern Elevation
BUILDER
Craftsman HOMES
"The name says it all"
PROJECT NAME : 2 LOT DEVELOPMENT
DRAWING TITLE : Elevations
DRAWN BY : NG
CHECKED BY : GI
LONGITUDE: 150.3602
LATITUDE: -34.0066
CLIENT NAME : CRAFTSMAN HOMES
SITE DETAILS: No 40 Carinda Street, Ingleburn
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19/04/2017 FIRST ISSUE A
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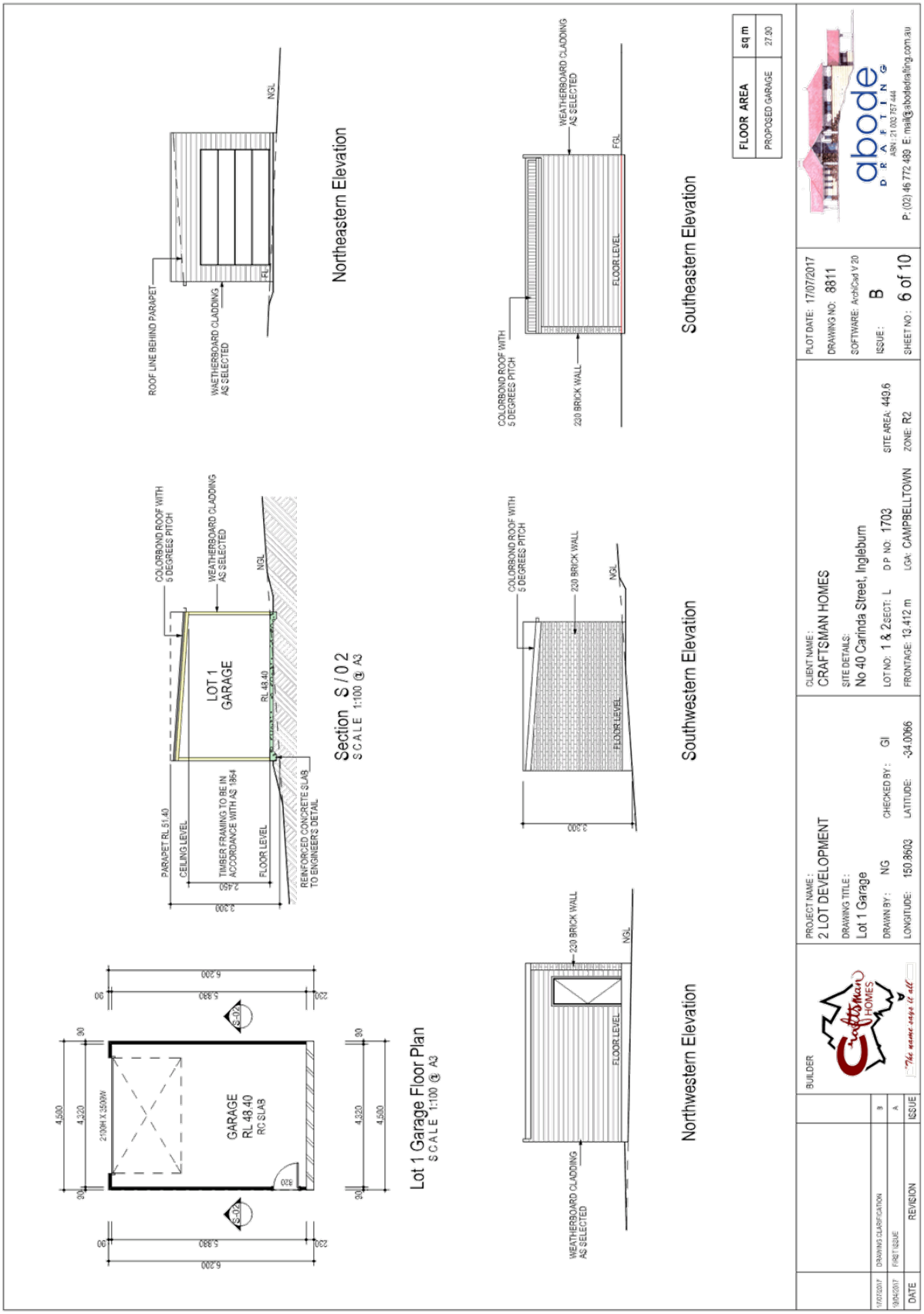
Northeastern Elevation
ROOF LINE BEHIND PARAPET
WEATHERBOARD CLADDING AS SELECTED
NGL
FGL
Southeastern Elevation
COLORBOND ROOF WITH 5 DEGREES PITCH
230 BRICK WALL
FLOOR LEVEL
Section S / 0 2
SCALE 1:100 @ A3
LOT 1 GARAGE
RL 48.40
PARAPET RL 51.40
CEILING LEVEL
TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1684
REINFORCED CONCRETE SLAB TO ENGINEER'S DETAIL
Southwestern Elevation
Northwestern Elevation
Lot 1 Garage Floor Plan
SCALE 1:100 @ A3
GARAGE RL 48.40 RC SLAB
2190H X 3500W
FLOOR AREA sq m
PROPOSED GARAGE 27.90
BUILDER
PROJECT NAME: 2 LOT DEVELOPMENT
DRAWING TITLE: Lot 1 Garage
DRAWN BY: NG
CHECKED BY: GI
LONGITUDE: 150.3602
LATITUDE: -34.0066
CLIENT NAME: CRAFTSMAN HOMES
SITE DETAILS: No 40 Carinda Street, Ingleburn
LOT NO: 1 & 2 SECT: L
D P NO: 1703
SITE AREA: 449.6
FRONTAGE: 13.412 m
LGA: CAMPBELLTOWN
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PLOT DATE: 17/07/2017
DRAWING NO: 8811
SOFTWARE: ArchiCad V 20
ISSUE: B
SHEET NO: 6 of 10
abode DRAFTING
ABN: 21 003 757 444
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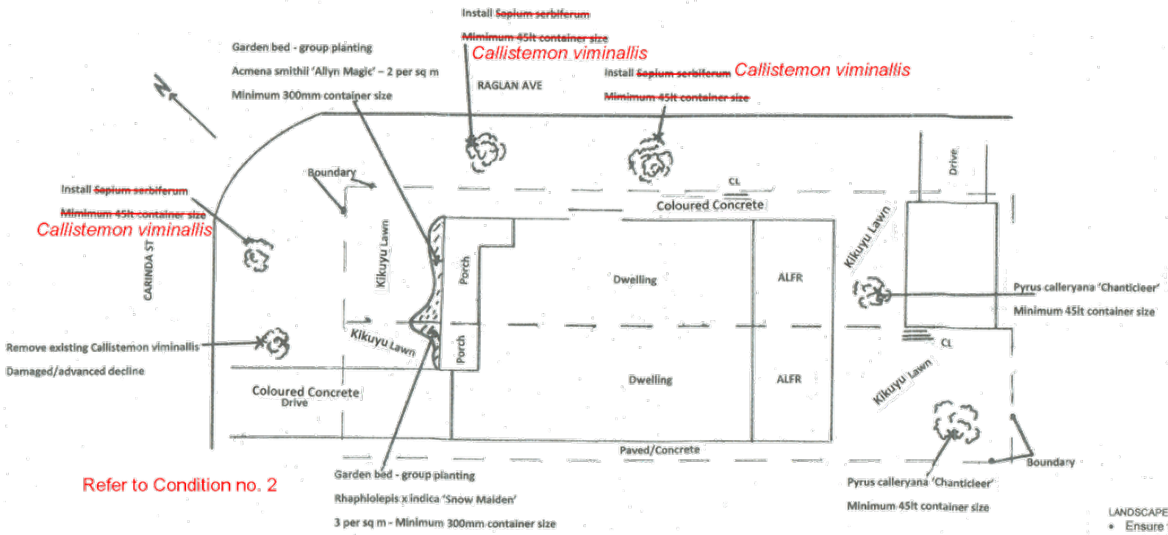
19/04/2017 FIRST ISSUE A
DATE REVISION ISSUE




LANDSCAPING PLAN

Dominic (Nick) Bruszewski
Landscaping design/restoration/maintenance
0415 913 068 D. Bruszewski
gardensnickb@outlook.com
qualifications:
Diploma of Horticulture (Landscape Design)
Horticulture Certificate
Tree Surgery Certificate

JUNE 2017
ISSUE B

LANDSCAPING PLAN
Project 2 lot Development
40 Carinda St Ingleburn
Lot 1 & 2 Sect L DP 1703
Craftsman Homes

Garden Beds

Are to have weeds, building waste and other rubbish removed

Are to be tilled to a minimum 60cm depth

Are to have minimum 30cm premium grade organic garden mix added

Garden beds are to raised a minimum 20cm above lawn or mower strip edge

Organic mulch to be added to a minimum 10cm depth

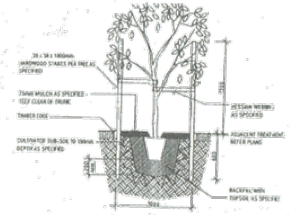
Garden edging to be concrete/masonry or timber. Refer to site Superintendent for direction before installation.

NOTE:

Boundary fence by others

No overhead powerlines

All appropriate sediment and erosion controls measures are to be installed as per Council requirements



## LANDSCAPING SPECIFICATIONS

LANDSCAPED AREAS
- Ensure the site has been cleared of all rubbish, weeds, construction materials and contaminants.
- Garden beds are to be tilled to a minimum depth of 60cm and a minimum 30cm depth of premium grade organic growing media is to be installed.
- Mulch is to be organic, unless otherwise stated on the Landscape Plan.
- Mulch is to be evenly applied to a minimum depth of 10cm.

LAWN AREAS
- Existing lawns are to be left undamaged/ successfully repaired at the completion of all landscaping works.
- New laid lawns are to be left undamaged/successfully repaired at the completion of all landscaping works.
- Turf must be laid and irrigated within 48 hours of delivery to site.

Trees
- Are to have a minimum 10cm thick x 1 metre spread layer of organic mulch around their base and at least 5cm away from main stem.
- Any remedial work to existing trees must be completed within the guidelines of Australian Standard A.S. 4373 (2007).
- The protection of existing trees must be carried out as specified in the Australian Standard A.S. 4970-2009.

MAINTENANCE & ESTABLISHMENT PERIOD:
- For a period of 12 weeks from the Practical Date of Completion (PD of C). The PD of C shall be that date agreed upon by contractor and site Superintendent.

WATERING:
- All plants shall be adequately watered at installation and during the 12 week maintenance and establishment period.

WEEDS & MULCH:
- During the 12 week maintenance and establishment period, all mulched areas are to be kept weed free and replenished as required.

## 8.4 Update on Wheelchair Accessible Picnic Tables

### Reporting Officer

Executive Manager Open Space
City Delivery

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.3 - Ensure that Campbelltown is an inclusive city |

### Officer's Recommendation

1. That the information provided on the provision of wheelchair accessible picnic tables in Council's open space be noted.

2. That Council staff continue to work on the feasibility for the provision of more wheelchair accessible picnic tables in Council's open space through the Disability Inclusion Action Plan Advisory Group.

### Purpose

To provide Council with further information on the feasibility of wheelchair accessible picnic tables in Council's open space. Also, to provide an update of the various parks across the City that already have these tables installed as part of the assets renewal program.

### History

Council at its meeting held 25 July 2017 resolved that a more detailed report be present on the feasibility of wheelchair accessible picnic tables and to provide an update of the various parks across the City that have these tables installed as part of the assets renewal program.

### Report

The Campbelltown Community Strategic Plan has been founded on the principles of social justice where by all people should have fair access to services, resources and opportunities to improve their quality of life. Campbelltown City Council is committed to this through the creation of safe, well maintained, activated and accessible public spaces and creation of an inclusive city.

The provision of open spaces that are inclusive is a community priority and with the use and correct placement of accessible park furniture, we can ensure our open spaces are available to residents of all abilities to enjoy.

To date, wheelchair accessible seating has been installed in various parks across the City as a part of the assets renewal program.

As part of the assets renewal program for wheelchair accessible seating, Council Officers undertook an audit of a number of parks across the Local Government Area. The audit took into account parks that were equipped with accessible seating a table of these parks is below.

| **Accessible Table Description** | **Location** |
|---|---|
| John Kidd Reserve - Table and Bench setting under shade structure 3 - Near BBQ | The Kraal Drive, Blair Athol |
| Gordon Fetterplace Aquatic Centre - Metal Shade with Table Bench Settings - BBQ Area | CNR The Parkway Olympic Court, Bradbury |
| Quirk Reserve - Aluminium Table And Bench Setting under Shade Structure | Corner of Jacaranda Avenue St. Johns Road, Bradbury |
| Koshigaya Park - Access Table Bench Setting End Of Steel Pergola Area - Camden Road - Campbelltown | Koshigaya Park - Camden Road end of steel pergola area |
| Koshigaya Park - Gossi Park Seaside Shelter (10 x 3 metre) - Camden Road - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Seaside Shelter (6 x 3) - Camden Road corner Hurley Street - Campbelltown | Koshigaya Park - Camden Road corner Hurley Street |
| Koshigaya Park - Gossi Park Seaside Shelter (6 x 3) - Camden Road west of toilet block - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Seaside Shelter (6 x 3) north End near Footpath - Camden Road - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Seaside Shelter (6 x 3) north side of play equipment - Camden Road - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Seaside Shelter (6 x 3) South side of Playground - Camden Road - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Table Bench setting - Camden Road west of toilet block - Campbelltown | Koshigaya Park - Camden Road |
| Koshigaya Park - Gossi Park Table Bench setting - Camden Road west of toilet block - Campbelltown | Koshigaya Park - Camden Road |
| Eagle Farm Reserve - Gossi Park - Barossa Shelter with Table Bench Setting (east) - Emerald Drive - Eagle Vale | Eagle Farm Reserve - Emerald Drive |
| Eagle Farm Reserve - Gossi Park - Barossa Shelter with Table Bench Setting (west) - Emerald Drive - Eagle Vale | Eagle Farm Reserve - Emerald Drive |
| Ingleburn Tennis Club - Gossi Park 3m x 3m Seaside Shelter - Macquarie Road (closest to pools) | Ingleburn Tennis Courts - Macquarie Rod (closest to pool) |
| Ingleburn Tennis Club - Gossi Park 3m x 3m Seaside Shelter - Macquarie Road (closest to road) | Ingleburn Tennis Courts - Macquarie Road (closest to road) |
| Ingleburn Tennis Club - Gossi Park 6m x 3m Seaside Shelter - Macquarie Road (Courts 1-4) | Ingleburn Tennis Courts - Macquarie Road (Courts 1-4) |

| | |
|---|---|
| Milton Park - Table Bench Setting - Opposite To Henderson/Macquarie Roundabout | Macquarie Road, Macquarie Fields |
| Kids Park - Table and Bench Setting (Under Shade Structure) | Elizabeth McRae Ave, Minto |

It is proposed that City Delivery work closely with City Lifestyles to deliver more wheelchair accessible tables that meet with the guiding principles and criteria espoused in the Disability Inclusion Action Plan. This will be assisted by a Disability Inclusion Action Plan Advisory Group that is currently being formed by City Lifestyles, which will be the subject of a report to the next Council meeting. It is intended that advice from the Advisory Group be sought in relation to the most appropriate consultation methods to ensure inclusionary aspects for future renewals and works in public spaces is considered.

## Attachments

1. Apex Park (contained within this report)
2. Eagle Farm Reserve (contained within this report)
3. Gordon Fetterplace Aquatic Centre (contained within this report)
4. Ingleburn Tennis Club (contained within this report)
5. John Kidd Reserve (contained within this report)
6. Kids Park (contained within this report)
7. Koshigaya Park (contained within this report)

## 8.5 Steora Smart Bench Trial

### Reporting Officer

Executive Manager Infrastructure
City Delivery

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 3 Outcome Three: A Thriving, Attractive City | 3.2 - Ensure that service provision supports the community to achieve and meets their needs |

### Officer's Recommendation

1. That Council note the success of the Steora Smart bench in Mawson Park, Campbelltown.

2. That Council extend the trial to include smart benches at each of:

   a. Macquarie Fields Leash Free Dog Park

   b. Macquarie Fields Skate Park

   c. St Helens Park Leash Free Dog Park

   d. St Helens Park Skate Park

   e. Leumeah Skate Park

   f. John Kidd Reserve, Blair Athol.

3. That future smart bench considerations be incorporated in to the development of a Smart City Strategy and will be subject of a future briefing to Council.

### Purpose

To update Council on the trial of the Steora Smart bench in Mawson Park, that provided free Wi-Fi and phone charging capability to park users.

### History

Council at its meeting held 23 May 2017 resolved:

1. That a report be presented to Council outlining the feasibility of trialling Steora Benches or similar type of product in our recreation areas such as skate parks or dog parks.

2. That Council encourages any Councillor who has the opportunity to investigate and interact with the technology (or any other that can be used for the benefits of our community) to do so at their own cost and responsibilities and report back to Council on their findings.

Council officers made contact with Steora to trial their smart bench. On 15 June 2017, Council was provided with a Steora bench to trial at Mawson Park. Council took the opportunity to trial the bench whilst the night markets were on.

## Report

The Steora bench installed at Mawson Park was a self-contained unit both in terms of the power supply and the internet connection. The seat of the bench was a solar panel that charged internal batteries which allowed the bench to be used 24/7. The batteries powered the internal modem as well as both wired and wireless phone charging ports and a LED feature light under the bench. The internet connection was provided by a 4G phone card that was supplied by Council. The card is similar to those used in smart phones except it was for data only. This form of WiFi connection has limitations in that it can only support up to a maximum of five users at any one time and had a limited range of less than twenty meters from the bench. The cost to provide data over a 4G card is also more expensive than if broadcast from a wired service.

Part of the bench's capabilities was the ability to record various aspects of the usage of the devise such as the number of people who actually used the two different types of charging ports (wired and wireless), number of uses who logged into the bench and the duration of the connection. The bench also monitors the capacity of the batteries and records the levels throughout the day. The bench also has the ability to shut down certain aspects of functionality in order to maintain service to the customer should the battery levels drop to low levels.

Data from the bench was automatically sent back to a central computer where the information could then be viewed. As this was only a trial, Council was not set up with access and the company was responsible for compiling the information and then forwarding the data onto Council. In this particular case, the company experienced a computer issue and Council could only be supplied with the first week of data. As Council owned the data card we were able to download the data usage from the phone records along with the number of people who connected to the WiFi. The data set that was missing from the company was the number of people who used the devise to charge their phone or tablet device.

The bench was placed centrally in the park with easy accessibility for night market visitors. Council staff also advertised the location via Facebook and numerous responses were received. The bench was also widely advertised in both local papers. With the under bench lighting, the presence of the bench was enhanced during the night.

In the first week of the trial the bench attracted more than 50 people to take advantage of the phone charging capability. Unfortunately further data was not able to be collected due to a computer issue though the ability to charge phones was still available.

The people connecting to the WiFi varied throughout the trial with the peak usage being ten people and a total of 207 different people recorded using the service. This averaged out to be approx. five people per day connected to the bench. The bench was used at different hours of the night and day including midnight and early hours of the morning. The amount of data being down loaded also varied with the maximum down load by any user being 600Mb but generally downloads were in the order of 50-130Mb at a time.

The difficulty with use of the 4G card was that the number of users on the system at one time was limited to around five people and it is not possible to spread the band width evenly around all users. The 4G card tends to be first in best dressed. That is, if the first person connected is downloading a high volume of data, the reliability of band width connection for subsequent users is reduced. For Wi-Fi systems such as the one in the HJ Daley library, Council is able to regulate the usage to allow everyone to have an equal share of the service. Obviously, in WiFi systems such as the one used in the library, the number of users able to connect to the WiFi at any one time is also a lot higher and the cost per Mb is significantly lower than a 4G service.

As Council is currently considering place making reviews at a number of locations throughout the LGA, it is suggested that as part of the reviews, the provision of charging points and other smart city technologies be incorporated into these spaces and form part of the criteria for renewal. The use of smart benches could also be investigated further for areas where a specific need has been identified or at certain community events (i.e. Fisher's Ghost Festival). These suggestions could form part of Council's Smart City Strategy that is anticipated to be developed within the next 12 months.

## Attachments

Nil

## 8.6 2017 Local Government Youth Week Awards Recognition

### Reporting Officer

Executive Manager Community Life
City Lifestyles

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information |

### Officer's Recommendation

That Council acknowledge the Campbelltown City Council's Youth groups, Campbelltown Youth Network (CYN) and Youth Entertainment Reference Group (YERG) who were finalists at this year's Local Government Awards in the Best Local Youth Week Program category.

### Purpose

The purpose of this report is to advise Council that Campbelltown City Council's Youth groups, Campbelltown Youth Network (CYN) and Youth Entertainment Reference Group (YERG) were finalists at this year's Local Government Awards in the Best Local Youth Week Program category.

### History

For the second consecutive year Council's youth groups CYN and YERG were nominated as finalists in the Best Local Youth Week Program category.

Youth Week NSW is a week-long celebration held in early April each year that is organised by young people, for young people, across the state. Youth Week supports young people to express their ideas and views, act on issues that affect their lives and create and enjoy activities and events.

This year Campbelltown celebrated Youth Week from the 31 March to 9 April with an extensive calendar of events that were run through the Youth Week Partnerships funding program. The calendar of events included a diverse and inclusive range of activities and events for young people including an in school visioning program, a short multicultural film preview, water safe and movie effects workshops, art workshops, skate, scooter and BMX showcase, an All Ages gig and a forum supporting young people with disabilities to be heard.

## Report

Council's youth groups CYN and YERG worked closely with the Community Life team to develop and coordinate Campbelltown's Youth Week calendar of events. Both groups participated in the ranking and acquittal of the Youth Week partnership grants funding program, directed the decision making process for the funding of all Campbelltown projects and volunteered their time to support and deliver projects and activities.

CYN and YERG met regularly in the lead up to Youth Week volunteering hours of their time to brainstorm and share new ideas for partnerships and innovative activities and events that were included in the program.

This year the groups were runners up for the award, the nomination was celebrated by six of the members who attended the dinner to represent Campbelltown City Council; it was a testament to their hard work and dedication for the young people of Campbelltown.

## Attachments

Nil

## 8.7 Reports and Letters Requested

### Reporting Officer

Director City Governance
City Governance

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.3 - Ensure that Campbelltown is an inclusive city |

### Officer's Recommendation

That the information be noted.

### Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 26 September 2017.

### Attachments

1. Reports and Letters Requested (contained within this report)

# Reports Requested as at 26 September 2017

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Lifestyles** | | | |
| 29.7.14 PL 3934158 | CG3.3 - Report identifying alternative methods for managing the hire of Council's sporting fields.<br>**Comment:** To be considered following the adoption of the Sport and Recreation Strategy | CL | December 2017 |
| 16.08.16 GB 4976615 | NM17.3 - That Council prepare a feasibility report into a possible Vivid Lighting Event or similar event during the Fishers Ghost Festival, with a ghost theme, to assist in promoting a night time economy/entertainment for Campbelltown.<br>**Comment:** To be considered in 2017 upon the appointment of the Executive Manager Community Life to ensure that the investigation of all options is undertaken prior to presenting to Council for consideration. | CL | December 2017 |
| 16.08.16 RK 4962373 | PE5.2 - That Council be provided with a report outlining how the 200th anniversary of Campbelltown's founding in 1820 will be celebrated. | CL (CG) | December 2017 |
| 22.11.16 PL 5116854 | ORD - 11.2<br>That a report be presented to Council investigating financial incentives to encourage sporting teams and other events to utilise Campbelltown Sports Stadium and with the funds to be included in future budgets. The report should address how to build the Region's competitive advantage to host major events at Campbelltown Sports Stadium (CSS) and how this would boost the reputation of the City and its' economy. It should also include and not be limited to:<br>i) ways which funds could be used to attract major events<br>ii) benefits to the residents of Campbelltown and the region<br>iii) employment benefits<br>iv) benefits to the local business community<br>v) potential sponsorship with private partners<br>vi) the potential for value capture and revenue generation. | CL | December 2017 |
| 14.02.17 | 3. That a further report be provided to council when the outcomes of the Asian cup applications are known for further consideration and confirmation of council's contribution<br>**Comment:** The outcome of funding round is yet to be notified by the Government. Once an announcement is made a report will be provided to Council. | CL | December 2017 |
| 14.03.17 | 2. That a further report be provided to Council once advice is received from the NSW Department of Education in relation to the Start Strong program outlining impacts on Council's services.<br>**Comment:** The Department of Education have advised that implementation has been delayed. Once further information is available a report will be provided to Council. | CL | December 2017 |
| 14.03.17 MO | NM11.3 - That a report be presented investigating the feasibility and funding options to commission a suitably qualified muralist artist to create portraits of local Aboriginal and colonial residents on the historic silos located on Appin Road. | CL | December 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| 26.09.17 BG | NM - 11.2 - That a report be presented to Council outlining the feasibility of contacting the creators of the Pokemon brand with the request to host a Pokemon Go event in the Campbelltown Local Government Area. | CL | February 2018 |
| 22.11.16 GB 5116854 | ORD - 11.1 - That Council seeks a report on the feasibility of creating a BMX track at the St Helens Park skate park and other sites, taking into consideration using the soil from the civil works creating the car park at that location.<br>Comment: This project has been transferred to City Delivery: Open Space in line with the revised structure and appointment of an Executive Manager Open Space. | CL | Transferred to City Delivery |
| 22.11.16 PL 5116854 | ORD - 11.2<br>That a report be presented to Council investigating financial incentives to encourage sporting teams and other events to utilise Campbelltown Sports Stadium and with the funds to be included in future budgets. The report should address how to build the Region's competitive advantage to host major events at Campbelltown Sports Stadium (CSS) and how this would boost the reputation of the City and its' economy. It should also include and not be limited to:<br>i) ways which funds could be used to attract major events<br>ii) benefits to the residents of Campbelltown and the region<br>iii) employment benefits<br>iv) benefits to the local business community<br>v) potential sponsorship with private partners<br>vi) the potential for value capture and revenue generation.<br>Comment: Report being presented to Council as part of the 31 October 2017 Agenda. | CL | Complete |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Delivery** | | | |
| 21.06.16<br>FB<br>4851108 | CW1.3 - 3. - That following completion of the Floodplain Risk Management Study and Plan, a further report be tabled for Council's consideration. | CD | October 2018 |
| 08.11.16<br>MO<br>5095792 | ORD - NM - 11.1<br>1. That a report be presented to Council investigating the potential to establish a Georges River Bush Cycle Track from Glenfield to Wedderburn.<br>2. That this report include:<br>• possible route and various access points<br>• potential and existing sources of funding - Local, State, Federal and Non-Governmental Organisation<br>• estimated initial construction costs and ongoing maintenance costs<br>• suggested time frame and schedule<br>• potential impediments to the development<br>• an assessment of environmental issues. | CD | February 2018 |
| 22.11.16<br>GB<br>5116854 | ORD - 11.1 - That Council seeks a report on the feasibility of creating a BMX track at the St Helens Park skate park and other sites, taking into consideration using the soil from the civil works creating the car park at that location.<br>**Comment:** This project has been transferred from City Lifestyles in line with the revised structure and appointment of an Executive Manager Open Space. | CD | March 2018 |
| 18.04.17<br>GB<br>5311171 | ORD - NM - 11.1<br>1. That a report be presented on the implementation of a roundabout beautification program, which would include at least one large tree and other lower level plantings, on larger roundabouts within the Campbelltown Local Government Area.<br>2. That the report include costings and timeframes. | CD | February 2018 |
| 18.04.17<br>KH<br>5311169 | ORD - NM - 11.3<br>1. That Council identify appropriate park spaces in all sections of the Local Government Area that are suitable for the installation of accessible perimeter pathways for use by residents of all ages.<br>2. That a report be presented on the costs and possible time frame for providing such pathways. | CD | February 2018 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| 18.04.17<br>RM<br>5311168 | ORD - NM - 11.4<br>1. That Council investigate and review the Campbelltown Boundary Signs/Markers on all roads going into the City entry/exit points e.g.<br>• Welcome to Campbelltown - landscaping or entry statement<br>• Thank you for visiting or Campbelltown Exit Statement.<br>2. That Council provide alternative designs, perspective layout/blueprints, appropriate entry and exit wordings, list of specific locations and cost estimates.<br>3. That a comprehensive report be presented at a future Briefing evening for consideration. | CD | November 2017 |
| 18.04.17<br>GB<br>5311166 | ORD - NM - 11.6 - That Council seek a report establishing a request line/email for use by residents who wish to have an appropriate tree planted by Council on their immediate nature strip. | CD | February 2018 |
| 18.04.17<br>GB<br>5311165 | ORD - NM - 11.7 - That Council seek to create further avenues of trees in significant locations such as Emerald Drive, Eaglevale Drive, Eagle Vale and Campbelltown Road, Woodbine. That a report be provided on the costs and benefits of Council's annual tree planting program. | CD | March 2018 |
| 23.05.17<br>MO | NM11.3<br>That a report be presented outlining the feasibility and costs involved in formalising the unused roadside space in Pembroke Road, opposite the Leumeah Hotel, to provide angled commuter car parking places. | CD | November 2017 |
| 26.09.17<br>M. Chowdhury | NM - 11.1<br>1. That a report be presented to Council on the feasibility of constructing an open air entertainment space [stage or platform] in the amphitheatre at Redfern Park, Minto.<br>2. That the report include potential designs, material types, provision for weatherproof 3-phase power access and relevant costings. | CD | February 2018 |
| 23.05.17<br>GB | NM11.4<br>1. That a report be presented to Council outlining the feasibility of trialling Steora Smart Benches or any similar type product in our recreation areas such as skate parks and dog parks.<br>2. That Council encourages any Councillor who has the opportunity to investigate and interact with the technology (or any other that can be used for the benefits of our community) to do so at their own cost and responsibilities and report back to Council on their findings.<br>**Comment:** Report being presented to Council as part of the 31 October 2017 Agenda. | CD | Complete |
| 25.07.17<br>BG | 8.3 - That a more detailed report be presented on the feasibility of wheelchair accessible picnic tables and to provide an update of the various parks across the City that have these tables installed as part of the assets renewal program.<br>**Comment:** Report being presented to Council as part of the 31 October 2017 Agenda. | CD | Complete |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Governance** | | | |
| 14.10.14<br>RK<br>4033794 | CG2.3 - 4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project.<br>**Comment:** Still in the process of finalising the VPA/ISDP with Urban Growth. | CG | November 2017 |
| 23.05.17<br>BM | NM11.1<br>1. That a report be presented to Council detailing a procedure for Councillors to request that a delegated decision be called up to a meeting of Council.<br>2. That a report be presented to Council detailing the procedures for:<br>a. Councillors right and responsibility regarding access to administrative information.<br>b. Councillors right and responsibilities regarding the ability to communicate with staff.<br>c. Councillors right and responsibility to review decisions undertaken under delegated authority and the process to call the decisions to be reviewed.<br>**Comment:** Briefing date requested (possibly late August, awaiting Exec confirmation). Update: Deferred for briefing given the announcement of IHAP. | CG | December 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Development** | | | |
| 19.04.16<br>MO<br>4770730 | CS8.1- Old Clinton's development site<br>That a report be presented outlining any action taken by Council with regards to the dead trees on the old Clinton's development site - Queen Street, Campbelltown.<br>**Comment:** Meeting held with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution prepared for further consideration and consultation. | CDVP (CS) | March 2018 |
| 08.11.16<br>GG<br>5095788 | ORD - 11.5<br>1. That a report and a briefing be presented to Council detailing the cost associated with establishing and running a Design Excellence Panel (DEP) to encourage high quality urban design within the Campbelltown Local Government Area (LGA) including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.<br>2. That the report consider establishing a panel to provide an independent and transparent specialist peer review of major urban development and high density dwellings within the Local Government Area based on the following criteria:<br>a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to:<br>○ well-known and respected professionals who are involved in the design of major projects and have extensive expertise in areas of architecture, urban design and/or landscape architecture; and<br>○ a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.<br>○ to ensure the panel's independence, a panel member cannot be a Councillor or council employee.<br>b. Expert members must not live or do business in the council area in a related field. Community representatives must live in the area, but not do business in the Campbelltown area in a related field.<br>c. That the panel members' tenure should be limited to two years with an optional extension for another two years.<br>d. That a selection committee be established to undertake the selection of panellists. The selection committee should include the Mayor or his/her Councillor, representative and one other Councillor. Two senior staff members and two distinguished independent people with knowledge of the development assessment system. All members of the selection committee to be approved by a council resolution.<br>e. That the appropriate Policy and Procedure and Code of Conduct be developed in line with ICAC recommendations to ensure the panel demonstrate the highest ethical standards in the exercise of their duties and responsibilities, maintain the integrity of the panel and to provide for fair and transparent dealings in making decisions.<br>**Comment:** Information currently being compiled. | CDVP | December 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| 13.12.16 PL 5146315 | ORD 8.5 - That a report be provided investigating the use of a drone with heat detecting cameras to track and monitor Koala movement in the Local Government Area.<br>**Comment:** Report is currently being compiled. | CDVP | December 2017 |
| 18.04.17 KH 5311170 | ORD - NM - 11.2 - That a report be presented to Council that as part of the planning process involving all development applications relating to Appin Road and Gilead, Council include a requirement for Fauna Exclusion Fencing and appropriate tunnels and high crossing points to be provided by the applicant, to enable safe access for fauna through the wildlife corridors.<br>**Comment:** Awaiting response from Minister for Transport and Infrastructure. | CDVP | November 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Growth and Economy** | | | |

# Letters Requested as at 26 September 2017

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Lifestyles** | | | |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Delivery** | | | |
| 26.09.17<br>PL | NM 11.4<br><br>1. That Council write to the Minister for Roads, Maritime and Freight to request the following:<br><br>a. To extend the merging lane onto the M31 from Narellan Road (South).<br><br>b. To install street lights on the exit lane of M31 to Narellan Road (North).<br><br>c. To remove or trim trees and bushes along the M31 from Menangle Road to the Old Campbelltown Road at Liverpool end, noting that when driving North or South exit signs are not clearly visible and 60kmph speed sign at Brooks Road on exit lane on left side is completely obscured.<br><br>d. The first Campbelltown Road exit the left turning lane onto what was known as Old Campbelltown Road be extended.<br><br>2. That a copy of the letters be sent to the State Members of Campbelltown, Camden and Macquarie Fields and Federal Members for Macarthur and Hume seeking their support for the above requests. | CD | October 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Governance** | | | |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Development** | | | |
| 26.09.17 PL | NM 11.5 - That Council write to the Minister for the Environment, requesting the spraying of noxious weeds (Blackberry Bush and African Olive) along both sides of M31 from Brooks Road to St Andrews Road in the Campbelltown Local Government Area. | CD | Nov 2017 |

| *Date of Decision *Mover *DocSet | Item/Comments | Div. Resp | Comp Date |
|---|---|---|---|
| **City Growth and Economy** | | | |
| | | | |

## 8.8 2017 Local Government NSW Annual Conference

### Reporting Officer

Director City Governance
City Governance

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 4 Outcome Four: A Successful City | 4.5 - Work in partnership with the State Government to achieve positive planning outcomes |

### Officer's Recommendation

1. That Council nominate ten voting delegates for determination of motions and nine voting delegates for the board election at the 2017 Local Government NSW Annual Conference.

2. That other interested Councillors also be authorised to attend together with the General Manager and/or delegate.

3. That the registration fees and accommodation expenses be met in accordance with Council's Policy.

### Report

The 2017 Local Government NSW Annual Conference will be held at Hyatt Regency, Sydney, from Monday 4 December 2017 to Wednesday 6 December 2017.

The conference is the annual policy making event for councils. Councils work together with Local Government NSW to promote Local Government and advocate on behalf of their communities for local democracy, informed decision making and good governance.

The conference is the pre-eminent event of the Local Government event calendar, where Councillors come together to share ideas and debate issues contained within the conference business paper.

As a member of the Local Government NSW, Council is entitled to nominate ten Councillors as voting delegates for the determination of motions and nine voting delegates for the election of board members. It has also been Council's practice that any other interested Councillor be authorised to attend the Conference.

### Attachments

Nil

## 8.9 Review of Council Meeting Cycle and Structure

### Reporting Officer

Manager Governance and Risk
City Governance

### Community Strategic Plan

| Objective | Strategy |
|---|---|
| 3 Outcome Three: A Thriving, Attractive City | 3.8 - Provide strong governance for all Council activities |

### Officer's Recommendation

1. That the Council adopt the draft meeting calendar for 2018 as outlined in attachment 1.

2. That the Ordinary Council meetings for the remainder of 2017 be held on:

    a. 14 November 2017

    b. 12 December 2017

3. That the Code of Meeting Practice be amended to reflect the proposed revised meeting cycle of one meeting per month and placed on public exhibition for a period of not less than 28 days.

4. That following the exhibition period that a further report be presented to Council to adopt the Code of Meeting Practice.

### Purpose

This report presents the review of the Council meeting structure and cycle and a draft 2018 meeting calendar for consideration by the Council.

### History

Council currently operates on a fortnightly meeting cycle, with meetings held on the second and fourth Tuesday evenings of each month. Council resolved, at the meeting on 4 October 2016 that a review of the operation of the revised Council meeting cycle be conducted and presented to Council within 12 months of the commencement of the new structure.

In August 2017, the NSW State Government passed legislative planning reforms which have mandated the implementation by March 2018 of an Independent Hearing and Assessment Panel (IHAP) to determine development applications that meet certain criteria.

## Report

With the commencement of the new term of Council in September 2016 and the implementation of the new organisational structure, Council reviewed and adopted a new Council Meeting structure and cycle in October 2016.

The Ordinary Council meeting format has been generally well received, with positive feedback from the community over the past year with regard to the ability to address all Councillors and have matters considered and decisions made in the same meeting.

**Planning Reforms - Independent Hearing and Assessment Panel**

In August 2017, the NSW State Government passed planning reforms which have mandated the implementation of an Independent Hearing and Assessment Panel (IHAP) will have the effect of severely limiting the power of the elected Council to determine development applications. As of 1 March 2018, the IHAP will become the consent authority for development applications that:

- have a value of between more than $5m but less than $30m
- the applicant or owner is the council, a councillor, a member of a councillor's family, a member of council staff, or a state or federal member of Parliament.
- receive ten or more objections from different households.
- Include a proposed voluntary planning agreement.
- seek to depart by more than 10 per cent from a development standard.
- are higher risk applications such as:
    - residential flat buildings assessed under SEPP 65
    - demolition of heritage items
    - licensed places of public entertainment and sex industry premises
    - designated development, as set out in the Environmental Planning and Assessment

**Proposed meeting format and cycle**

As a result of these changes in planning, it is anticipated that the volume of Council business will decrease in the New Year. There is general acceptance that the combination of Councillor Inspection and Briefing Sessions and Council meetings enables all Councillors to be fully briefed on key issues to develop an understanding of the matters coming before Council for determination. As such, it is proposed that this format continue with a reduction in Council meetings to one per month.

The draft meeting calendar for 2018 proposes that meetings continue to be held on Tuesday evenings from 6.30pm with Council meetings being held once per month on the 2nd Tuesday and briefings on other Tuesdays available within that month.

The proposed schedule is as follows:

| | |
|---|---|
| 1st Tuesday of the month | - Briefing |
| 2nd Tuesday of the month | - Council meeting |
| 3rd Tuesday of the month | - Briefing |
| 4th Tuesday of the month | - Briefing |
| 5th Tuesday of the month | - Briefing (if required) |

The draft meeting calendar for 2018 provides for the first briefing to be held on Tuesday 30 January 2018 and the first Council Meeting to be held on Tuesday 13 February 2018.

Under section 365 of the *Local Government Act 1993,* a council is required to meet at least ten times per year. The attached 2018 meeting calendar provides for 11 Ordinary Council meetings.

Whilst the proposed meeting cycle of one per month is a reduction in the number of Council meetings, the continuation of the current practice still provides:

- the opportunity for members of the public to address the full Council meeting, so all Councillors are able to hear all speakers
- certainty for members of the public who attend and speak at meetings as decisions are made at the same meeting
- efficient decision making as matters are considered once and decision made
- Greater focus on strategic decision making, less information only reports
- Business papers distributed to Councillors and published on Tuesday, one week prior to the meeting.

**Amendment to Code of Meeting Practice**

The purpose of the Code of Meeting Practice is to set out the manner in which meetings of Campbelltown City Council are to be convened and conducted.

If the Council amends the meeting cycle such that the Ordinary Council Meeting is held once per month, an amendment to the Code of Meeting Practice will be required to clause 1.1.1 as follows:

1.1.1 When and where are ordinary Council meetings held?

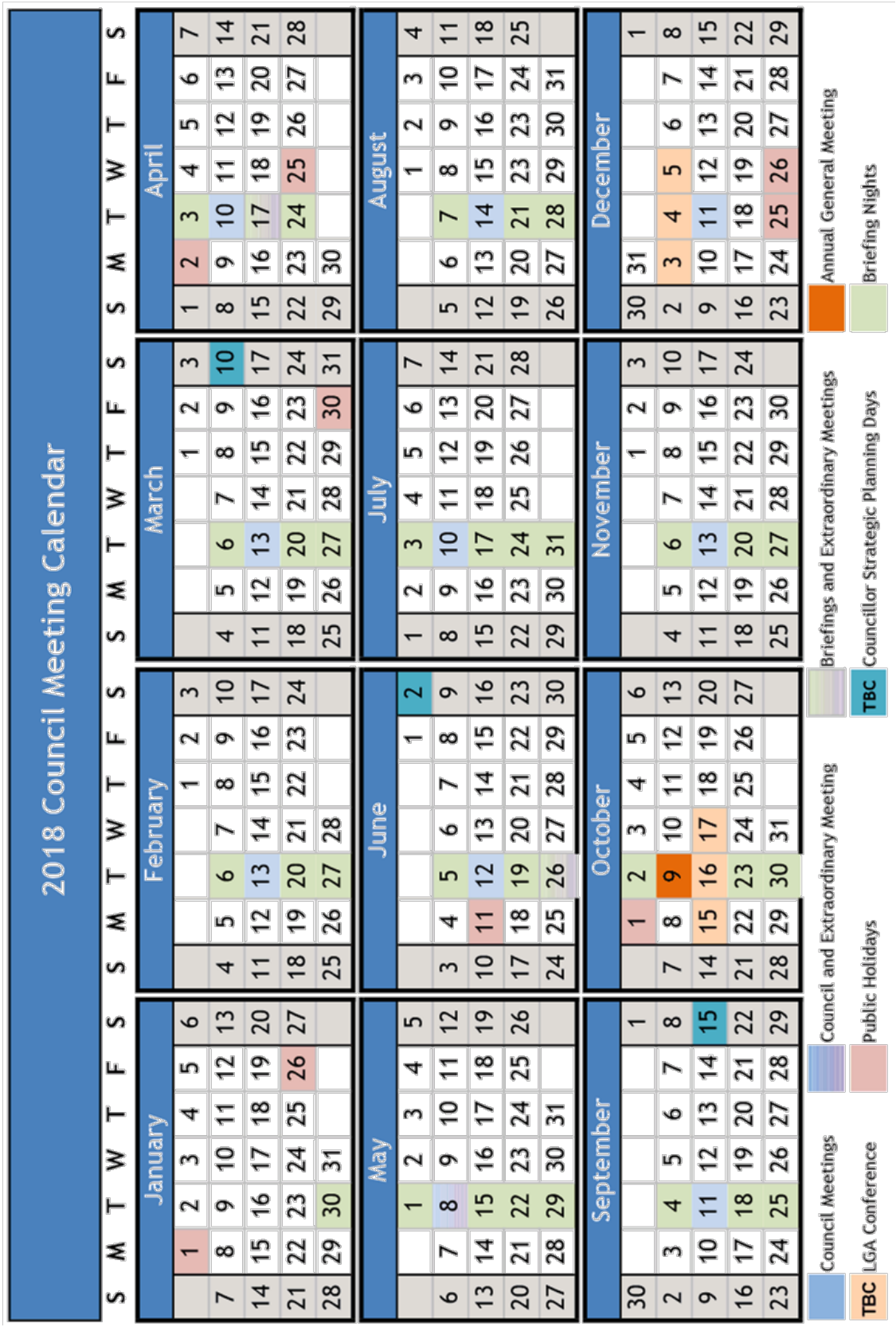
The Council is required to meet at least ten times per year, each time in a different month. (section 365)

1. Ordinary Council meetings are held on the second ~~and fourth~~ Tuesday of each month in the Council Chambers starting at 6.30pm and conclude by 10.30pm with a possible 30 minute extension by resolution. Council may vary meeting dates and times at its discretion so long as it provides sufficient notice and it meets at least at least ten times each year, each time in a different month.

An amended Draft Code of Meeting Practice is included as attachment 2. It is recommended that Council endorse the revised Draft Code of Meeting Practice, and that in accordance with the *Local Government Act 199*3, the Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days, during which submissions may be made up until 42 days after the date on which the revised code is place on public exhibition.

## Attachments

1. Draft 2018 Meeting Calendar (contained within this report)
2. Draft Code of Meeting Practice October 2017 proposed amendment (contained within this report)


2018 Council Meeting Calendar
S M T W T F S
January
February
March
April
May
June
July
August
September
October
November
December
Council Meetings
LGA Conference
TBC
Council and Extraordinary Meeting
Public Holidays
Briefings and Extraordinary Meetings
Councillor Strategic Planning Days
TBC
Annual General Meeting
Briefing Nights

| | |
|---|---|
| campbelltown city council | **POLICY** |

| | |
|---|---|
| Policy Title | Code of Meeting Practice |
| Related Documentation | Code of Conduct |
| Relevant Legislation/ Corporate Plan | Sections 360 and 748, *Local Government Act 1993*<br>*Local Government (General) Regulation 2005* |
| Responsible Officer | Manager Governance and Risk |

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

## Objectives

The object of this code is to provide for the convening and conduct of meetings of Campbelltown City Council and of Committees of Council. The provisions of this Code are substantially based on the provisions of the *Local Government Act 1993*, and Regulations governing the conduct of meetings.

## Policy Statement

This Code is made under the *Local Government Act 1993*, including Sections 360 and 748, and in accordance with the *Local Government (General) Regulation 2005*, as amended.

This Code of Meeting Practice is available for public inspection free of charge at the office of Council during normal office hours.

# Campbelltown City Council

# Code of Meeting Practice

**Adopted by Council: 22 August 2017**

# Introduction

The Code of Meeting Practice describes how meetings of Council are convened and conducted.

This Code of Meeting Practice has been prepared in accordance with the provisions of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005*. The Office of Local Government's Meeting Practice Note 16 has also been taken into account in preparing this code.

The section and clauses referred to in brackets under each heading of the code, refer to sections of the Act and clauses of the Regulation. Council protocol refers to those practices which are specific to Campbelltown City Council.

The aim of this code is to help you understand how our meetings are conducted. It can also be used as a reference document for committees associated with Council.

The formal review date for this code is 30 September 2021, however Council may decide to review and adopt an amended Code prior to that date due to changing circumstances as they arise.

# Preliminary information

## Objectives

The objectives of this Code of Meeting Practice are to:

1. set standards for the calling, conduct and recording of Council, so the public is aware of business to be conducted at all Council and the results of the Council's determination of those matters

2. provide clear rules and procedures for the orderly conduct of Council

3. provide practices to ensure that decisions made at Council have legal effect and are in scope within their powers

4. to be an effective aid to good governance and ensure maximum transparency and openness of all Council meetings.

# Principles

In adopting a Code of Meeting Practice Campbelltown City Council commits itself to the following principles:

- To ensure good and open public decision-making processes are followed to increase Council's transparency and accountability to its community. Councillors are accountable to the community for the decisions they make. These decisions should be based on sound and adequate information and carried out with fairness, impartiality, objectivity and consideration of all the issues.

- Open decision-making helps achieve this, as well as preventing misunderstanding and unfounded criticisms from the public. Councillors should be prepared to state their views publicly on both controversial and routine issues. Informed voting by electors is best achieved when they can observe the speeches, debate and voting patterns of their Councillors.

- To promote open decision-making, affording Councillors the ability to state their views when required as long as they act with good intentions and behave with respect to all other Councillors, staff and community members.

- Open decision-making is an important part of Local Government and should be the rule rather than the exception. The ability of the public and media to attend and watch Council - seeing the deliberations and decisions of elected representatives - is essential for Councillor accountability. This is recognised by the legislation, which encourages open decision-making at Council meetings.

- Good governance. Well run meetings reflect an effective partnership and relationship between the governing body of Council and Council administration.

# Definitions

Act means the *Local Government Act 1993*.

Amendment in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson means:

a) for a meeting of the Council – the Mayor;

b) for a meeting of a Committee of the Council – the person presiding at the meeting

Committee in relation to the Council, means a Committee appointed or elected by the Council when it has resolved itself into a Committee of the Whole.

Foreshadowed Amendment - a proposed amendment foreshadowed by a Councillor during debate on the first amendment.

Foreshadowed Motion - a motion foreshadowed by a Councillor during discussion on an original motion that is predominately the opposite to that proposed in the motion or where it is proposed to alter the motion more drastically than that permissible in an amendment.

Motion - a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.

Ordinary day refers to the reckoning of time as set out in section 36 of the Interpretation Act 1987, which excludes a Saturday, a Sunday, a public holiday or a bank holiday being included in the calculation or the period of a day or a number of days in relation to notice being given under the provisions of the Code.

Record - a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by an Administrator or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council.

Reg Local Government (General) Regulation 2005

Relative relative, in relation to a person, means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner;

(b) the spouse or de facto partner of the person or of a person referred to in paragraph

Variation to a Motion is where a Councillor seeks to vary a motion by obtaining the consent of the mover of the motion and the consent of Council to have the proposed variation included in the motion.

# Application of the Code

This Code has been adopted as required by section 360 (2) of the Act. This Code incorporates relevant provisions of the Regulation and the Act and established Council protocol. Where there is any inconsistency between the Code and the Act or the Regulation, the provisions of the Act prevail.

**Conduct of Meetings of Council**

1 The Regulations of the Local Government Act may make provisions with respect to the conduct of meetings of Councils and Committees of Councils of which all members are Councillors.

2 A Council may adopt a Code of Meeting Practice which incorporates the Regulations made for the purpose of this section and supplement those Regulations with provisions that are not inconsistent with them.

3 A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

(Section 360)

**Preparation, Public Notice and Exhibition of Draft Code**

1 Before adopting a Code of Meeting Practice, a Council must prepare a draft Code.

2 The Council must give public notice of the draft Code after it is prepared.

3 The period of public exhibition must not be less than 28 days.

4 The public notice must also specify a period of not less than 42 days after the date on which the draft Code is placed on public exhibition during which submissions may be made by the public.

5 The Council must publicly exhibit the draft Code in accordance with its notice.

(Section 361)

**Adoption of the Code**

1 After considering all submissions received by it concerning the draft Code, the Council may decide:

a to amend those provisions of its draft Code that supplement the Regulations made for the purposes of this section of the Code

b to adopt the draft Code as its Code of Meeting Practice.

2 If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this section of the Code or, if the Council is of the opinion that the amendments (arising from the public submissions only) are not substantial, it may adopt the amended draft Code, without public exhibition, as its Code of Meeting Practice.

(Section 362)

**Public Availability of the Code**

1 The Code of Meeting Practice adopted under this section by a Council must be available for public inspection free of charge at the office of the Council during ordinary office hours.

2 Copies of the Code will be available free of charge. Note - The Code is published on Council's website. (Section 364)

# Part One - Before the meeting

## 1.1 Holding meetings

### 1.1.1 When and where are ordinary Council meetings held?

The Council is required to meet at least ten times per year, each time in a different month.

(Section 365)

1. Ordinary Council meetings are held on the second ~~and fourth~~ Tuesday of each month in the Council Chambers starting at 6.30pm and conclude by 10.30pm with a possible 30 minute extension by resolution. Council may vary meeting dates and times at its discretion so long as it provides sufficient notice and it meets at least ten times each year, each time in a different month.

2. Meetings are held in the Council Chamber, Level 3, at the Council's Civic Centre, 93 Queen Street, Campbelltown unless otherwise advertised.

3. Council meetings may be held in different locations from time to time if circumstances deem it necessary provided that the venue:
   a. is accessible for people with disabilities
   b. is adequate in size
   c. has adequate facilities for the convenience and comfort of Councillors, staff and members of the public.

(Council protocol)

### 1.1.2 Extraordinary meetings

Extraordinary meetings are additional meetings to those in the adopted Council meeting cycle. The date and time for extraordinary meetings of Council will be determined as and when required.

(Council protocol)

### 1.1.3 When can Councillors call for an extraordinary meeting to be held?

If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event, within 14 days after receipt of the request.

(Section 366)

## 1.2 Notice of meetings

### 1.2.1 What notice has to be given to the public of ordinary Council meetings?

1. A Council must give notice to the public of the times and places of its meetings.

2. A Council must have available for the public at its offices and at each meeting, copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.

3. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:

    a. the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item)
    b. the requirements of subsection 1.2.1 (2) with respect to the availability of business papers do not apply to the business papers for that item of business.

4. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

5. The copies are to be available free of charge.

6. A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

(Section 9)

The notice must be published in a local newspaper prior to each Ordinary meeting, indicating the date, time and place of the meetings.

(Council protocol)

### 1.2.2 What notice has to be given to Councillors of ordinary Council meetings?

The General Manager of a Council must send to each Councillor, at least three days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

(Section 367(1))

### 1.2.3 What notice has to be given of extraordinary Council?

Notice of less than three days may be given of an extra-ordinary meeting called in an emergency.

(Section 367(2))

## 1.3 Agendas and business papers

### 1.3.1 What must be in a meeting agenda?

1. The General Manager must ensure that the agenda for a meeting of the Council states:

    a. all matters to be dealt with arising out of the proceedings of former meetings of the Council
    b. if the Mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared,
    c. subject to subclause 1.3.1(2), any business of which due notice has been given.

2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

3. The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.

4. The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.

5. Nothing in this clause limits the powers of the chairperson under clause 243.

(Council protocol - refer to Regulation Clause 240)

### 1.3.2 Timeframe for including notice of motions and rescission motions in to the business paper

The deadline for inclusion of notice of motions and rescission motions in the business paper is 9.00am on the Tuesday, one week prior to the meeting, however rescission motions must be submitted before the item which is the subject of the rescission motion has been acted on.

(Council protocol)

## 1.4 Order of business

1.4.1 At a meeting of Council (other than an extra-ordinary or special meeting), the general order of business is as fixed by the Council's Code of Meeting Practice and by resolution of Council.

(Regulation Clause 239)

At a meeting of Council, the general order of business will be:

1. Acknowledgement of the Traditional Owners of the Land
   Council Prayer
2. Attendance and Apologies
3. Confirmation of Minutes
4. Declarations of Interest
   - Pecuniary Interest
   - Non Pecuniary Interest - Significant Interests
   - Non Pecuniary Interest - Less than Significant Interests
   - Other Disclosures
5. Mayoral Minute
6. Petitions
7. Correspondence
8. Reports from Officers
9. Questions with Notice
10. Rescission Motion
11. Notice of Motion
12. Urgent General Business
13. Presentations by Councillors
14. Confidential Reports from Officers.

(Council protocol)

1.4.2 The order of business fixed under subclause (1.4.1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

1.4.3 Despite Regulation Clause 250, only the mover of a motion to alter the order of business referred to in subclause (1.4.2) may speak to the motion before it is put.

(Regulation Clause 239)

# Part Two – At the meeting

## 2.1 Coming together

### 2.1.1 Presence at meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

(Regulation Clause 235)

A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.

(Regulation Clause 251(1))

If a Councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. If the Councillor does not wish to vote on a particular matter they must leave the room. If they remain in the room but do not vote on the matter, they will be recorded as having voted in the negative.

(Council protocol)

### 2.1.2 Attendance of the General Manager at meetings

1. The General Manager is entitled to attend, but not vote at, a meeting of Council of which all members are Councillors.

2. The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

3. However, the General Manager may be excluded from a Council meeting or a committee while the Council or committee deals with a matter relating to the standard of performance or the terms of employment of the General Manager.

(Section 376)

### 2.1.3 Who presides at meetings of the Council?

1. The Mayor, or at the request of, or in the absence of the Mayor, the Deputy Mayor presides at the meetings of the Council.

2. If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at the meeting.

(Section 369)

An election of a chairperson is to be conducted in accordance with subclause 2.1.3(2) of the Act by the General Manager or his/her nominee and the vote shall be recorded in the minutes.

If at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot/draw.

(Council protocol)

### 2.1.4 Chairperson to have precedence

When the chairperson rises during a Council meeting:

a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his/her seat
b. every Councillor present must be silent to enable the chairperson to be heard without interruption.

(Regulation Clause 237)

## 2.2 Business at Council meetings

### 2.2.1 Giving notice of business - ordinary meetings

1. A Council must not transact business at a meeting of the Council:

   a. unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council
   b. unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.

   (Regulation Clause 241)

2. Subclause 2.2.1(1) does not apply to the consideration of business at a meeting if the business:

   a. is already before, or directly relates to a matter that is already before, the Council
   b. is the election of a chairperson to preside at the meeting as provided by Clause 236 (1)
   c. is a matter or topic put to the meeting by the chairperson in accordance with Clause 243

3. Despite subclause 2.2.1(1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

   a. a motion is passed to have the business transacted at the meeting
   b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

   Such a motion can be moved without notice.

4. Despite Clause 250, only the mover of a motion referred to in subclause 2.2.1(3) can speak to the motion before it is put.

   (Regulation Clause 241)

### 2.2.2 What business can be discussed at extraordinary Council meetings?

1. The General Manager must ensure that the agenda for an extraordinary meeting of the Council deal only with the matters stated in the notice of the meeting.

2. Despite subclause 2.2.2(1), business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

   a. a motion is passed to have the business transacted at the meeting

b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency
c. the business notified in the agenda for the meeting has been disposed of.

3. Despite Clause (250), only the mover of a motion referred to in subclause 2.2.2(2) can speak to the motion before it is put.

(Regulation Clause 242)

### 2.2.3 Questions may be put to staff

1. A Councillor:

   a. may, through the chairperson, put a question to another Councillor
   b. may, through the General Manager, put a question to a Council employee.

2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question, and in particular, sufficient notice to enable reference to be made to other persons or to documents.

3. The Councillor must put every such question directly, succinctly and without argument.

4. The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

(Regulation Clause 249)

### 2.2.4 Questions with Notice

1. Questions with Notice must be lodged in writing with the General Manager or specified delegate no later than 9.00am on the Tuesday, one week prior to the meeting of Council at which the Questions with Notice are to be considered.

2. Questions with Notice must directly relate to the business of Council and must comply with the *Local Government (General) Regulation 2005* which provides at Clause 249 that a 'Councillor must put every such question directly, succinctly and without argument'.

3. Questions should not contain:

   a. statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated
   b. argument
   c. inference
   d. imputation.

4. The General Manager or specified delegate may exclude from the agenda any Question with Notice which may have the effect of exposing a Councillor, the council or a member of staff, to an action for defamation.

5. Where practicable, an answer to the questions contained in the business paper will be provided verbally at the Council meeting and documented in the minutes. Questions requiring a more detailed response will be provided at the next Ordinary meeting business paper.

(Council protocol)

### 2.2.5 Presentations by Councillors

1. Councillors may make a brief presentation regarding matters they believe to be of significant importance to Council or the community.

2. The total time allowed at any one meeting for presentations by any one Councillor shall be two minutes.

3. No debate shall be entered in to in regard to a matter presented in accordance with this clause.

4. No motions may be moved in relation to an item presented in accordance with this clause.

5. Presentations that do not strictly comply with this provision of this clause shall be ruled out of order by the Chairperson.

(Council protocol)

## 2.4 Committee of the whole

### 2.4.1 What is the Committee of the Whole?

The Committee of the Whole is a Committee of Council comprised of all Councillors.

(Council protocol)

Council may resolve itself in to a Committee of the Whole to consider any matter before the Council.

(Section 373)

1. All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.

2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

3. The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

(Regulation Clause 259)

## 2.5 Mayoral minutes

1. If the Mayor is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

2. Such a minute, when put to the meeting, takes precedence over all substantive business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

3. A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

(Council protocol - refer to Regulation Clause 243)

## 2.6 Voting

### 2.6.1 Voting entitlements

1. Each Councillor is entitled to one vote.

2. However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

(Section 370)

The chairperson, if they choose, is entitled to use their casting vote in the opposite manner to their original vote.

The above section applies equally to Council and Council committee meetings.

(Council protocol)

### 2.6.2 How is voting conducted?

1. A Councillor who is present at a meeting of Council when the vote is taken but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.

2. If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.

3. The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and at least two Councillors demand a division.

4. When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes.

5. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

(Council protocol - refer to Regulation Clause 251)

When a division is called for, the chairperson must request a show of hands of those Councillors voting for the motion and then those Councillors voting against the motion to ensure that the vote is recorded accurately.

(Council protocol)

### 2.6.3 Recording of voting on planning decisions

Council is required to maintain a register of planning decisions.

1. In this section, planning decision means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979*:

   a. including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act
   b. not including the making of an order under Division 2A of Part 6 of that Act.

2. The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

3. For the purpose of maintaining the register, a division by a show of hands is required to be called whenever a motion for a planning decision is put at a meeting of the Council

4. Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.

5. This section extends to a meeting that is closed to the public.

(Council protocol - refer to Section 375A)

## 2.7 Decisions of Council

### 2.7.1 What is a decision of Council?

An outcome supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(Council protocol - refer to Section 371)

### 2.7.2 Do certain circumstances invalidate Council decisions?

Proceedings at a Council meeting are not invalidated because of:

a. a vacancy in a civic office
b. a failure to give notice of the meeting to any Councillor
c. any defect in the election or appointment of a Councillor
d. a failure of a Councillor to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council in accordance with section 451
e. a failure to comply with the Code of Meeting Practice.

(Section 374)

## 2.8 Audio or visual recording of meetings

1. A person may not transmit or use an electronic recording device to record the proceedings of a meeting of a council

2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for transmitting or having used an electronic recording device in contravention of this clause.

3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(Council protocol - refer to Regulation Clause 273)

# Part Three – Quorum and Attendance

## 3.1 Quorum

### 3.1.1 What is a quorum?

A quorum for a meeting of the Council is a majority of the Councillors who currently hold office and who are not suspended from office.

(Section 368(1))

1. A meeting of the Council must be adjourned if a quorum is not present:

   a. within half an hour after the time designated for the holding of the meeting
   b. at any time during the meeting.

2. In either case, the meeting must be adjourned to a time, date and place fixed:

   a. by the chairperson
   b. in his or her absence - by the majority of the Councillors present
   c. failing that, by the General Manager.

3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

(Regulation Clause 233)

## 3.2 Adjourning meetings

### 3.2.1 What is an adjourned meeting?

1. A meeting may be adjourned if it cannot be held, for example a quorum is not present, and will be postponed to a new date or time. An adjourned meeting is a continuation of the same meeting, not a new meeting.

2. Council may resolve at any time to adjourn its meeting. Debate shall not be permitted on any motion for adjournment on a meeting of Council.

3. If a motion for adjournment is lost, the business of the meeting shall proceed, and a motion of adjournment cannot be moved within half an hour of the previous motion for adjournment being lost.

(Meeting Practice Note 4.3)

### 3.2.2 What notice should be given of an adjourned meeting?

If a meeting has been adjourned to a different date or time, each Councillor and the public should be notified of the new date or time as soon as practicable by way of a memo or email to Councillors, and advertising in the local papers (if practicable) and Council's website for the general public.

(Council protocol)

### 3.2.3 What business can be conducted at a meeting that has been adjourned?

As an adjourned meeting is a continuation of the same meeting, Council does not need to issue a new agenda and business papers. The agenda and business paper already issued would be the proper documents from which Council would work.

(Meeting Practice Note 4.3.3)

## 3.3 Leave of absence

### 3.3.1 Leave of absence

1. A Councillor must apply for a leave of absence to the Mayor, the General Manager or the Public Officer prior to the commencement of the meeting of Council.

2. A Councillor's application for leave of absence from Council meetings should, if practicable, identify the meetings from which the Councillor intends to be absent.

3. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days notice of his or her intention to attend.

(Regulation Clause 235A)

4. For the purposes of subclause 3.3.1(1), a Councillor applying for a leave absence does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.

5. If a Councillor attends a Council meeting despite having been granted leave of absence, the leave of absence is taken to have been rescinded in regards to any future Council meetings.

6. Subclause 3.3.1(5) does not prevent Council from granting further leaves of absence in respect of any future Council meeting.

(Section 234(2,3,4))

# Part Four – Motions and amendments

## 4.1 Motions

A motion is a proposal put forward by a Councillor calling for a specific action to be taken or a decision to be made on a particular matter at the meeting.

(Council protocol)

### 4.1.1 Do motions need to be seconded?

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Clauses 243(2) and 250(5) of the *Local Government (General) Regulation.*

(Regulation Clause 246)

### 4.1.2 Limitation as to number of speeches

1. A Councillor who, during a debate at a Council meeting, moves an original motion has the right of general reply to all observations that are made by another Councillor in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

3. A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

4. Despite subclauses 4.1.2(1) and (2), a Councillor may move that a motion or an amendment be now put:

   a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it
   b. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

5. The chairperson must immediately put to the vote, without debate, a motion moved under subclause 4.1.2(4). A seconder is not required for such a motion.

6. If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 4.1.2(1).

7. If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

(Regulation Clause 250)

### 4.1.3 Point of order

1. A Councillor may draw the attention of the chairperson to some irregularity in the meeting proceedings by raising a point of order.

2. A Councillor must stand, call a point of order and the current speaker must cease talking and be seated.

3. A point of order does not require a seconder and must be dealt with immediately.

4. The chairperson must suspend business before the meeting to allow the Councillor raising the point of order to state the meeting procedure/s they believe have been infringed.

5. The chairperson will subsequently either uphold the point of order or overrule it and the business before the meeting can then continue.

(Council protocol)

### 4.1.4 Motions of dissent

1. A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

2. If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

3. Despite Regulation Clause 250 (which refers to the limitations as to the number of speeches), only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

(Regulation Clause 248)

### 4.1.5 Notice of motion - absence of mover

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

a. any other Councillor may move the motion at the meeting
b. the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

(Regulation Clause 245)

#### 4.1.6 Chairperson's duty with respect to motions

1. It is the duty of the chairperson at a Council meeting to receive and put to the meeting any lawful motion that is brought before the meeting.

2. The chairperson must rule out of order, any motion that he or she believes is unlawful or the implementation of which would be unlawful.

3. Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

(Regulation Clause 238)

The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

(Council protocol)

#### 4.1.7 Varying a motion/amendment

1. A Councillor may seek to vary a motion by:

   a. obtaining the consent of the mover and seconder of the motion
   b. proposing an amendment to the motion.

2. If a Councillor proposes a variation to a motion, the chairperson shall seek the consent of the mover and seconder of the motion to have the variation included in the motion. If there is no objection, the proposed variation is adopted into the motion and the mover and seconder's names remain unchanged.

3. If there is an objection, the proposed variation must be dealt with as an amendment and voted on accordingly.

(Council protocol)

## 4.2 Amendments

An amendment is a change to the motion before Council (the initial motion), and is moved while the initial motion is being debated.

(Council protocol)

#### 4.2.1 Moving an amendment to a motion

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Regulation Clauses 243(2) and 250(5).

(Regulation Clause 246)

The amendment must be dealt with before voting on the main motion takes place. Debate is only allowed in relation to the amendment and not the main motion, which is suspended while the amendment is being considered.

(Meeting Practice Note 5.3.1)

#### 4.2.2 How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

(Regulation Clause 247)

If during discussions one motion and one amendment are already before Council, any further amendments can only be foreshadowed and cannot be considered by the Council until the amendment has been determined.

(Council protocol)

### 4.2.3 Foreshadowed Motions and Foreshadowed Amendments

1. a. Foreshadowed Amendments - once an amendment has been moved and seconded, during debate, a Councillor member may foreshadow an amendment, without a seconder, proposed to be moved following consideration of the first amendment.

   There is no limit to the number of foreshadowed amendments before Council at any one time. However, no discussion on foreshadowed amendments can take place until the previous amendment has been dealt with.

   b. Foreshadowed Motions (predominately the opposite to that proposed in the motion or where it is proposed to alter the motion more drastically than that permissible in an amendment) - a foreshadowed motion can be proposed by a Councillor, without a seconder, during debate on the original motion. The foreshadowed motion will only be considered if the original motion is lost or withdrawn and once moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

2. Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they were notified however foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

(Council protocol)

# Part Five – Rescission motions

## 5.1 Rescinding or altering resolutions

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and, if applicable, the Council's Code of Meeting Practice.

2. If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

3. If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.

4. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

5. If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.

6. A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

7. The provisions of this section concerning negatived motions do not apply to motions of adjournment.

(Section 372)

Rescission motions must be submitted in writing to the General Manager who will ensure, as soon as practicable, that all Councillors are advised that a rescission motion has been lodged.

A rescission motion will be ruled out of order if Council has already given effect to the original motion the rescission motion seeks to rescind.

(Council protocol)

# Part Six – Closed parts of the meeting

## 6.1 Closure of meetings to the public

### 6.1.1 Attendance of media and public

There is nothing in the Act or Regulation to limit public attendance at closed parts of meetings if invited by the Council. However, the non-disclosure provisions of section 664 of the Act would apply to a person attending a closed part of a meeting.

Similarly, there does not appear to be any direct breach of the Model Code, although such invitations may affect a Council's appearance of impartiality and proper conduct in a matter. The better practice would be to invite only those people whose presence at the meeting is necessary for the provision of advice, such as Council's solicitor.

(Meeting Practice Note 7.3.5)

### 6.1.2 Exclusion of media and public

1. A Council or a committee of the council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

    a. the discussion of any of the matters listed in subclause 6.1.3(2)
    b. the receipt or discussion of any of the information so listed.

(Section 10A(1))

### 6.1.3 Grounds to close a meeting or part of a meeting

1. The matters and information as referred to in Section 10A(1) are the following:

    a. personnel matters concerning particular individuals (other than Councillors)
    b. the personal hardship of any resident or ratepayer
    c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
    d. commercial information of a confidential nature that would, if disclosed:
        i. prejudice the commercial position of the person who supplied it
        ii. confer a commercial advantage on a competitor of the Council
        iii. reveal a trade secret
    e. information that would, if disclosed, prejudice the maintenance of law
    f. matters affecting the security of the Council, Councillors, Council staff or Council property
    g. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
    h. information concerning the nature and location of a place or an item of Aboriginal significance on community land
    i. alleged contraventions of any code of conduct requirements applicable under section 440.

2. A Council or a committee of the council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

3. A Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

4. Speakers making representations regarding the closure of a meeting to the public are limited to five minutes and may be asked by the Chairperson to nominate speakers on their behalf.

(Section 10A(2,3 and 4))

### 6.1.4 Confidential matters not to be disclosed

In particular, if part of a meeting of a Council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the Council, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

(Section 664(1A))

### 6.1.5 Closing parts of meetings in urgent cases

Part of a meeting of a Council of which all the members are Councillors, may be closed to the public while the Council considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2)
b. the Council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:

   i. should not be deferred (because of the urgency of the matter)
   ii. should take place in a part of the meeting that is closed to the public.

(Section 10C)

### 6.1.6 Specifying reasons for closing part of a meeting

1. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

2. The grounds must specify the following:

   a. the relevant provision of section 10A(2)
   b. the matter that is to be discussed during the closed part of the meeting
   c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Section 10D)

# Part Seven – Order at meetings

## 7.1 Conduct at meetings

Council's Code of Conduct also provides standards for appropriate behaviour and sanctions for misbehaviour at meetings. Councillors should also be aware of the provisions of the Code of Conduct in regard to these matters.

## 7.2 Questions of order

1. The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

3. The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

4. The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Regulation Clause 255)

## 7.3 Acts of disorder

1. A Councillor commits an act of disorder if the Councillor, at a Council meeting:

   a. contravenes the *Local Government Act 1993* or any regulation in force under the *Local Government Act 1993*
   b. assaults or threatens to assault another Councillor or person present at the meeting
   c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or addresses or attempts to address Council on such a motion, amendment or matter
   d. insults or makes personal reflections on or imputes improper motives to any other Councillor
   e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt.

2. The chairperson may require a Councillor:

   a. to apologise without reservation for an act of disorder referred to in subclause 7.3(1)(a) or (b)
   b. to withdraw a motion or an amendment referred to in subclause 7.3(1)(c) and, where appropriate, to apologise without reservation
   c. to retract and apologise for an act of disorder referred to in subclause 7.3(1)(d) or (e).

3. A Councillor may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for having failed to comply with a requirement under subclause 7.3(2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(Regulation Clause 256)

### 7.4 How disorder at a meeting may be dealt with

1. If disorder occurs at a Council meeting the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public, as well as disorder arising from the conduct of Councillors.

2. A member of the public may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for engaging in or having engaged in disorderly conduct at the meeting.

(Regulation Clause 257)

### 7.5 Power to remove persons from meeting after expulsion resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:

a. immediately after the Council has passed a resolution expelling the Councillor or member of the public from the meeting
b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting

a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member from re-entering that place.

(Council protocol - refer to Regulation Clause 258)

## Part Eight – Public Addresses

### 8.1 Public Addresses

Community participation and contribution to the decision making of Council is encouraged to enhance the quality and inclusiveness of its decisions. Residents, ratepayers or other eligible representatives may apply to address the Council on matters listed on the Council meeting agenda in accordance with the following provisions.

### 8.2 Applications to address Council

8.2.1. An application to address the Council on matters included on the Council meeting agenda, must be made to Council no later than 12.00pm on the day of the Council meeting, unless the Chairperson determines that circumstances justify otherwise.

The application may be made by phone, letter, email or fax to the Manager Governance and Risk.

8.2.2. An application must relate to a matter which is currently before Council for determination with the exclusion of the following -

a. Notices of Rescission
b. Questions with Notice
c. All representations in respect of formal tenders and/or quotations.
d. All staff related matters.

8.2.3. So as to improve transparency and accountability to the public, each speaker making an application to address the Council must provide the following details:

a. Name
b. The organisation or group that he or she is representing (if applicable)
c. Eligibility in accordance with the criteria above
d. Details of the issue addressed and the item number of the report in the business paper
e. Whether opposing or supporting the issue or matter (if applicable)
f. The interest of the speaker (for example, affected person, neighbour, applicant, applicant's spokesperson etc).

## 8.3 Eligibility to address Council

8.3.1 Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:

a. a resident or owner of land within the City of Campbelltown Local Government Area
*b.* a person or entity entitled to vote in the City of Campbelltown under the *Local Government Act 1993*
c. the representative of an entity owning land, conducting a business or providing a service in the Campbelltown Local Government Area
d. a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council
e. a local community organisation representative
f. any representative of a State or Federal Government Agency with a matter before Council.

## 8.4 Public Address procedures

a. Addresses shall be limited to three speakers for and three speakers against the recommendation of any one item listed on the agenda unless the Council resolves that circumstances justify otherwise.
b. An address shall not exceed five minutes in duration. At the expiration of four minutes, the speaker will be given a warning that one minute of time remains to conclude his or her address.
c. Speakers shall observe proper meeting procedure and be subject to the same rules of decorum and order as the Councillors. In this regard personal allegations against Councillors, the Mayor, Council staff or any other persons shall not be made.
d. The Chairperson may, at any time in the Chairperson's absolute discretion, withdraw the permission to speak of any member of the public if the Chairperson considers that the conduct of that member of the public disrupts the meeting or is inconsistent with the good order of the meeting or is in breach of Council's Code of Meeting Practice.
e. Upon withdrawal by the Chairperson of the permission to speak of a member of the public the Chairperson may direct the member of the public to cease speaking and resume his or her position in the public gallery.
f. The failure of a member of the public to comply with the Chairperson's direction shall constitute disorderly conduct.

(Council protocol)

# Part Nine – Pecuniary and non-pecuniary conflicts of interest

Detailed information regarding pecuniary and non-pecuniary conflicts of interests can be found in part 4 of Council's Code of Conduct.

### 9.1 Pecuniary Interest

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443 of the Act.

(Section 442)

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of the Act (clause 55 of the Code).

(Section 442)

### 9.2 Persons who have a Pecuniary Interest

For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

(a) the person; or

(b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person; or

(c) a company or other body of which the person, or a nominee, partner or employer of the person is, a member. (Section 443)

However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1)(b) or (1)(c):

(a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or

(b) just because the person is a member of, or employed by, a council or a statutory body or is employed by the Crown; or

(c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body. (Section 443)

### 9.3 Disclosure and Participation in Meetings

A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

(Section 451)

The Councillor or member must not be present at, or in sight of, the meeting of Council or the Committee:

(a) at any time during which the matter is being considered or discussed by the Council or the Committee, or

(b) at any time during which the Council or the Committee is voting on any question in relation to the matter.

(Section 451)

### 9.4 Disclosures to be Recorded

Disclosures must be recorded in the minutes] A disclosure made at a meeting of Council or a Council Committee must be recorded in the minutes of the meeting.

(Section 453)

### 9.5 Non-pecuniary interests

Non-pecuniary interests are private or personal interests a Councillor has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

### 9.6 Disclosing and Managing Non-Pecuniary Conflicts of Interest

Non-pecuniary conflicts of interest must be disclosed and managed in accordance with the relevant provisions of Council's Code of Conduct.

# Part Ten – Minutes

## 10.1 What must be recorded in the minutes?

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

2. The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

(Section 375)

The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

(Section 375A(2))

The General Manager must ensure that the following matters are recorded in the Council's minutes:

a. details of each motion moved at a Council meeting and of any amendments
b. the names of the mover and seconder of the motion or amendment
c. whether the motion or amendment is passed or lost.

(Regulation Clause 254)

A disclosure made at a meeting of a Council must be recorded in the minutes of the meeting.

(Section 453)

The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

(Regulation Clause 233(3))

If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

(Regulation Clause 251(2))

If a Councillor who has voted for a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's vote is recorded in the Council's minutes.

(Council protocol)

The General Manager must ensure that details of Councillor attendance and apologies are recorded in Council's minutes.

The items detailed above should also be recorded.

(Council protocol)

### 10.2 Minutes for closed meetings

Any person is entitled to inspect the minutes containing resolutions or recommendations from the closed parts of meetings. While Council cannot keep its decisions confidential, it is possible to discuss matters in the minutes in such a way as to not reveal confidential details.
(Meeting Practice Note 7.3.2)

### 10.3 Inspection of the minutes of Council

An inspection of the minutes of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. (Regulation Clause 272)

## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

Nil

## 12. URGENT GENERAL BUSINESS

## 13. PRESENTATIONS BY COUNCILLORS

# 14. CONFIDENTIAL REPORTS FROM OFFICERS

## 14.1 Directors of Companies - City Development

### 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: -

> information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

## 14.2 Campbelltown Sports Stadium Strategic Business Plan

### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((c) and (d)(ii)) of the *Local Government Act 1993,* which permits the meeting to be closed to the public for business relating to the following: -

> information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

## 14.3 Lease Over Briar Cottage, 14 Waterhouse Place Airds - Lot 3 DP 1191996

### 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: -

> information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

## 14.4 Development of 5 and 7 Fields Road, Macquarie Fields

### 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: -

> information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

### Ordinary Council Meeting held at 6.30pm on Tuesday, 31 October 2017.

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Nil

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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 31 October 2017**

**Present** The Mayor, Councillor G Brticevic
Councillor M Chivers
Councillor M Chowdhury
Councillor R George
Councillor B Gilholme
Councillor K Hunt
Councillor P Lake
Councillor D Lound
Councillor R Manoto
Councillor B Moroney
Councillor W Morrison
Councillor M Oates

## 1. ACKNOWLEDGEMENT OF LAND

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

## Council Prayer

The Council Prayer was presented by the General Manager.

## 2. APOLOGIES

It was **Moved** Councillor Lake, **Seconded** Councillor Lound:

That the apology from Councillor Greiss and Councillor Thompson be received and accepted.

**Note:** Councillor T Rowell has been granted a leave of absence from Council, incorporating all Council meetings until further notice.

**285** The Motion on being Put was **CARRIED.**

# 3. CONFIRMATION OF MINUTES

## 3.1 Minutes of the Ordinary Meeting of Council held 10 October 2017

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Gilholme:

That the Minutes of the Ordinary Meeting held 10 October 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed.

**286** The Motion on being Put was **CARRIED.**

## 3.2 Minutes of the Extraordinary Meeting of Council held 10 October 2017

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Gilholme:

That the Minutes of the Extraordinary Meeting held 10 October 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed.

**287** The Motion on being Put was **CARRIED.**

# 4. DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

# 5. MAYORAL MINUTE

## 5.1 Council's Commitment to Sustainability Wins Prestigious Award

It was **Moved** Councillor Hunt, **Seconded** Councillor Moroney:

That Council recognises the achievement of winning the Local Sustainability category of the Excellence in the Environment Awards.

**288** The Motion on being Put was **CARRIED.**

## 5.2 Malcolm Randall OAM

It was **Moved** Councillor Lound, **Seconded** Councillor Chivers:

That a copy of the Mayoral Minute be forwarded to the Randall family.

**289** The Motion on being Put was **CARRIED.**

## 6. PETITIONS

Nil

## 7. CORRESPONDENCE

Nil

## 8. REPORTS FROM OFFICERS

### 8.1 Construction of a nine bedroom boarding house - No. 1 Bocking Avenue, Bradbury

**Meeting Note:** Mr Robinson addressed the meeting.

**It was Moved** Councillor Lound, **Seconded** Councillor Morrison:

That development application 2749/2015/DA-BH for the construction of a nine bedroom boarding house at No. 1 Bocking Avenue, Bradbury, be approved, subject to the conditions detailed in attachment 1 of this report.

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An **Amendment** was **Moved** Councillor Morrison, **Seconded** Councillor George:

2. That a briefing be held on how the expected and desired character of the street can be protected from multiple boarding houses developed in the one street.

A Division was recorded in regard to the Amendment for Item 8.1 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, D Lound, M Chivers, P Lake, B Moroney, W Morrison and R George.

Voting against the Amendment were Councillors M Oates, R Manoto and B Gilholme.

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lake:

1. That development application 2749/2015/DA-BH for the construction of a nine bedroom boarding house at No. 1 Bocking Avenue, Bradbury, be approved, subject to the conditions detailed in attachment 1 of this report.

2. That a briefing be held on how the expected and desired character of the street can be protected from multiple boarding houses developed in the one street.

A Division was recorded in regard to the Resolution for Item 8.1 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, D Lound, M Chivers, P Lake, B Moroney, W Morrison and R George.

Voting against the Resolution were Councillors M Oates, R Manoto and B Gilholme.

**290** The Motion on being Put was **CARRIED.**

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## 8.2 Construction of a fifteen room boarding house at No. 60 Moore Street, Campbelltown

**Meeting Note:** Mr Patrick and Mr Robinson addressed the meeting.

It was **Moved** Councillor Lound, **Seconded** Councillor Lake:

That the proposed development be approved subject to the recommended conditions of consent as outlined in attachment 1.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, D Lound, R Manoto, M Chivers, P Lake and B Moroney.

Voting against the Resolution were Councillors M Oates, M Chowdhury, K Hunt, B Gilholme, W Morrison and R George.

**CARRIED on the casting vote of the Mayor**

**291** The Motion on being Put was **CARRIED.**

## 8.3 Demolition of an existing dwelling and construction of two double storey semi-detached dwellings and detached garage at No. 40 Carinda Street, Ingleburn

It was **Moved** Councillor Lound, **Seconded** Councillor Hunt:

1. That Council allow the requested variation to Clause 4.1C of Campbelltown Local Environmental Plan 2015 which relates to the minimum allotment size required for semi-detached dwelling development.

2. That subject to recommendation No.1, development application 1292/2017/DA-M for the demolition of an existing dwelling and construction of two double storey semi-detached dwellings at 40 Carinda Street, Ingleburn, be approved, subject to the conditions detailed in attachment 1 of this report.

3. That subject to recommendations 1 and 2, approval of the development application be recorded in Council's quarterly report to the Department of Planning and Environment pursuant to Circular PS 08-003.

4. That a housekeeping amendment to the Campbelltown Local Environmental Plan 2015 be commenced, to provide a savings provision for Clause 4.1C(2) to allow for the development of the existing narrow lots within the R2 Low Density Residential land use zone of Ingleburn as referred to in the map at attachment 10.

5. That an amendment to the Campbelltown Local Environmental Plan 2015 be considered to facilitate the development of existing narrow lots within the R2 land use zone for the purpose of attached dwellings, consistent with previous planning controls that were in place prior to the commencement of the Campbelltown Local Environmental Plan 2015.

A Division was recorded in regard to the Resolution for Item 8.3 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison and R George.

Voting against the Resolution were Nil.

**292** The Motion on being Put was **CARRIED.**

## 8.4 Update on Wheelchair Accessible Picnic Tables

It was **Moved** Councillor Chivers, **Seconded** Councillor Gilholme:

1. That the information provided on the provision of wheelchair accessible picnic tables in Council's open space be noted.

2. That Council staff continue to work on the feasibility for the provision of more wheelchair accessible picnic tables in Council's open space through the Disability Inclusion Action Plan Advisory Group.

**293** The Motion on being Put was **CARRIED.**

## 8.5 Steora Smart Bench Trial

It was **Moved** Councillor Brticevic, **Seconded** Councillor Chowdhury:

1. That Council note the success of the Steora Smart bench in Mawson Park, Campbelltown.

2. That Council extend the trial to include smart benches at each of:

    a. Macquarie Fields Leash Free Dog Park

    b. Macquarie Fields Skate Park

    c. St Helens Park Leash Free Dog Park

    d. St Helens Park Skate Park

    e. Leumeah Skate Park

    f. John Kidd Reserve, Blair Athol.

3. That future smart bench considerations be incorporated in to the development of a Smart City Strategy and will be subject of a future briefing to Council.

**294** The Motion on being Put was **CARRIED.**

## 8.6 2017 Local Government Youth Week Awards Recognition

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lound:

That Council acknowledge the Campbelltown City Council's Youth groups, Campbelltown Youth Network (CYN) and Youth Entertainment Reference Group (YERG) who were finalists at this year's Local Government Awards in the Best Local Youth Week Program category.

**295** The Motion on being Put was **CARRIED.**

## 8.7 Reports and Letters Requested

It was **Moved** Councillor Lake, **Seconded** Councillor Morrison:

That the information be noted.

**296** The Motion on being Put was **CARRIED.**

## 8.8 2017 Local Government NSW Annual Conference

It was **Moved** Councillor Morrison, **Seconded** Councillor Moroney:

1. That the following ten Councillors Greiss, Thompson, George, Morrison, Moroney, Oates, Lound, Chowdhury, Gilholme and Manoto be nominated as the voting delegates for the determination of motions at the 2017 Local Government NSW Annual Conference.

2. That the following nine Councillors Greiss, Thompson, George, Morrison, Moroney, Oates, Lound, Chowdhury and Gilholme be nominated as the voting delegates for the board of members election at the 2017 Local Government NSW Annual Conference.

3. That other interested Councillors also be authorised to attend together with the General Manager and/or delegate.

4. That the registration fees and accommodation expenses be met in accordance with Council's Policy.

**297** The Motion on being Put was **CARRIED.**

## 8.9 Review of Council Meeting Cycle and Structure

It was **Moved** Councillor Lake, **Seconded** Councillor Gilholme:

1. That the Council adopt the draft meeting calendar for 2018 as outlined in attachment 1.

2. That the Ordinary Council meetings for the remainder of 2017 be held on:

    a. 28 November 2017

    b. 12 December 2017

3. That the Code of Meeting Practice be amended to reflect the proposed revised meeting cycle of one meeting per month and placed on public exhibition for a period of not less than 28 days.

4. That following the exhibition period that a further report be presented to Council to adopt the Code of Meeting Practice.

**298** The Motion on being Put was **CARRIED.**

## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

Nil

## 12. URGENT GENERAL BUSINESS

Nil

## 13. PRESENTATIONS BY COUNCILLORS

1. Councillor Morrison, thanked Dr Michael Freelander MP, Councillors, Council staff for their attendance and walking at the 24hr Fight Against Cancer. Councillor Morrison thanked Councillor Brticevic for being the patron. It was noted that it was an emotional event in honour of Fred Borg and that it was wonderful to see so many community members get behind such a worthy cause.

2. Councillor Moroney advised that he recently attended the Diwali festival which was a magnificent and colourful event which was full of extremely passionate and talented signing and everyone involved had a wonderful time.

3. Councillor Moroney attended the Campbelltown Masjid event and noted it was great to see what they do there and what they achieve by opening up to the public.

4. Councillor Gilholme advised that he represented the Mayor at the recent Australian Pacific and Maori Community Service Elders Patrol 10 year celebration. The elders patrol is a mentorship program that works in conjunction with the Local Area Command.

5. Councillor Brticevic advised that he attended and played in the recent Johnny Warren and Les Murray Cup. Councillor Brticevic noted that Campbelltown had two wins and one loss and that the Northern Beaches won the cup in a final against Bankstown. Councillor Brticevic thanked Council staff involved in the event and in particular Kim, Mitchell, Tim and Sacha.

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## Confidentiality Recommendation

It was **Moved** Councillor Lound, **Seconded** Councillor Morrison:

That the Council in accordance with Section 10A of the *Local Government Act 1993*, resolve 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 Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

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**The Ordinary Meeting of Council was adjourned at 8.23pm and reconvened as a meeting of the Confidential Committee at 8.24pm.**

# 14. CONFIDENTIAL REPORTS FROM OFFICERS

## 14.1 Directors of Companies - City Development

It was **Moved** Councillor Lound, **Seconded** Councillor Chowdhury:

That the information be noted.

**299** The Motion on being Put was **CARRIED.**

## 14.2 Campbelltown Sports Stadium Strategic Business Plan

It was **Moved** Councillor Lake, **Seconded** Councillor Lound:

That Council adopt the strategies as outlined in the report to attract and secure events for Campbelltown City that have an economic and social benefit.

**300** The Motion on being Put was **CARRIED.**

## 14.3 Lease Over Briar Cottage, 14 Waterhouse Place Airds - Lot 3 DP 1191996

It was **Moved** Councillor Lound, **Seconded** Councillor Lake:

1. That Council enter into a new ten year lease with the existing tenant, under the terms and conditions contained within the body of this report.

2. That all documentation associated with the lease be executed under the Common Seal of Council, if required.

3. That upon execution of the lease the property is re-classified as an investment.

**301** The Motion on being Put was **CARRIED.**

## 14.4 Development of 5 and 7 Fields Road, Macquarie Fields

It was **Moved** Councillor Lound, **Seconded** Councillor Morrison:

1. That Council lodge a Development Application for the five units proposed.

2. That Council secure a construction contract for project delivery, if the development application is approved.

3. That if both are achieved, final approval should be sought to deliver the project.

A Division was recorded in regard to the Resolution for Item 14.4 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison and R George.

Voting against the Resolution were Nil.

**302** The Motion on being Put was **CARRIED.**

## Motion

## Motion

It was **Moved** Councillor Manoto, **Seconded** Councillor Gilholme:

That the Council in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

**303** The Motion on being Put was **CARRIED.**

**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 8.38pm.**

## Motion

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lound:

That the reports of the Confidential Committee and the recommendations contained therein be adopted.

**304** The Motion on being Put was **CARRIED.**

There being no further business the meeting closed at 8.39pm.

Confirmed by Council on

..... General Manager ..... Chairperson

## CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

**At the Council Meeting held 28 November 2018 the following Council minutes were adopted:**

There being no further business at the meeting of 31 October 2017, the meeting closed at 8.39pm.

Confirmed by the Chairperson: