

2016

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL





15 November 2016

You are hereby notified that the next Ordinary Meeting of the Council will be held at the Civic Centre, Campbelltown on Tuesday 22 November 2016 at 6.30pm.

Lindy Deitz
General Manager

Agenda Summary

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1. ACKNOWLEDGEMENT OF LAND

2. APOLOGIES

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 8 November 2016

Attachments

Minutes of the Ordinary Meeting of Council held 8 November 2016 (contained within this report)

Report

That the Minutes of the Ordinary Meeting of Council held 8 November 2016 are presented to Council for confirmation.

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 8 November 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed.

ATTACHMENT 1**Minutes Summary
8 November 2016****ITEM TITLE****1. ACKNOWLEDGEMENT OF LAND****2. APOLOGIES****3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of Council held 25 October 2016****4. DECLARATIONS OF INTEREST****5. MAYORAL MINUTE**

No mayoral minute this round

6. PETITIONS

No Petitions this round

7. CORRESPONDENCE**7.1 Senator The Hon James McGrath****8. REPORTS FROM OFFICERS****8.1 Amendment No. 2 to Campbelltown Local Environmental Plan 2015 to reflect the re-alignment to the Campbelltown - Camden Local Government Boundary****8.2 Development Services Statistics July and August 2016****8.3 Change of use from a hotel and function centre to a club and function centre - No. 170 Menangle Road, Menangle Park****8.4 Construction of a 10 bedroom boarding house within two detached buildings - No. 27 Saywell Road, Macquarie Fields****8.5 Construction of a telecommunications facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road Wedderburn****8.6 Renaming of Gilchrist Drive Bridge****8.7 Insurance and Care NSW - Expression of Interest - Life Designs NSW****8.8 Community Capacity Building Funding Projects****8.9 Proposed operating hours during the Christmas holiday period 2016-2017****8.10 Parliament of NSW Aboriginal Art Prize update****8.11 Audit, Risk and Improvement Committee Member Fees****8.12 Investment Report - September 2016****8.13 Reports Requested****8.14 Draft Submission on the Western Sydney Rail Needs Scoping Study Discussion Paper****9. QUESTIONS WITH NOTICE**

ITEM TITLE

No reports this round

10. RESCISSION MOTION

No rescission motion this round

11. NOTICE OF MOTION

11.1 Proposed Georges River Bush Cycle Track

11.2 Proposed extension of shelter structures

11.3 Intersection of Minto and Ohlfsen Roads, Minto

11.4 Trial program for Children on the Autism Spectrum

11.5 Design Excellence Panel

11.6 Independent Hearing and Assessment Panel

12. URGENT GENERAL BUSINESS

No reports this round

13. PRESENTATIONS BY COUNCILLORS

13.1 Presentations by Councillors

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies - City Development

Minutes of the Ordinary Meeting of the Campbelltown City Council held on 8 November 2016

Present The Mayor, Councillor G Brticevic
 Councillor F Borg
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor R George
 Councillor G Greiss
 Councillor K Hunt
 Councillor P Lake
 Councillor D Lound
 Councillor R Manoto
 Councillor B Moroney
 Councillor M Oates
 Councillor T Rowell
 Councillor R Thompson

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 Borg, **Seconded** Councillor Rowell that the **APOLOGY** from Councillor Morrison be received and accepted.

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 25 October 2016

It was **Moved** Councillor Hunt, **Seconded** Councillor Chowdhury that the Minutes of the Ordinary Meeting of Council held 25 October 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed with an amendment to page 16 to remove the duplication of Councillor Hunt's name recorded in the voting for item 10.1.

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

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

5. MAYORAL MINUTE

No mayoral minute this round

6. PETITIONS

No Petitions this round

7. CORRESPONDENCE

7.1 Senator The Hon James McGrath

Meeting Note: Mr Gay addressed the meeting regarding this item.

It was **Moved** Councillor Lake, **Seconded** Councillor Thompson that the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Amendment No. 2 to Campbelltown Local Environmental Plan 2015 to reflect the re-alignment to the Campbelltown - Camden Local Government Boundary

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

1. That Council adopt Amendment No 2 to Campbelltown Local Environmental Plan 2015 as proposed by the draft planning proposal contained in attachment 2, to amend various maps and associated principal development standards in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) so to be consistent with the previous gazettal of the re-alignment of the Campbelltown/Camden Local Government Area (LGA) boundary.
 2. That Council's delegate, the General Manager, make Amendment No 2 to Campbelltown Local Environmental Plan 2015 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Delegate of the Greater Sydney Commission.
-

3.1 Minutes Of The Ordinary Meeting Of Council Held 8 November 2016

3. That Council informs the Department of Planning and Environment of its decision to adopt and make Amendment No 2 to Campbelltown Local Environmental Plan 2015.
4. That Council advise the affected land owners and parties responsible for submissions (where not the owner) of its decision on this matter.

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

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

8.2 Development Services Statistics July and August 2016

It was **Moved** Councillor George, **Seconded** Councillor Manoto that the information be noted.

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

8.3 Change of use from a hotel and function centre to a club and function centre - No. 170 Menangle Road, Menangle Park

Meeting Note: Mr Brown addressed the meeting.

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound that development application 1040/2016/DA-U for the change of use from a hotel and function centre to a club and function centre with associated internal alterations at No. 170 Menangle Road, Menangle Park be approved, subject to the conditions detailed in attachment 1 of this report.

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

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

8.4 Construction of a 10 bedroom boarding house within two detached buildings - No. 27 Saywell Road, Macquarie Fields

Meeting Note: Mr Purohit, Reverend Ould, Ms Roberts and Mr Shanahan addressed the meeting.

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

3.1 Minutes Of The Ordinary Meeting Of Council Held 8 November 2016

1. That development application 545/2016/DA-BH for the construction of a ten bedroom boarding house within two detached buildings at No. 27 Saywell Road, Macquarie Fields, be approved, subject to the conditions detailed in attachment 1 of this report.
2. That an investigation is conducted to confirm if prior approval was obtained with respect to the removal of trees that were previously situated on the site.

An **Amendment** was **Moved** Councillor Lound and **Seconded** Councillor Moroney:

1. That development application 545/2016/DA-BH for the construction of a ten bedroom boarding house within two detached buildings at No. 27 Saywell Road, Macquarie Fields, be approved, subject to the conditions detailed in attachment 1 of this report with condition number 21 amended as follows:

21. Parking

- 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 bicycle cage shall be provided to securely accommodate two bicycles, designed and made available to users of the site in accordance with Australian Standards 2890.3 (as amended).
- d. The existing parking bay on the north side of the access road shall be formally extended to accommodate five additional car parking spaces. The parking spaces shall be designed, constructed, sealed, line marked and made available to the public in accordance with Council's requirements.
- e. The eastern extent of the existing on-road parking bay is to be designed to accommodate the unimpeded turning of garbage trucks. The turning bay is to include pavement line marking to delineate the turning bay and regulatory sign positing to prevent the parking of vehicles within the turning bay.
- f. The applicant is to provide a formalised 'No Stopping' area along the north side (and for the full length) of the access road (excluding the formal parking area).

Prior to Council or an accredited certifier issuing a construction certificate, the applicant must obtain separate approval from the Council's Local Traffic Committee for any proposal for the construction or installation of prescribed traffic control devices, parking facilities and/or all line marking and sign posting proposed within a public road area.

2. That an investigation is conducted to confirm if prior approval was obtained with respect to the removal of trees that were previously situated on the site.

WON and became the Motion.

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

Voting for the Council Resolution were Councillors: Brticevic, Chivers, Chowdhury, Greiss, Hunt, Lake, Lound, Manoto, Moroney and Oates.

Voting against the Council Resolution were Councillors: Borg, George, Rowell and Thompson.

8.5 Construction of a telecommunications facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road Wedderburn

It was **Moved** Councillor Lound, **Seconded** Councillor Borg that development application 253/2016/DA-O for the construction of a telecommunication facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road, Wedderburn, be approved, subject to the conditions detailed in attachment 1 of this report.

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

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

8.6 Renaming of Gilchrist Drive Bridge

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

1. That in accordance with the *NSW Roads Act 1993* Council advertise and place on public exhibition the proposal to rename the Gilchrist Drive Bridge, Campbelltown as the James Rookes Bridge.
2. That following the public exhibition period, staff report back to Council with the results of the consultation.

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

A **Division** was called in regard to the Resolution for Item 8.6 - Renaming of Gilchrist Bridge with those voting for the Resolution being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates, Rowell and Thompson.

Voting against the Resolution: nil.

8.7 Insurance and Care NSW - Expression of Interest - Life Designs NSW

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

1. That Council endorse the Expression of Interest for Insurance and Care NSW funding through a consortium led by Community Options Australia.
2. That Council be advised of the outcome of the Expression of Interest process once known.

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

8.8 Community Capacity Building Funding Projects

It was **Moved** Councillor Oates, **Seconded** Councillor Lound that Council approves funding to the following groups under the Seeding Grants Program, with the amounts specified below.

Applicant	Project	Amount
Filipino and Friends Parish Community Association	Reduce isolation in western side of Campbelltown	\$500
Macfields Master Chef	Sensory Garden	\$500
Te kopu o te reo	Cultural and language development	\$499
Macquarie Fields Homework Club	Homework Club - Assisting children in the completion of home work	\$500
Total		\$1,999

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

8.9 Proposed operating hours during the Christmas holiday period 2016-2017

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

1. That Council Offices and the Works Depot close from Wednesday 28 December - Friday 30 December 2016 with staff taking annual or flexi leave for these days.
2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, 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.

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

8.10 Parliament of NSW Aboriginal Art Prize update

It was **Moved** Councillor Oates, **Seconded** Councillor Rowell that Council endorse the proposal to be presented to the Deputy Premier.

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

8.11 Audit, Risk and Improvement Committee Member Fees

It was **Moved** Councillor Borg, **Seconded** Councillor Chivers that Council approve an increase in professional fees for independent Audit, Risk and Improvement Committee members of \$1200 per meeting for the Chairperson and \$1000 per meeting for the two independent members. Fees are inclusive of travel expenses.

An **Amendment** was **Moved** Councillor Thompson and **Seconded** Councillor Moroney that Council approve an increase in professional fees for independent Audit, Risk and Improvement Committee members of \$1000 per meeting for the Chairperson and \$750 per meeting for the two independent members. Fees are inclusive of travel expenses.

LOST

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

8.12 Investment Report - September 2016

It was **Moved** Councillor Lake, **Seconded** Councillor Rowell that the information be noted.

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

8.13 Reports Requested

It was **Moved** Councillor Rowell, **Seconded** Councillor Lake that the information be noted.

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

8.14 Draft Submission on the Western Sydney Rail Needs Scoping Study Discussion Paper

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

1. That Council note the information provided on the Western Sydney Rail Needs Scoping Study - Discussion Paper.
2. That Council note the submission on the Western Sydney Rail Needs Scoping Study - Discussion Paper, prepared by Deloitte and ARUP on behalf of the Western Sydney Rail Alliance.
3. That Council endorse the draft submission that has been prepared by Council officers in response to the Western Sydney Rail Needs Scoping Study - Discussion Paper (provided at attachment 1 to this report).

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

9. QUESTIONS WITH NOTICE

No reports this round

10. RESCISSION MOTION

No rescission motion this round

11. NOTICE OF MOTION

11.1 Proposed Georges River Bush Cycle Track

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

1. That a report be presented to Council investigating the potential to establish a Georges River Bush Cycle Track from Glenfield to Wedderburn.
2. That this report include:
 - possible route and various access points
 - potential and existing sources of funding - Local, State, Federal and Non-Governmental Organisation
 - estimated initial construction costs and ongoing maintenance costs
 - suggested time frame and schedule
 - potential impediments to the development
 - an assessment of environmental issues.

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

11.2 Proposed extension of shelter structures

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Hunt that Council writes to Transport for NSW to provide extensions to the shelter structures for both taxi drivers and passengers at Ingleburn Station and Minto Station to accommodate for increased passenger numbers.

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

11.3 Intersection of Minto and Ohlfsen Roads, Minto

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Rowell that Council conduct a traffic study at the intersection of Minto Road and Ohlfsen Road, Minto, and on completion, if the need is identified, write to the Roads and Maritime Services requesting alternate traffic safety measures such as a roundabout or similar traffic safety measure.

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

11.4 Trial program for Children on the Autism Spectrum

It was **Moved** Councillor Chivers, **Seconded** Councillor Borg that Council officers investigate and report on how to provide a program that could be trialled through Library Services that caters for children on the autism spectrum, which includes but is not limited to:

- a. considering timing options for the program (eg opening a library one hour earlier on a Saturday to run the trial program) as well as how best to promote such a program to targeted audiences
- b. obtaining advice from experts in programming for children on the autism spectrum on how this can be best delivered (including programs involving therapy dogs and shadow puppet shows) and
- c. providing a collection of resources for parents and carers of children on the autism spectrum (if Council does not already have same) to supplement such a program.

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

A **Division** was called in regard to the Resolution for Item 11.4 - Trial Program for Children on the Autism Spectrum with those voting for the Resolution being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates, Rowell and Thompson.

Voting against the Resolution: nil.

11.5 Design Excellence Panel

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

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.
2. That the report consider establishing a DEP 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:
 - a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to:
 - o 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
 - o a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.

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- o to ensure the panel's independence, a panel member cannot be a Councillor or council employee.
- 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.
- c. That the panel members' tenure should be limited to two years with an optional extension for another two years.
- 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.
- 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.

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

11.6 Independent Hearing and Assessment Panel

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

1. That a report and briefing be presented to Council detailing the cost associated with the establishing and running an Independent Hearing and Assessment Panel (IHAP) including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.
 2. That based on the following points, the report also consider the establishing of a IHAP to provide an independent and transparent specialist peer review of the officers' assessment and recommendations to the Council/Councillors on development applications within the Local Government Area that are significant in size or complexity or have unresolved objections.
 - a. A IHAP consisting of five members including the chair of the design panel, two professional members and one community member.
 - b. The chairperson should be a renowned expert in one of the specialist fields or with experience in the Land and Environment Court
 - c. A pool of panel members of at least ten independent experts and four community members should be established to enable random selection
 - d. The pool should include experts in the fields of planning, design, law and environmental science, traffic/engineering, heritage, land economics and social planning
 - e. To ensure the panel's independence and transparency, a panel member cannot be a Councillor or council employee
-

3.1 Minutes Of The Ordinary Meeting Of Council Held 8 November 2016

- f. That an 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
- g. That the panel members' tenure should be limited to two years with an optional extension for another two years
- h. 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
- i. 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 and transparency of the panel and to provide for fair dealings in making decisions.

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

12. URGENT GENERAL BUSINESS

No reports this round

13. PRESENTATIONS BY COUNCILLORS

13.1 Presentations by Councillors

1. Councillor Oates advised that she recently represented the Mayor at the Youth Solutions Project Launch for Drug and Alcohol Use and Abuse. It was noted that as part of this project a number of youth produced a video which highlights how young people can go out with friends whilst avoiding binge drinking and teaches them how to celebrate safely. This video will be distributed to all local schools. Councillor Oates noted that the event was very successful and it was wonderful to share the experience with the youth in attendance.
 2. Councillor Chowdhury advised that he recently represented the Mayor at the Mosque Open Day in Minto which was a wonderful event.
 3. Councillor Chowdhury advised that he represented the Mayor at the recent Indian Cricket Tournament in Glenfield.
 4. Councillor Hunt advised that she represented the Mayor recently at the Lifeline Gala Dinner "Shine like a Diamond" noting the event was very successful and raised over \$6000.
 5. Councillor Lound advised that he represented the Mayor at the Endicott Cup. The Endicott Cup is a multidisciplinary award including academic, sport and cooking.
 6. Councillor Moroney advised that he recently attended the Diwali Festival which was a wonderful event.
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3.1 Minutes Of The Ordinary Meeting Of Council Held 8 November 2016

7. Councillor Moroney advised that he represented the Mayor recently at the National Day of Action Rally for black deaths in custody.
8. Councillor Borg advised that he recently represented the Mayor at the Campbelltown Golf Tournament. Feedback received by participants was very positive. Councillor Borg passed on his congratulations to Campbelltown Catholic Club and Council staff for the initiative.
9. Councillor Greiss congratulated Communications and Marketing staff for their efforts and coordination of the recent Fisher's Ghost Art Award, the event was well received by the community. Councillor Greiss noted that the new format worked very well.
10. Councillor Greiss noted that the Festival of Fisher's Ghost Street Parade was once again a very successful event and all of the weekend's events were fantastic.
11. Councillor Brticevic advised that he recently attended the Wests Tigers Beyond Blue Ball and noted that it was a wonderful evening for a very good cause. Councillor Brticevic noted that Wests Tigers are doing some wonderful work with regards to raising awareness and reducing the stigma surrounding mental health.
12. Councillor Brticevic congratulated Communications and Marketing staff for their efforts with regards to Fred's First Night which is a wonderful initiative.
13. Councillor Brticevic advised that he recently attended the Campbelltown Lions Youth of the Year award.
14. Councillor Brticevic thanked Councillors for representing him at a number of recent events and noted that Council receives a large number of requests for representatives.

Confidentiality Recommendation

It was **Moved** Councillor Lound, **Seconded** Councillor Hunt 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.

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

The Ordinary Meeting of Council was adjourned at 9.57pm and reconvened as a meeting of the Confidential Committee at 9.58pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS**14.1 Directors of Companies - City Development**

It was **Moved** Councillor Thompson, **Seconded** Councillor Lake that the information be noted.

CARRIED

Motion

It was **Moved** Councillor Lound, **Seconded** Councillor Moroney that the Council in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 9.59pm.

It was **Moved** Councillor Manoto, **Seconded** Councillor George that the reports of the Confidential Committee and the recommendations contained therein be adopted.

There being no further business the meeting closed at 10.00pm.

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 Bryce Regan and Max Dunbier

Attachments

Nil

It is with great sadness that we learnt of the passing of two well-known local politicians in mid-September this year, with the deaths of Max Dunbier on 14 September and Bryce Regan on 15 September.

Both men were long term locals; greats of the community who had the best interests of the residents in their thoughts, particularly during their respective political careers. Their tragic deaths to cancer at the age of 78 years, and within a day of each other, were a great loss to this Council and this community.

Bryce Regan

While Bryce was known as one of the main forces behind the development of our sister city link to Koshigaya, Japan, I believe he was best known as a man of the people.

A long time Labor man, Bryce served on Council for 22 years from 1974 to 1996. He was twice elected Mayor, between 1983-1984 and 1986-1987. With Alderman Greg Percival, he established the sister city relationship with Koshigaya in 1984 as a means of bringing the two countries closer together through the younger generations. The fact that relationship has endured for 32 years and is still going strong today, is testament to his decision to make that relationship possible.

Bryce was not what many people would describe as a typical politician – he was a humble man and down to earth. He truly loved Campbelltown, all he wanted was to make the city a better place through his actions.

Max Dunbier

Max was considered a very influential figure in the Macarthur regional political scene in the 1960s and 70s.

He was a former Liberal Member for Campbelltown between February 1968 and January 1971, and served in parliament at the same time as his father, Rowland Dunbier, who was the then Member for Nepean.

A well-known Macarthur local, Max played a key role in the development of the city from a farming town through to its proclamation as a city in 1968. I am sure he was very proud of the announcement of Campbelltown becoming a Regional City Centre in December 2014 and he should be remembered as a man who left his mark on a city that is now becoming a very significant player in the growth of south western Sydney.

I acknowledge the contributions both men made to Campbelltown City.

Recommendation

That a letter of condolence be forwarded to the Regan and Dunbier families together with a copy of the Mayoral Minute.

6. PETITIONS

No Petitions this round

7. CORRESPONDENCE

No correspondence this round

8. REPORTS FROM OFFICERS

8.1 Draft Mt Gilead Planning Proposal - Outcome of Public Exhibition

Division

City Development

Reporting Officer

Acting Manager Environmental Planning

Attachments

1. Mt Gilead Locality Map (contained within this report)
2. Amended draft Mt Gilead Planning Proposal (contained within this report)
3. Amended draft Mt Gilead Development Control Plan (contained within this report)
4. Copy of letter from Lendlease to Council regarding control of land for Mt Gilead planning proposal (contained within this report)
5. Copies of letters from Lendlease regarding offer of Regional VPA (contained within this report)

Purpose

The purpose of this report is to advise Council of all the submissions received as a result of the public exhibition of the draft Mt Gilead Planning Proposal, associated documentation and the draft Mt Gilead Development Control Plan, and to seek Council's approval to forward the draft Mt Gilead Planning Proposal to the NSW Department of Planning and Environment requesting the Minister for Planning to make the plan.

History

Council in July 2012 resolved to endorse a draft planning proposal for the rezoning of rural land at Appin Road, Mt Gilead (see details of property and ownership below) to permit the development of the site for urban residential purposes, and forward to NSW Department of Planning and Infrastructure (now known as NSW Planning and Environment) for determination by the Gateway Panel.

Property Description: Part Lot 1, Part Lot 2 and Part Lot 3 DP 1218887
Owner: Mount Gilead Pty Ltd

Property Description: Lot 61 DP 752042
Owner: S and A Dzwonnik

Applicants: Old Mill Properties Pty Limited and Cardno (previously Design + Planning)

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Council has received correspondence from Lendlease that addresses its interest in the subject land. That correspondence includes the following:

Lendlease has entered into conditional agreements with both Mt Gilead Pty Ltd and Anna and Stefan Dzwonnik that shall result in Lendlease acquiring and developing this land upon satisfactory completion of necessary planning approvals including the rezoning of the land in accordance with the current planning proposal and entering satisfactory local and state infrastructure agreements.

Regarding the Mt Gilead Pty Ltd land, the landowners have engaged Old Mill Property to continue to secure the necessary planning approvals and the purchase agreement permits Lendlease to be a party to necessary planning agreements including Local Voluntary Planning Agreements and State Infrastructure Agreements.

Regarding the Dzwonnik land, Lendlease are responsible for securing the necessary planning approvals for this land and the purchase agreement permits Lendlease to be a party to necessary planning agreements including Local Voluntary Planning Agreements and State Infrastructure agreements.”

A full copy of the correspondence received from Lendlease that sets out its interest in the land subject of the Mt Gilead Planning proposal is shown as attachment 4.

Please note that two small portions of land which are part of the Mt Gilead Planning Proposal are proposed to remain within the ownership of Mt Gilead Pty Ltd. These are the access road on the southern boundary of the site with Beulah and a small portion of the dam on the western boundary of the site.

Council subsequently received a Gateway Determination which advised that the proposed rezoning of the subject land could proceed under certain conditions. These conditions included the preparation of a number of technical studies to support the draft planning proposal. These technical studies were completed and form the basis of the final draft Mt Gilead Planning Proposal.

A briefing to the Councillors on the status of the proposed rezoning of the subject land at Mt Gilead was undertaken on Tuesday 26 August 2014.

A report was prepared for the Planning and Environment Committee Meeting held on 10 February 2015 requesting Council's endorsement of the draft Mt Gilead Planning Proposal, draft Mt Gilead Development Control Plan and associated planning documentation for public exhibition purposes. Council at its meeting held on 17 February 2015 resolved that the matter be deferred until the Councillors had received a copy of all the technical reports relating to this matter, and had been briefed on the holistic approach that is required for this development and further developments in Campbelltown South to proceed.

In accordance with Council's resolution a copy of all the technical studies prepared to support the draft Mt Gilead Planning Proposal was forwarded to all Councillors.

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Also, the proponents of the draft Mt Gilead Planning Proposal provided Councillors with a briefing on Tuesday 24 March 2015 where they specifically addressed concerns that had been raised by Council. These included the proposed road-works to Appin Road and associated funding issues, the proposed fauna corridor through the subject site and the proposed mitigation measures with regard to protecting the visual impact of any future development on the adjoining heritage listed Mt Gilead homestead and mill.

A further briefing was provided on Tuesday 31 March 2015 by representatives of NSW Planning and Environment with regard to the State Government's Urban Capability Study into the Greater Macarthur Land Release Investigation Area, which includes the Mt Gilead site.

Subsequently a report was again submitted to Council requesting the public exhibition of the draft Mt Gilead Planning Proposal, draft development control plan and associated documentation and Council at its meeting held 2 April 2015 resolved to place this documentation on public exhibition for a period of 60 days.

Report

The draft Mt Gilead Planning Proposal, draft Development Control Plan (DCP) and associated documentation was publicly exhibited for 64 days from Tuesday 28 April 2015 until Tuesday 30 June 2015 at the Civic Centre, all Council's libraries and on Council's website.

The objectives of the draft Mt Gilead Planning Proposal as exhibited were to:

1. Permit low density residential development supported by public open space and community facilities, including a small retail centre.
 2. Protect environmentally sensitive land and provide an environmental bushland corridor that links the Noorumba Reserve with the Beulah biobanking site and the Nepean River corridor.
 3. Respect the heritage significance of the Mt Gilead homestead site including the outbuildings, old mill and dam and their setting.
 4. Respect the environmental significance of the Beulah biobanking site.
 5. Reserve land for acquisition by Roads and Maritime Services for future road infrastructure (widening of Appin Road).
 6. Increase the supply of housing within the Campbelltown Local Government Area with the addition of up to 1700 new dwellings.
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Greater Macarthur Land Release Investigation

Since the public exhibition of the draft Mt Gilead Planning Proposal and associated documentation, the NSW State Government released the Greater Macarthur Land Release Investigation document for public comment in September 2015. This document provides an investigation into the potential of land within the Greater Macarthur area to be developed for urban purposes to assist in addressing the growing need for new housing in the Sydney Basin, and includes the provision of land for employment uses. It also proposes to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 by including certain land within the Greater Macarthur area as part of the South West Growth Centre. The land at Mt Gilead is specifically noted as having potential for future residential development, and the document included an action to have had the subject land rezoned by the end of 2015. Reference is also made to the need for the upgrading of Appin Road to accommodate the increase in traffic that would result from any future development in this area.

This document also identifies three biodiversity corridors through the Greater Macarthur area linking the Georges River and the Nepean River. These roughly follow the watercourses of Mallaty Creek, Woodhouse Creek and Menangle Creek.

Council at its meeting held 17 November 2015 considered a report on the Greater Macarthur Land Release Investigation (including the Preliminary Strategy and Action Plan) and resolved:

1. That Council express in principle support for the Greater Macarthur Land Release Investigation, subject to:
 - a) the early implementation of a fully funded infrastructure plan
 - b) a job creation strategy to cater for the increased population.
2. That Council requests a specific timeline for the provision of infrastructure and the job strategies as outlined in a) and b) above.
3. That Council forward a submission on the investigation (and its supporting documents) to the NSW Department of Planning and Environment consistent with the matters outlined in the report.

In response to the above resolutions the Department of Planning and Environment established a Greater Macarthur Steering Group where Council staff work with the Department of Planning and Environment, Transport for NSW and other agencies to prepare a Land Use and Infrastructure Strategy for the Menangle Park and Mt Gilead precincts of the Campbelltown-Macarthur Priority Growth Area. The Executive Director – Housing and Employment Delivery from the Department of Planning and Environment provided Councillors with a briefing on the Campbelltown-Macarthur Priority Growth Area on 7 June 2016 and a further briefing on 5 July 2016.

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This Strategy will guide rezoning and layout plans for each precinct of the growth areas. It will integrate important elements of the precincts including transport, open space, housing, employment lands and environmental protection. A new Special Infrastructure Contribution (SIC) levy will be established to cover the cost of regional road and transport infrastructure, regional open space and recreation, district cultural facilities, schools, emergency services and health facilities, strategic land use planning costs and environmental protection measures.

To further facilitate this partnership the Department of Planning and Environment requested that Council enter into a Memorandum of Understanding (MoU) for progressing the planning and implementation of growth opportunities within the Campbelltown-Macarthur Priority Growth Area. Council at its meeting held 19 July 2016 considered a report on the MoU and resolved:

1. That the Memorandum of Understanding between Campbelltown City Council and the NSW Department of Planning and Environment shown as the attachment to the above report be executed and the General Manager be authorised to sign the Memorandum on Council's behalf.
2. That Council write to the Secretary of the Department of Planning and Environment seeking to organise with the Department that the satisfactory arrangements referred to in her letter to Council dated 14 July 2016 to be put into place for regional level infrastructure prior to rezoning being determined, meet with Council's satisfaction.

The MOU provides a formal commitment to the establishment of a Special Infrastructure Contributions (SIC) scheme as a means to fund the critical and higher (regional) level infrastructure required to support the development of the Mt Gilead Urban Release Area. Three traffic access roads into the subject site from Appin Road are proposed and the proposed SIC levy will provide for the widening of Appin Road from two to four lanes from the southern access road of the subject land through to the intersection of Fitzgibbon Lane and Kellerman Drive.

It has also been recognised that due to the increase in traffic as a result of this planning proposal, that some of the existing intersections on Appin Road will require upgrading. These include the following:

- Copperfield Drive/Kellerman Drive and Appin Road
- Fitzgibbon Lane/Kellerman Drive and Appin Road
- St Johns Road and Appin Road.

The Department of Planning and Environment has recently advised that the Growth Centres SEPP is now proposed to be amended to include the Greater Macarthur Priority Growth Area which covers the land releases at Menangle Park, Mount Gilead and in the vicinity of Appin, and the urban renewal precincts along the Glenfield to Macarthur rail corridor. A report on the public exhibition of the proposed Greater Macarthur Priority Growth Area Package was presented to Council at its meeting held on 25 October 2016 and Councillors resolved as follows:

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1. That Council make a formal submission to the NSW Department of Planning and Environment concerning the exhibition of the Greater Macarthur Priority Urban Growth Area in August to September 2016, addressing the matters raised in the above report.
2. That as an addition to the submission that Council urge the NSW Government to pursue south facing ramps to the Hume Highway as a key element of the Greater Macarthur Priority Growth Area Infrastructure package.

Submissions

In response to the public exhibition of the draft planning proposal a total of 20 submissions have been received from government agencies and service providers, and 31 submissions have been received from the community. The following table identifies the main issues raised by the submissions and the comments of Council officers. Copies of the submissions have been made available to all Councillors.

Submissions from government agencies and service providers		
	Organisation	Submission Items
1.	Department of Primary Industries - Fisheries	<ul style="list-style-type: none"> no objections to the planning proposal provided the: <ul style="list-style-type: none"> proposed riparian buffers zones are implemented stormwater reduction targets are achieved.
	Comment <ul style="list-style-type: none"> It is noted that these matters can be dealt with as part of the assessment of any future development application. 	
2.	Fire & Rescue NSW	<ul style="list-style-type: none"> no objections to the planning proposal.
	Comment <ul style="list-style-type: none"> The no objection comment is noted. 	
3.	NSW Rural Fire Service	<ul style="list-style-type: none"> identifies the key issues and assessment requirements regarding bush fire protection that will be required for any future development of the subject site.
	Comment <ul style="list-style-type: none"> It is noted that matters relating to bush fire protection can be dealt with as part of the assessment of any future development application. 	
4.	Water NSW	<ul style="list-style-type: none"> notes the need to avoid and minimise impacts on the Upper Canal by any future development generally supports the provisions of the draft DCP with a few minor amendments relating to name changes (Water NSW has now replaced the Sydney Catchment Authority, and the <i>Sydney Water Catchment Management Act 1998</i> is now <i>Water NSW Act 2014</i>) and an additional objective ensuring that all future development adjacent to the Upper Canal corridor considers and responds to its heritage values.

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	<p>Comment</p> <ul style="list-style-type: none"> it is recognised that any development applications on land adjacent to the Upper Canal must ensure no detrimental impacts on the canal corridor the minor amendments to the draft DCP as requested have already been included in Campbelltown (Sustainable City) DCP 2015. 		
5.	<table border="1"> <tr> <td data-bbox="252 483 609 1086">Transport for NSW</td><td data-bbox="609 483 1401 1086"> <p>Requests the following:</p> <ul style="list-style-type: none"> development be capped at 1,700 lots through the inclusion of a provision within Campbelltown LEP 2015 the proponents enter into a planning agreement with the Department of Planning and Environment for the provision of agreed road infrastructure the draft DCP be amended to increase the width of the parking lane on the Collector Road (Bus Route) from 2.3 metres to 2.5 metres to accommodate a standard bus provision and dedication of a 20 metre setback along Appin Road through a planning agreement, to be shown under a SP2 Infrastructure Classified Road Zone. </td></tr> </table>	Transport for NSW	<p>Requests the following:</p> <ul style="list-style-type: none"> development be capped at 1,700 lots through the inclusion of a provision within Campbelltown LEP 2015 the proponents enter into a planning agreement with the Department of Planning and Environment for the provision of agreed road infrastructure the draft DCP be amended to increase the width of the parking lane on the Collector Road (Bus Route) from 2.3 metres to 2.5 metres to accommodate a standard bus provision and dedication of a 20 metre setback along Appin Road through a planning agreement, to be shown under a SP2 Infrastructure Classified Road Zone.
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	<p>Comment</p> <ul style="list-style-type: none"> Campbelltown LEP 2015 contains under clause 4.1A a maximum dwelling density requirement for three existing urban development areas. The draft Planning Proposal has been amended to include Mt Gilead into clause 4.1A by imposing a cap of 1,700 lots supported by the provision of a density/yield map a technical design brief for the upgrade works required to Appin Road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lendlease (the conditional purchaser of the subject land) has lodged an offer to enter into a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1,700 lots through the satisfactory arrangements requirement of the recently signed MoU with the Department of Planning and Environment A copy of the formal Lendlease offer to the NSW department of Planning and Environment and advice to Council concerning that offer is shown as attachment 5 		

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	<p>As Councillors would note, subject to acceptance from the Department, a Planning Agreement similar to that in the offer made by Lendlease would secure an acceptable funding delivery mechanism for the timely upgrade of Appin Road for that section between Fitzgibbon Lane and the southern extremity of the Mt Gilead Urban Release Area</p> <p>The offer by Lendlease is currently being considered by the Department and verbal advise has been received that the response is expected in the near future</p> <ul style="list-style-type: none"> the above agreement is proposed to include a reference to the dedication of a 20 metre setback along Appin Road the location of which has already been recognised on the proposed zoning map as SP2 Infrastructure Classified Road that was publicly exhibited it is noted that the request to widen the parking lane from 2.3m to 2.5m is in keeping with the request from Busabout (item 15) to widen the road carriageway to 12m. The draft DCP has been amended to accommodate this request. 				
6.	<table border="1"> <tr> <td data-bbox="248 813 611 1227">NSW Trade & Investment Resources & Energy</td><td data-bbox="611 813 1406 1227"> <p>Extractive Resource Issues:</p> <ul style="list-style-type: none"> notes the location of the Menangle Sandstone Quarry west of the subject land and advises that Council would need to be satisfied that any potential land use conflicts are appropriately addressed <p>Coal and Petroleum Issues</p> <ul style="list-style-type: none"> due to geological constraints the extraction of resources is considered unlikely and thus no issues are raised. </td></tr> <tr> <td colspan="2" data-bbox="248 1227 1406 1429"> <p>Comment</p> <ul style="list-style-type: none"> it is noted that a small area of the subject land falls within the transition (buffer) area of the Menangle Sandstone Quarry and that any future development of this land will need to take into consideration the impacts of any extraction that may occur on the quarry site. </td></tr> </table>	NSW Trade & Investment Resources & Energy	<p>Extractive Resource Issues:</p> <ul style="list-style-type: none"> notes the location of the Menangle Sandstone Quarry west of the subject land and advises that Council would need to be satisfied that any potential land use conflicts are appropriately addressed <p>Coal and Petroleum Issues</p> <ul style="list-style-type: none"> due to geological constraints the extraction of resources is considered unlikely and thus no issues are raised. 	<p>Comment</p> <ul style="list-style-type: none"> it is noted that a small area of the subject land falls within the transition (buffer) area of the Menangle Sandstone Quarry and that any future development of this land will need to take into consideration the impacts of any extraction that may occur on the quarry site. 	
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	<p>Comment</p> <ul style="list-style-type: none"> it is noted that both water and wastewater services can be provided to the site and that the developer would be responsible for its provision a preliminary site has been nominated for the location of the proposed new elevated reservoir within the south eastern portion of the subject land as noted in the draft DCP.
<p>8. Office of Environment and Heritage</p>	<p>Biodiversity</p> <ul style="list-style-type: none"> advises that areas proposed for conservation should be zoned E2 Environmental Protection to ensure the long term retention and protection of these areas supports the biodiversity link connecting Noorumba Reserve with the Nepean River but requests that the corridor be widened and the stormwater detention basins, active recreation and other incompatible uses be removed, and the 'dead end' portion be continued through to lands west of the site <p>Floodplain Risk Management</p> <ul style="list-style-type: none"> recommends a number of issues that should be considered at the design stage of any future development on the subject land. <p>Stormwater Management</p> <ul style="list-style-type: none"> provides a number of comments and recommendations with regard to the water quality modelling as noted in the Mt Gilead Stormwater Management and Flooding Assessment.
	<p>Comment</p> <ul style="list-style-type: none"> to ensure consistency with Campbelltown LEP 2015 (CLEP 2015) the draft Mt Gilead Planning Proposal does not propose to zone conservation lands E2 Environmental Conservation as these lands will instead be subject to the provisions for conservation and enhancement as noted below: <ul style="list-style-type: none"> the draft Planning Proposal includes a Terrestrial Biodiversity clause which aims to maximise the retention and enhancement of native biodiversity it is proposed that some of the proposed conservation lands will be considered as future biobanking sites which would therefore result in them being covered by the conservation and rehabilitation provisions of any biobanking agreements the draft Mt Gilead Infrastructure Services Delivery Plan includes provisions for the conservation and enhancement of all open space land that will be dedicated to Council

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	<ul style="list-style-type: none"> - Council is in the process of finalising a Koala Plan of Management and Biodiversity Strategy which will further strengthen the conservation and rehabilitation of all lands proposed for biodiversity conservation through a future amendment to CLEP 2015 - Noorumba Reserve was zoned RE1 Public Recreation under CLEP 2015 and it is thus considered preferable to zone any adjoining conservation land, that is proposed to be dedicated to Council, the same zoning to provide continuity. • it is recognised that there are at least two well established existing wildlife corridors from the Georges River through both Noorumba Reserve and Beulah to the Nepean River and the draft Mt Gilead Planning Proposal will not have any detrimental impact on these corridors. However, the draft Planning Proposal does aim to provide an additional option for a wildlife link through the subject land from the Noorumba Reserve to Beulah. Whilst this link will contain active open space and drainage basins it is also proposed to include a significant amount of vegetation aimed at providing habitat for native fauna. All of this land is proposed to be dedicated to Council. Clearly the wider the width of a wildlife corridor the better. However, further information with regard to corridor widths was received from the Office of Environment and Heritage (OEH) which advised that local corridors can be less than 50m in width. The narrowest part of the proposed wildlife link is 45.2m, but the total open space area that the corridor passes through is approximately 14 hectares. It is therefore not proposed to widen this link any further as it is considered that sufficient land has been allocated to allow for the movement of native fauna through the subject site • whilst the dead end area of vegetation does not link to lands on the west of the site through public recreation areas, it will be connected via significant street tree plantings, and this approach is supported by Council's environmental officers • comments with regard to floodplain risk management are noted • it should also be noted that wildlife corridors are being considered as part of the Master Planning by the Greater Macarthur Steering Group and are being investigated in more technical detail for the whole of the Greater Macarthur Priority Growth Area • comments with regard to water quality modelling are noted and it is considered that no additional work is required at this stage. However, more detailed assessment will need to be undertaken as part of any future development of the subject site, i.e. dealt with by development application.
9. NSW Education and Communities	<ul style="list-style-type: none"> • advises that the existing schools within the vicinity of the subject land are at or near capacity and thus will not be able to meet the additional demand that would be created by the proposed development of the Mt Gilead Urban Release Area. They will either need to be upgraded or a new school site identified • as lands surrounding the subject site have been identified as having potential for future housing development, the investigation of a site for a new school within these lands is considered an option.

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	<p>Comment</p> <ul style="list-style-type: none"> discussions were held between the proponents and officers of Council and NSW Education and Communities and while initially it was proposed that a site for a future school should be provided within the boundaries of the subject land, the Department of Education has now advised that such a site could be provided within surrounding lands if they are developed for urban purposes in the future as part of the Greater Macarthur Land Release technical investigations. 		
<p>1 0.</p>	<table border="1"> <tr> <td data-bbox="248 510 592 1711"> <p>NSW Health</p> </td><td data-bbox="592 510 1406 1711"> <ul style="list-style-type: none"> supports the proposed cycleway/pedestrian network and recommends the provision of well-placed bike racks and good lighting notes the importance of ensuring access to healthy foods advises that the proposed bus service should be commenced early in the development of the area and should be extended further into the site supports the range of proposed residential lot sizes but concerned by the cap of 65 smaller lots as this will not address housing affordability notes that the plan is purely residential and thus may result in long commuting times for residents travelling to work concerned that there are no apparent plans for a school or childcare centres supports the proposed public open space and neighbourhood/community facilities consider that the potential for impacts of gas extraction in the future need to be closely monitored notes a number of issues that would be dealt with in conjunction with any future development applications, e.g. land contamination, noise, air quality, bushfire risk advises that suitable measures should be undertaken to mitigate the potential for mosquito breeding within any water retention basins or ponding areas. </td></tr> </table>	<p>NSW Health</p>	<ul style="list-style-type: none"> supports the proposed cycleway/pedestrian network and recommends the provision of well-placed bike racks and good lighting notes the importance of ensuring access to healthy foods advises that the proposed bus service should be commenced early in the development of the area and should be extended further into the site supports the range of proposed residential lot sizes but concerned by the cap of 65 smaller lots as this will not address housing affordability notes that the plan is purely residential and thus may result in long commuting times for residents travelling to work concerned that there are no apparent plans for a school or childcare centres supports the proposed public open space and neighbourhood/community facilities consider that the potential for impacts of gas extraction in the future need to be closely monitored notes a number of issues that would be dealt with in conjunction with any future development applications, e.g. land contamination, noise, air quality, bushfire risk advises that suitable measures should be undertaken to mitigate the potential for mosquito breeding within any water retention basins or ponding areas.
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	<p>Comment</p> <ul style="list-style-type: none"> generally the issues concerning land contamination, noise, air quality, bushfire risk and issues with regard to the development of drainage basins can be dealt with in the assessment of any potential development applications for the subject site 		

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	<ul style="list-style-type: none"> the provision of the proposed bus service is anticipated to be dictated by the need of the incoming community. However it is recognised that the potential residents of the subject site would benefit from the early establishment of a bus service. Council could write to the Department under the auspices of the recently executed MOU to request the Department to ensure arrangements are put into place to provide for the early commencement of bus services to and from Mt Gilead and the Campbelltown/Macarthur Regional City Centre the following comments are provided with regard to the concern that housing affordability will not be addressed due to the proposed cap of 65 small lots with a minimum area of 375sqm. The planning proposal provides for a variety of residential lots sizes to ensure a wide opportunity of choice for potential purchasers. The bulk of the site (being approximately 1250 lots) is proposed to be subdivided into lots with a minimum area of 500sqm and 700sqm on steeper land. Whilst it is proposed to cap the number of lots with a minimum area of 375sqm to 65, there is still the opportunity for approximately 350 lots to be subdivided to a minimum area of 450sqm. It is also important to note that in light of the proposed traffic infrastructure (upgrading of Appin Road), Transport for NSW and Roads and Maritime Services have requested a provision within Campbelltown LEP 2015 that restricts the number of residential lots to 1700 whilst this draft planning proposal is mostly for residential development it is important to note that the Greater Macarthur Land Release Investigation document includes certain employment lands, and access to these areas will be provided as the Priority Growth Area develops. Thus it is anticipated that the development of these lands will assist in providing jobs closer to homes thus reducing travelling times as noted in item nine above the provision of a school is proposed by Department of Education to be provided within surrounding lands. With regard to childcare centres these are a permissible land use within the proposed R2 Low Density Residential Zone, and thus there would be opportunities for the private sector to establish such facilities within the subject site with regard to the issue of the impact of gas extraction it is noted that AGL announced on 4 February 2016 that it will cease production at the Camden Gas Project in 2023 all other comments are noted.
1 1.	<p>Department of Primary Industries Agriculture NSW</p> <ul style="list-style-type: none"> notes the difficulties that can arise due to the interface between residential development and existing agricultural practices supports the retention of agriculture heritage landscapes and views considers that before any further planning proposals are determined the Greater Macarthur Land Release Investigation should be completed. If Council wishes to keep rural productive land then other options for housing will be needed.

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	<p>Comment</p> <ul style="list-style-type: none"> • comments are noted • as noted previously in this report, since the public exhibition of the draft Mt Gilead Planning Proposal, the NSW State Government released the Greater Macarthur Land Release Investigation document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. The Greater Macarthur Investigation Area covers a large portion of land within the Campbelltown and Wollondilly Local Government Areas (LGA) and includes both the Mt Gilead and Menangle Park Urban Release Areas. These release areas are the only lands within the investigation area within the Campbelltown LGA that have been specifically identified within the NSW Metropolitan Development Program for future urban development. As they have both been supported by the Department of Planning and Environment and publicly exhibited, it is considered that they should continue to be assessed in accordance with their Gateway determinations. The Department of Planning and Environment supports this position. 				
12.	<table border="1"> <tr> <td>Environment Protection Authority</td><td> <ul style="list-style-type: none"> • considers that this planning proposal should not be assessed in isolation, but should be considered as part of the Macarthur Investigation Area and the South West Sydney Sub Regional Delivery Plan • considers that photochemical smog (ozone) and particle pollution remain air quality issues of significant regional concern. However, advice is provided on ways to meet relevant air quality goals and protect human health, the environment and community amenity. Refers to the document Development Near Rail Corridors and Busy Roads-Interim Guideline and ways to manage wood burning heaters • provides advice on ways to mitigate potential noise pollution, contamination issues, waste management and water quality impacts. </td></tr> <tr> <td colspan="2"> <p>Comment</p> <ul style="list-style-type: none"> • as noted previously and in item 11 above, since the public exhibition of the draft Mt Gilead Planning Proposal, the NSW State Government released the Greater Macarthur Land Release Investigation document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. Further the Department of Planning and Environment has identified that the planning proposals for the Mt Gilead and Menangle Park Urban Release Areas can proceed ahead of the finalisation of the technical studies associated with the Greater Macarthur Priority Growth Area • it is recognised that vehicle emissions are a major source of air pollution and thus negotiations have already been held with a local bus company to ensure that an adequate bus service can be provided to the subject site in an effort to reduce private car usage. Also, the draft DCP provides for an extensive network of pedestrian and cycle paths to encourage walking and cycling </td></tr> </table>	Environment Protection Authority	<ul style="list-style-type: none"> • considers that this planning proposal should not be assessed in isolation, but should be considered as part of the Macarthur Investigation Area and the South West Sydney Sub Regional Delivery Plan • considers that photochemical smog (ozone) and particle pollution remain air quality issues of significant regional concern. However, advice is provided on ways to meet relevant air quality goals and protect human health, the environment and community amenity. Refers to the document Development Near Rail Corridors and Busy Roads-Interim Guideline and ways to manage wood burning heaters • provides advice on ways to mitigate potential noise pollution, contamination issues, waste management and water quality impacts. 	<p>Comment</p> <ul style="list-style-type: none"> • as noted previously and in item 11 above, since the public exhibition of the draft Mt Gilead Planning Proposal, the NSW State Government released the Greater Macarthur Land Release Investigation document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. Further the Department of Planning and Environment has identified that the planning proposals for the Mt Gilead and Menangle Park Urban Release Areas can proceed ahead of the finalisation of the technical studies associated with the Greater Macarthur Priority Growth Area • it is recognised that vehicle emissions are a major source of air pollution and thus negotiations have already been held with a local bus company to ensure that an adequate bus service can be provided to the subject site in an effort to reduce private car usage. Also, the draft DCP provides for an extensive network of pedestrian and cycle paths to encourage walking and cycling 	
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8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

		<ul style="list-style-type: none"> the impact of air pollution from vehicle emissions on development adjoining Appin Road can be ameliorated through careful site planning and architectural design. It is recommended that a reference to the Department of Planning and Environment's Development Near Rail Corridors and Busy Roads—Interim Guideline be included within the draft Mt Gilead DCP to ensure that the provisions of this document can be taken into consideration with regard to the planning for any future development fronting Appin Road with regard to domestic solid fuel heaters it is anticipated that gas will be available to all residences within the release area thus reducing the need for such heaters. However, it is noted that there are significant regulations currently in place within the Protection of the Environment Operations (Clean Air) Regulation 2010 to ensure that all domestic solid fuel heaters sold in NSW comply with emission limits specified in Australian Standard AS/NZS 4013:1999: Australian Domestic solid fuel burning appliances - method for determination of flue gas emission, and are marked accordingly. Advice with regard to wood heaters is also available on Council's website the advice given with regard to mitigating potential noise pollution, contamination issues, waste management and water quality impacts is noted.
13.	Endeavour Energy	<ul style="list-style-type: none"> advises of the procedure needed to be undertaken for the provision of electricity to the subject site.
	<p>Comment</p> <ul style="list-style-type: none"> initial discussions between the proponent's consultants and Endeavour Energy reveal that the subject land can be serviced with electricity. However, it is noted that additional infrastructure will be required including a new zone substation and the installation of two 11kV feeders from the Ambarvale zone substation. 	
14.	NSW Local Land Services	<ul style="list-style-type: none"> Local Land Services (LLS) is an approval authority for clearing native vegetation under the <i>Native Vegetation Act 2003</i>. As the Act does not apply to Campbelltown the LLS has no approval role for the clearing of native vegetation on the subject land supports the assessments made by the Flora and Fauna consultants that the proposal can achieve a maintain or improve outcome with variations as required if the Shale Sandstone Transition forest is impacted by the development.
	<p>Comment</p> <ul style="list-style-type: none"> Comments are noted. 	
15.	Busabout Neville's Bus Service Pty Ltd	<ul style="list-style-type: none"> prepared to provide bus services to the subject site requests the widening of the road carriageway from 11.6m to 12m.
	<p>Comment</p> <ul style="list-style-type: none"> it is noted that the request to widen the road carriageway to 12m is in keeping with the request from Transport for NSW to widen the parking lane from 2.3m to 2.5m. As noted in item 5 the draft DCP has been amended to accommodate this 	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	request.	
16.	Sydney Living Museums	<ul style="list-style-type: none"> concerned by the: <ul style="list-style-type: none"> loss of mature vegetation on Appin Road and its historic alignment loss of open rural land of considerable cultural significance future impacts on fauna within Beulah from domestic animals. does not support the proposed access road on the southern boundary of the subject land adjacent to Beulah, and requests replacing its proposed RU2 Rural Landscape zone with the RE1 Public Recreation zone. Also requests the inclusion of this land within the Terrestrial Biodiversity Map. However, it is also requested that the maximum building height and minimum subdivision lot size be identified for this land under the RU2 zone identify the Mt Gilead Urban Release Area as an Urban Release Area in draft Campbelltown LEP 2014 identify Appin Road as a significant feature in both the draft DCP Indicative Heritage Principles and Indicative Landscape Strategy maps.
	<p>Comment</p> <ul style="list-style-type: none"> it is recognised that any development of rural land for urban purposes will result in the loss of rural landscapes and arguments for higher densities closer to railway stations as an alternative are often proposed. However, it is important that Council recognises that a variety of housing forms should be available to accommodate the changing needs of the community. Whilst apartment living close to all amenities is preferable to certain sections of the population, detached housing in an open environment is more attractive to other sections. This land at Mt Gilead has been identified for development for many years and thus there has always been an expectation that it would one day be developed for urban purposes it is noted that whilst some of the mature trees along Appin Road will need to be removed to provide for the proposed road widening, appendix 1 of the draft Mt Gilead DCP provides for the replanting of street trees along Appin Road with indigenous species. It is also noted that due to the proposed construction of roundabouts at the three intersections of Appin Road and the subject land, that traffic will travel at a significantly reduced speed in this area, thus creating a safer environment for all the corridor of land proposed to be zoned RU2 Rural Landscape on the southern boundary of the subject site, and adjacent to Beulah, is proposed to be retained in the ownership of the property owner of the land to the west of the subject site to enable direct access from Appin Road for agricultural management purposes. 	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<p>Thus it is not considered necessary or appropriate to amend the proposed zoning of this land. However, it is noted that the maximum building height and minimum subdivision lot size maps should be amended to include this land</p> <ul style="list-style-type: none"> whilst the Mt Gilead Urban Release Area (MGURA) has not been specifically identified within Part 6 Urban Release Areas within Campbelltown LEP 2015 (CLEP 2015) it is noted that this draft planning proposal has addressed the provisions of Part 6. However, it is recommended that an Urban Release Area Map be included in CLEP 2015 and that the MGURA be identified as a release area on it other comments are noted.
17.	<p>Wollondilly Shire Council</p> <ul style="list-style-type: none"> requests that the following matters be considered: <ul style="list-style-type: none"> placing the proposal on hold until the Greater Macarthur Area investigation is complete zone all areas of native vegetation E3 or E4 Environment Protection or use Natural Resources (Biodiversity) Clauses undertake further investigation into the potential impacts on existing regional habitat corridors and the movement of koalas undertake further investigation into potential air quality impacts undertake further investigation into the impacts of traffic travelling south to Bulli and Appin.
	<p>Comment</p> <ul style="list-style-type: none"> as noted previously, since the public exhibition of the draft Mt Gilead Planning Proposal, the NSW State Government released the Greater Macarthur Land Release Investigation document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development, and enjoys the support of the NSW Government. Further the Government recently exhibited a proposal to include these lands in the Greater Macarthur Priority Growth Area the areas of native vegetation are proposed to be zoned public recreation as they will be dedicated to Council. However, these lands are proposed to be subject to a number of provisions as noted in item 8 above including the provisions of the proposed terrestrial biodiversity clause and map that have been included in the draft planning proposal it is considered that at this stage of the planning process sufficient investigation has been undertaken with regard to habitat corridors particularly as the site has been substantially cleared for a number of years. However, the draft planning proposal aims to provide additional opportunities for the movement of wildlife through the subject site

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> in light of the information provided by the Environment Protection Authority (EPA) it is considered that further investigation into potential air quality issues is not required. However it is noted that any future development on the subject site must be assessed within the guidelines referred to by the EPA it is not considered necessary to undertake any further investigation into traffic travelling south to Wollondilly Shire as only 5 per cent of the total traffic flow from the site is anticipated to travel south. Of more concern to Council is the volume of traffic that is generated from the recent and proposed developments at Appin which travels in a northerly direction through the Campbelltown LGA. 	
18.	Transport – Roads and Maritime Services	<p>Has no objection to the draft planning proposal subject to:</p> <ul style="list-style-type: none"> development being capped at 1700 lots through a provision within Campbelltown LEP 2015 the proponents entering into a planning agreement (prior to the making or gazettal of the planning proposal) with the Department of Planning and Environment (DPE) for the provision of agreed road infrastructure, and dedication of a 20 metre road reserve along the western boundary of the subject site at no cost to Government.
	<p>Comment</p> <ul style="list-style-type: none"> Campbelltown LEP 2015 contains under clause 4.1A a maximum dwelling density requirement for three existing urban development areas. The draft planning proposal has been amended to include Mt Gilead into clause 4.1A by imposing a cap of 1700 lots supported by the provision of a density/yield map a technical design brief for the upgrade works required to Appin Road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lendlease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1700 lots through the satisfactory arrangements requirement of the recently signed MoU with the Department of Planning and Environment the above agreement is proposed to include a reference to the dedication of a 20 metre setback along Appin Road the location of which has already been recognised on the proposed zoning map as SP2 Infrastructure Classified Road that was publicly exhibited A copy of the offer by Lendlease for a Planning Agreement with the NSW Department of Planning is shown at attachment 5. This sets out a proposed funding and delivery mechanism for the upgrade of Appin Road. 	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

19.	Department of Primary Industries Water	<ul style="list-style-type: none">would prefer the zoning of the watercourses and riparian corridors to be zoned E2 Environmental Conservation and not RE1 Public Recreation and RU2 Rural Landscape, and be under Council's ownership and managementrecommends that the draft DCP include a separate section to deal with watercourse/riparian issues, and that the objectives of clause 3.3 Public Open Space be amended to strengthen the need to conserve and enhance the existing riparian corridors watercoursessupports the concept of a biodiversity corridor linking the Georges River with the Nepean River and considers that the planning proposal does not provide such a linkage.
<p>Comment</p> <ul style="list-style-type: none">all the land that is proposed to be zoned RE1 Public Recreation is proposed to be dedicated to Council and will thus come under its ownership and management. The portion proposed to be zoned RU2 Rural Landscape will remain in private ownership. However, all this land would be subject to the provisions of the proposed Terrestrial Biodiversity clause which aims to maximise the retention and enhancement of native biodiversity. It is also proposed that some of this land be considered as a future biobank site which would therefore result in it being covered by the conservation and rehabilitation provisions of any BioBanking Agreementthe riparian corridors in draft Campbelltown LEP 2015 (CLEP 2015) are not zoned E2 Environmental Conservation, but are covered by the provisions of clause 7.3 which aims to protect and maintain riparian land, waterways and groundwater systems. Also, Council is in the process of finalising a Koala Plan of Management and Biodiversity Strategy which will further strengthen the conservation and rehabilitation of riparian lands through a future amendment to CLEP 2015. Thus, to ensure consistency with CLEP 2015 the draft Mt Gilead Planning Proposal does not propose to zone riparian lands E2 Environmental Conservation but will instead be subject to the provisions for conservation and enhancement as noted abovewhilst it is not considered necessary to include a separate section in the draft DCP with regard to riparian corridors, it is considered that the wording in clause 3.3 should be strengthened as recommended by this submissionthe draft planning proposal in Figures 16 and 17 denote the location of the proposed Ecological Corridor from Noorumba Reserve through the subject land. The draft DCP also indicates the location of this corridor in Figure 2 Mt Gilead Indicative Structure Plan. It is considered that additional wording in the draft DCP should be included to strengthen the establishment of this corridor. Thus it is recommended that an additional objective be included in clause 2.2. It is beyond the scope of this draft Planning Proposal to provide provisions for the extension of this biodiversity corridor beyond the subject site boundaries. However, the location of the proposed corridor through the site was chosen to connect with existing vegetation outside the site's boundaries and thus provide a link with both the Nepean River and Beulah		

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> it should also be noted that wildlife corridors are being considered as part of the Master Planning by the Greater Macarthur Steering Group.
20.	<p>Office of Environment and Heritage - Heritage Council</p> <ul style="list-style-type: none"> considers that the proposed curtilage for Mt Gilead is insufficient and should include the cultural landscape. Thus a curtilage study and a conservation management plan need to be prepared prior to the finalisation of this draft planning proposal recommends that a buffer zone be provided between the proposed R2 and RU2 zones to reduce the visual impact of new development on the heritage values of Mt Gilead considers that the adjacent colonial farms (Mt Gilead, Beulah and Meadowvale) have been overlooked in the heritage assessment considers that the draft planning proposal does not provide any measures to minimise the impact of future development on the Upper Canal, and recommends that consideration be given to providing a RE1 (public recreation) buffer along the canal recommends a number of amendments to the draft DCP with regard to: <ul style="list-style-type: none"> strengthening the heritage objectives and controls issues relating to significant vistas and view corridors appropriateness of the proposed tree planting along the interpretive driveway landscape screening and appropriate tree planting relationship with adjoining heritage properties recognition of the former Hillsborough cottage extending the pedestrian/cycle route along the entire interpretive driveway retention of significant trees and remnant vegetation ensure One Tree Hill remains as is natural heritage needs further consideration.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	Comment
	<ul style="list-style-type: none"> the boundaries of the proposed residential areas of the subject land were determined after extensive investigations were carried out to ensure the integrity of the Mt Gilead homestead site and associated heritage items. As a result a large area of land on the western boundary of the subject site is proposed to remain rural and will thus act as an extensive buffer between the proposed residential development and the outskirts of the homestead precinct. The DCP provisions recognise the importance of the significant view corridors through the site and also the need to protect the existing views from the homestead particularly to the north and east. Thus the proposed buffer will include significant new tree planting to provide screening of any new development from the homestead site it is considered that the heritage significance of the surrounding cultural landscape has been satisfactorily taken into consideration with regard to this draft planning proposal. This is proposed to be achieved through the provision of a significant area of rural land on the western boundary to buffer the impacts of any future development on the Mt Gilead homestead site, and the provision/retention of an open space area on the southern boundary to provide separation from the Beulah site. It is unclear how further recognition of other previous colonial farms could be achieved provisions are already included in the Campbelltown (Sustainable City) DCP (of which the proposed draft Mt Gilead DCP will be a part) to ensure the protection of the Upper Canal, and these provisions have been supported by Water NSW in order to provide a clear view corridor from Appin Road towards the entrance of the Mt Gilead homestead site, it is not proposed to retain the existing alignment of the carriageway from Appin Road to the Mt Gilead homestead, only the entrance from Appin Road. Thus whilst there is not proposed to be any vehicular access to Appin Road at this point the historic entrance is proposed to be acknowledged and identified with specimen tree planting whilst it is recognised that some of the existing vegetation is proposed to be removed it is noted that most of this vegetation comprises scattered trees. However, provisions are included within the draft planning proposal to protect and enhance significant areas of native vegetation through the provision of a terrestrial biodiversity clause and map. Also, some of the proposed conservation lands are being considered as future biobanking sites and would thus be covered by the conservation and rehabilitation provisions of any BioBanking Agreements it is considered that additional objectives and controls can be included by Council in the draft DCP to address relevant heritage issues. These include: <ul style="list-style-type: none"> an additional key development objective in clause 2.2 relating specifically to the heritage significance of the Mt Gilead homestead site, outbuildings, mill and dam and their setting amendment of control 1 in clause 3.1 to address the interpretation of the former Hillsborough Cottage amendment of Figure 6 to extend the pedestrian/cycleway westward along the proposed interpretive driveway

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> - amendment of control 2 in clause 3.1 to refer to Figure 7 and not Figure 3 with regard to the identification of the proposed landscape screening - inclusion of an additional objective in clause 3.1 to address the retention of regional views as referred to in the note to clause 3.1 - removal of the word Indicative from the title of Figure 3 to read Heritage Principles Plan.
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Submissions from the community

	Comments				
21	<table> <tr> <td>National Parks Association of NSW</td><td> <ul style="list-style-type: none"> • does not support the draft Planning Proposal for the following reasons: <ul style="list-style-type: none"> - the road infrastructure in Campbelltown should be improved before land is released and that redevelopment should occur closer to railway stations - widening of Appin Road will be detrimental to native fauna - the development is likely to have an adverse impact on Noorumba Reserve and Beulah - the planning documentation fails to adequately explain how views, bushland, riparian corridors, heritage items and water quality will be protected - as the proposal is located between two areas of endangered ecological communities it should be referred to the Federal Government for assessment </td></tr> <tr> <td colspan="2"> <p>Comment</p> <ul style="list-style-type: none"> • significant road-works are proposed along a large section of Appin Road to accommodate the additional transport need that would be created by this draft planning proposal and demands by other road users • the issue of providing an alternative means for native fauna to cross Appin Road is currently being investigated as part of the design for the upgrade of this road • whilst it is recognised that public areas of natural bushland can sometimes be abused it is considered that the majority of the community respect such areas and benefit from their location being within walking distance from residential areas • it is considered that the planning documentation provides more than adequate information on how views, bushland, riparian corridors, heritage items and water quality will be protected </td></tr> </table>	National Parks Association of NSW	<ul style="list-style-type: none"> • does not support the draft Planning Proposal for the following reasons: <ul style="list-style-type: none"> - the road infrastructure in Campbelltown should be improved before land is released and that redevelopment should occur closer to railway stations - widening of Appin Road will be detrimental to native fauna - the development is likely to have an adverse impact on Noorumba Reserve and Beulah - the planning documentation fails to adequately explain how views, bushland, riparian corridors, heritage items and water quality will be protected - as the proposal is located between two areas of endangered ecological communities it should be referred to the Federal Government for assessment 	<p>Comment</p> <ul style="list-style-type: none"> • significant road-works are proposed along a large section of Appin Road to accommodate the additional transport need that would be created by this draft planning proposal and demands by other road users • the issue of providing an alternative means for native fauna to cross Appin Road is currently being investigated as part of the design for the upgrade of this road • whilst it is recognised that public areas of natural bushland can sometimes be abused it is considered that the majority of the community respect such areas and benefit from their location being within walking distance from residential areas • it is considered that the planning documentation provides more than adequate information on how views, bushland, riparian corridors, heritage items and water quality will be protected 	
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8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> it is recognised that development in the vicinity of endangered ecological communities should be referred to the Federal Government for comment. Whilst this does not need to occur until a development application is prepared the proponents have been in contact with the Federal Department of the Environment to discuss the implication of the provisions of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.
22.	<ul style="list-style-type: none"> objects to the draft planning proposal and refers to a letter to Council from the then Member for Werriwa, Mark Latham dated 5 January 1996 who argues that Macarthur South should never proceed considers that traffic congestion, air and water pollution are just as worrying today as they were in 1996.
23.	<ul style="list-style-type: none"> objects to the draft planning proposal as Council is seeking to take the last remaining farmland in the Sydney Basin and turn it into yet another developer and Council cash cow recommends permitting subdivision into one - three acres rural lots interconnected by a series of horse and mountain bike paths, protecting the rural vistas and natural beauty concerned by the volume of traffic on Appin Road from development at Appin Valley.
24.	<ul style="list-style-type: none"> concerned by the impacts of future development on: <ul style="list-style-type: none"> wildlife corridors and particularly koala habitat loss of mature trees increased traffic on Appin Road and the need for effective wildlife crossings and buffer zones the increase in potential residential lots from 1500 noted in the Metropolitan Development Program to up to 1700 lots impact on the heritage listed Upper Canal.
25.	<ul style="list-style-type: none"> requests consideration be given to the impact that this proposed development will have on wildlife and bushland.
26.	<ul style="list-style-type: none"> considers that it's really not the road that's a danger, it's the stupidity of the impatient, speeding drivers that makes Appin Road a dangerous road. Even if it were expanded into two lanes either way it would make the situation worse, so serious and careful consideration to cancel this zoning should be put into place.
27.	<ul style="list-style-type: none"> considers that a pair of beautiful, architecturally designed 90 storey buildings next to Campbelltown station would be much better than turning the beautiful Mt Gilead into another cookie cutter concrete and bitumen one-storey suburb. And with an urban footprint a fraction of the size of this draft Mt Gilead proposal.
28.	<ul style="list-style-type: none"> opposes the subdivision of the subject land and requests Council approach NSW State Government, Federal Government and industry to have the land purchased for public use and environmental corridors.
29.	<ul style="list-style-type: none"> opposes the proposed development at Mt Gilead and notes the following: <ul style="list-style-type: none"> the Upper Canal will be hugely impacted

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> - Mt Gilead is the most major part of Campbelltown's history and also played a very important part with regard to Aboriginal heritage - there will not be enough infrastructure to support this development, e.g. Campbelltown Hospital where the new extension is already flawed - Appin Road is still full of sink holes from mine subsidence - more development will create more pollution for the Nepean and Georges Rivers - What we will be leaving for our children and grandchildren, nothing. Affordable housing is being preached over and over by all sections of Government, who may I ask is this affordable housing for, our growing population, of immigrants and at whose cost?
30.	<ul style="list-style-type: none"> • 14 short submissions have been received by email all opposing any more housing along Appin Road. The main concern is the increase in traffic on Appin Road and resultant safety issues, loss of a rural landscape, negative impact on the Nepean and Georges Rivers and the impact on wildlife.
31.	<ul style="list-style-type: none"> • objects to the draft Planning Proposal for the following reasons: <ul style="list-style-type: none"> - potential impact on: <ul style="list-style-type: none"> ▪ air quality ▪ holistic approach to the development of South Campbelltown ▪ future residential amenity ▪ visual landscape ▪ the heritage properties of South Campbelltown ▪ fauna and flora corridor between the Nepean and Georges Rivers and between Noorumba Reserve and Beulah ▪ Nepean River ▪ Appin Road. - approval of this draft Planning Proposal would set an undesirable precedent - failure to adequately address and demonstrate: <ul style="list-style-type: none"> ▪ a curtilage that preserves the historic integrity of Mt Gilead ▪ impact of air emissions and provision of a comprehensive air quality study ▪ impact of stormwater and floods on the Nepean River ▪ impact of noise ▪ any proposal for mass public transport ▪ visual impact of the development and that all important site views and vistas are fully retained ▪ management of bush fire risk ▪ extent and impact on flora and fauna and an adequate environmental corridor between Noorumba Reserve, Beulah and the Nepean River. - the release area is located in a long recognised Scenic Protection Area. • requests that Council endorse and forward this submission to the Minister for Planning requesting a public inquiry

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> • requests that Council also write to the Minister for Water • requests that the Government is made aware of Lendlease's proposal to acquire 610 hectares of land at Mt Gilead • requests that Council upgrade the Appin Road study in light of the development of Appin Valley • requests that Council notify all local residents of the impact that this draft Planning Proposal will have on their quality of life.
32	<ul style="list-style-type: none"> • The Macarthur Greens object to the draft Planning Proposal for the following reasons: <ul style="list-style-type: none"> – Appin Road is already at capacity and consider that no further development along Appin Road should occur until there is a clear source of funding available for its upgrade – considers that the draft planning proposal should not proceed until it is clear that the Glenfield STP has capacity to service the subject land and the planned 20,000 dwellings at Appin – concerned by the amount of clearing of Shale Sandstone Transition Forest and none of the reports detail the procedure for obtaining assent from the Commonwealth Government for this clearing.
<p>Comment</p> <p>The main issues of concern raised by the submissions numbered 22 - 32 are as follows:</p> <ul style="list-style-type: none"> • Appin Road • visual impact and loss of a rural heritage and agricultural landscape • the impact on fauna and flora including adequacy of environmental corridors • the impact on the Upper Canal • air pollution • water pollution and the impact on the Nepean River • curtilage around Mt Gilead • Aboriginal heritage • provision of infrastructure. <p>Appin Road</p> <p>It is recognised that Appin Road currently carries a significant amount of traffic into and out of Campbelltown every day, and that the proposed development at Mt Gilead will add to the overall traffic volume. Whilst it is noted that there have been a number of fatalities on Appin Road with the majority of these occurring on the section between Appin and Bulli, the issue of safety is a major matter of concern.</p>	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

Appin Road is classified as a State Road and comes under the jurisdiction of NSW Roads and Maritime Services (RMS). The proponents of the draft Mt Gilead Planning Proposal and Council have been working with RMS and Transport for NSW to ensure that appropriate road-works along Appin Road are provided to accommodate the proposed increase in traffic. These road-works include the widening of Appin Road to 4 lanes from the intersection of Fitzgibbon Lane and Kellerman Drive to the southernmost access point of the subject site, the provision of three roundabouts at the three access points from the proposed release area, and upgrades to existing intersections further north. It is considered that these road-works, particularly the provision of the three roundabouts, will assist in slowing the traffic down along Appin Road and thus improving its safety record.

Please see attachment 5, which sets-out an offer from Lendlease for a Planning Agreement with the NSW Department of Planning and Environment to upgrade Appin Road.

The issue of providing for a safe wildlife access route across Appin Road is difficult for Council to resolve due to Appin Road's classification as a State Road. While Council staff are aware that the brief for the upgrade to Appin Road includes the provision of wildlife crossing, it is recommended that Council write to Transport for NSW and Roads and Maritime Services and request that a safe wildlife crossing be included in any road-works on Appin Road. Council should also seek the formal support of the Department of Planning and Environment for this action.

Some concern was raised with regard to the loss of trees along Appin Road due to the proposed widening. The majority of trees along Appin Road are located within the road reserve and not within the Mt Gilead property, with minimal stands within the northern section of the site. It is this northern section that will be most impacted by the proposed future road-works. The southern section of Appin Road that borders the subject site does exhibit denser stands of tree, but initially no major road-work is proposed within this area. However, significant street tree planting is proposed along Appin Road as part of any future road widening.

Visual impact and loss of a rural heritage and agricultural landscape

Any development of the Mt Gilead site will result in the loss of rural vistas across the site and the use of the land for agricultural purposes. As noted in the technical reports the amount of land that would no longer be available for agricultural uses is small and currently has a limited productive capacity and is therefore not considered to be an impediment to this proposal.

Whilst the majority of the rural vistas across the site from Appin Road would be lost if the site was developed, there has been a significant amount of work undertaken to ensure that important view corridors through the site are maintained. These include views to One Tree Hill and the original driveway to the Mt Gilead homestead. Extensive street tree planting is also proposed along Appin Road and throughout the proposed release area to soften the impact of any future development on the site. It is recognised that this will take some time to establish, but it is considered that as the trees mature they will provide significant screening of any future development.

The impact on fauna and flora including adequacy of environmental corridors

There are already two existing vegetated links from the Noorumba Reserve, on the northern boundary of the subject site, and from Beulah, on the southern boundary of the subject site, through to the Nepean River. These links provide important corridors for the movement of fauna.

The land subject to this draft planning proposal has been used for stock grazing for many years, and therefore exhibits large areas of grassland with scattered trees. However, in accordance with Council's previous resolution the draft planning proposal has provided for the connection of a number of areas of public recreation to connect Noorumba Reserve with existing vegetated areas of the subject site through to both Beulah and the Nepean River, thus providing an additional wildlife corridor. It is also important to note that all streets within the proposed release area will be required to have trees planted in the road reserves thus providing a further habitat.

The impact on the Upper Canal

The heritage listed Upper Canal is located on the north western boundary of the subject site. Water NSW has noted the need to avoid and minimise any impacts on the Upper Canal by any future development at Mt Gilead. Previously Water NSW provided Council with a number of provisions for inclusion in the Campbelltown (Sustainable City) DCP 2015 (CSCDCP 2015), which aim to ensure that any development adjacent to the Upper Canal corridor does not impact on the continued operation of the Canal infrastructure. These provisions have already been included in CSCDCP 2015 and apply to the full length of the Upper Canal corridor that occurs within the Campbelltown local government area.

The submission from Water NSW with regard to this draft planning proposal supported the provisions to be included in the DCP to ensure the protection of the Upper Canal.

Air pollution

As noted above in item 12, the NSW Environment Protection Authority (EPA) has advised that photochemical smog (ozone) and particle pollution remain air quality issues of significant regional concern. However, it has provided advice on ways to meet relevant air quality goals and protect human health, the environment and community amenity. Specifically the EPA refers to the document Development Near Rail Corridors and Busy Roads-Interim Guideline and advises on ways to manage wood burning heaters.

To assist in addressing the impact of vehicle emissions which are a major source of air pollution, negotiations have been held with a local bus company to ensure that an adequate bus service can be provided to the subject site in an effort to reduce private car usage. In addition, the draft DCP provides for an extensive network of pedestrian and cycle paths to encourage walking and cycling.

Also the impact of air pollution from vehicle emissions on any future development adjoining Appin Road, are proposed to be ameliorated through careful site planning and architectural design. As noted in item 12 above it is recommended that the draft DCP include a reference to the Department of Planning and Environment's Development Near Rail Corridors and Busy Roads-Interim Guideline to ensure that the provisions of this document can be taken into consideration with regard to any future development fronting Appin Road.

Water pollution and the impact on the Nepean River

Any proposed development of the subject site must comply with both State and Council's water management principles and requirements. As such it is considered that the Mt Gilead Stormwater Management and Flooding Assessment prepared by Worley Parsons has adequately addressed the proposed methodology to manage the quantity and quality of stormwater drainage which is likely to result from any proposed urban development on the subject site.

Curtilage around Mt Gilead

It is recognised that if this draft planning proposal proceeds it will impact significantly on the cultural landscape that is located east of the heritage listed Mt Gilead homestead, outbuildings, old mill and dam which are located outside of the boundaries of this proposed urban release area (except for a small portion of the dam). However, to protect the integrity of these items the draft DCP proposes a number of controls. These include significant landscape screening to ensure that any proposed residential development is not viewed from the homestead and old mill. The draft Height of Buildings Map within the draft planning proposal also proposes that only single storey dwellings be permitted on the northern side of One Tree Hill to ensure that roofs in this location are not visible from the homestead site. It is important to note that land to the north west, west and south of the homestead site will not be affected by this draft planning proposal. To reinforce the significance of the Mt Gilead homestead site including the outbuildings, mill and dam and their setting it is recommended that a further objective be included within the draft DCP to address this issue.

Aboriginal heritage

The Aboriginal community have been involved in the preparation of this draft planning proposal, and have undertaken site visits with the proponent's consultants with regard to Aboriginal cultural heritage sites and areas of archaeological sensitivity. Any future development of the subject land must ensure compliance with the provisions of Campbelltown (Sustainable City) DCP 2015 through clause 2.11.1 Indigenous Heritage. The Aboriginal community was invited to comment on the final draft planning proposal as publicly exhibited, but to date Council has not received any further comments from the community.

Provision of infrastructure**Roads and Traffic Access**

Appin Road is proposed to be widened and upgraded to accommodate the additional traffic that will result from any future development of the subject land. The proponents have been working with the traffic authorities to ensure the provision of all necessary road infrastructure through the provision of a planning agreement.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

A technical design brief for the upgrade works required to Appin Road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lendlease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1700 lots through the satisfactory arrangements requirement of the recently signed MoU with the Department of Planning and Environment.

Please see attachment 5, which sets-out an offer from Lendlease for a Planning Agreement with the NSW Department of Planning and Environment to upgrade Appin Road.

Water and Wastewater

Sydney Water has advised that water and wastewater services can be provided to the subject land. However with regard to the supply of water the developer will need to provide a new elevated reservoir, water pumping station and associated trunk and reticulation mains. With regard to wastewater services the developer will need to provide a new wastewater pumping station and associated lead-in and reticulation mains.

Electricity

Endeavour Energy has advised that the subject land can be serviced with electricity. However it is noted that additional infrastructure will be required, including a new zone substation and the installation of two 11kV feeders from the Ambarvale zone substation.

Gas

Whilst there is currently no gas service available to the subject land, Jemena has previously advised that the site can be serviced.

Telecommunications

Whilst the existing Telstra infrastructure can be extended from the north to the subject land, there is also an opportunity for the site to be eligible for connection to the National Broadband Network.

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| 33. | <ul style="list-style-type: none"> • supports the proposal and considers that it will be a positive outcome for the community and is in sympathy with the nature of the area • requests consultation with regard to any works on the north western boundary of the subject land and land owned by the Mt Gilead Retirement Estate • requests that the land where the Mt Gilead Retirement Estate is situated be included in this draft planning proposal as its current rural zoning does not reflect its residential land use. |
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8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<p>Comment</p> <ul style="list-style-type: none"> the comment of support is noted, as is the request to be consulted with regard to any works that would affect land owned by the Mt Gilead Retirement Estate the inclusion of any additional land within this draft planning proposal would result in its re-exhibition. Thus it is not considered appropriate to include the land adjoining the subject site, and owned by the Mt Gilead Retirement Estate, within this draft planning proposal. However, it is suggested that the owner of the Mt Gilead Retirement Estate be advised that any request for the rezoning of its land should be through the lodgement of a site specific planning proposal request.
34.	<ul style="list-style-type: none"> requests that Council consider a further planning proposal for land south of the Beulah site (known as the property Meadowvale which does not have a boundary with land the subject of this draft planning proposal). The site is approximately 70 hectares in area and the submission considers that rezoning this land to permit low density residential development is consistent with the NSW Government planning policy.
	<p>Comment</p> <ul style="list-style-type: none"> The Department of Planning and Environment is currently investigating the potential of certain other land within the Greater Macarthur Priority Growth Area for future urban development. As this land at Meadowvale falls within the scope of that investigation it is considered appropriate to delay the assessment of any further planning proposals within that area until this investigative work has been completed.
35.	<ul style="list-style-type: none"> considers that this is an excellent plan that has been well researched and carried out and that low density residential development is suitable for this site requests that Council consider nominating the Mt Gilead homestead and associated heritage items, Humewood Forest and Meadowvale for inclusion on the State Heritage Register.
	<p>Comment</p> <ul style="list-style-type: none"> comment of support is noted the previous practice of Council has been to only support the State listing of heritage properties where the owners of such properties have requested and/or supported a nomination for listing. As no requests by the property owners have been made to Council to date it is not considered appropriate for Council to pursue such listings. This issue is likely to be further investigated as part of the Greater Macarthur Priority Growth Area technical studies.
36.	<ul style="list-style-type: none"> Mount Gilead Pty Ltd supports the draft Planning Proposal and notes the following: <ul style="list-style-type: none"> the subject land has been recognised in the Metropolitan Development Program for more than 20 years extensive technical studies have been prepared to support the draft Planning Proposal the proposed upgrading of Appin Road will provide a significant benefit to the community and would not happen if this draft planning proposal was not prepared

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> – it is proposed to enlarge Noorumba Reserve and provide an additional wildlife corridor through the subject site – advises of the interest of Lendlease as a development partner in delivering a development which fulfils the vision that the owners have for the future of the subject site.
<p>Comment</p> <ul style="list-style-type: none"> • Comments are noted. 	
37.	<ul style="list-style-type: none"> • Lendlease advises of its interest in the subject site, supports the draft Planning Proposal and considers it is in the best interests of the community • requests the replacement of the proposed RE1 Public Recreation zoning with a residential zoning to provide more flexibility to maximise opportunities for the provision of quality open space without compromising the vision and expectation of the proposed development. Further requests an amendment which provides for future development to benefit from the zone flexibility clause in draft Campbelltown LEP 2014 (clause 5.3) • notes the resolution of Wollondilly Shire Council with regard to its submission on this draft planning proposal and does not support any part of this resolution.
<p>Comment</p> <ul style="list-style-type: none"> • the comments of Lendlease's interest in the site and its views regarding Wollondilly Shire Council's submission are noted • land that is proposed to be zoned RE1 Public Recreation is anticipated to be dedicated to Council for use by the community, as noted within the draft Mt Gilead Infrastructure Services Delivery Plan. Significant detailed investigation has been undertaken to identify the boundaries of these lands, and as they are proposed to be used for public recreational uses it is considered that they should be zoned for that use and not for residential purposes. It is noted that recreational uses are a permissible land use with the R2 Low Density Residential zone thus any expansion of these areas could be permitted with development consent. Thus it is not considered necessary to amend clause 5.3 of Campbelltown LEP 2015 which does not currently permit any flexibility of the zone boundary of land zoned RE1 Public Recreation. 	
38.	<ul style="list-style-type: none"> • Design + Planning on behalf of the property owners of part of the subject land • supports the draft planning proposal and notes the following: <ul style="list-style-type: none"> – rezoning the land will provide housing and considerable economic benefits for Campbelltown and Sydney generally – notes that the land has been included in the Metropolitan Development Program for several decades – rezoning will provide the opportunity for upgrades to Appin Road – biodiversity areas have been investigated including a biodiversity corridor link from the Georges River to the Nepean River.
<ul style="list-style-type: none"> • Comments noted. 	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

Council also advised the following government agencies and service providers of the public exhibition of this draft Planning Proposal and associated documentation but has not received any response:

- Mine Subsidence Board
- Camden Council
- Telstra
- Landcom (Urban Growth)
- NSW Department of Family and Community Services – including: Community Services and Land and Housing Corporation
- NSW State Emergency Service
- NSW Dam Safety Committee
- AGL Energy Limited
- Aboriginal Community
 - Cubbitch Barta Native Title Claimants
 - Tharawal Local Aboriginal Land Council
 - Darug Aboriginal Cultural Heritage Assessments
 - Darug Aboriginal Land Care
- Interline Bus Services Pty Limited
- Georges River Combined council's Committee.

Draft Infrastructure Services Delivery Plan

A copy of the draft Mt Gilead Infrastructure Services Delivery Plan (for local site specific infrastructure), was included in the public exhibition of the draft Mt Gilead Planning Proposal and draft Mt Gilead Development Control Plan, for the purposes of providing information only. The document will inform a Voluntary Planning Agreement (VPA) between the proponents and Council for the provision of local level infrastructure that is being prepared to ensure that all proposed local infrastructure is funded and constructed in a timely manner and to the satisfaction of Council. On completion of the draft VPA a report will be prepared for Council requesting approval for its public exhibition. It is anticipated that, subject to the rezoning being endorsed by Council, this will occur prior to the proposed rezoning of the subject land being finalised.

Biodiversity Certification

The property owners of the subject land at Mt Gilead have requested that the site be biodiversity certified under the provisions of the *Threatened Species Conservation Act 1995*. The biodiversity certification process assesses the condition of the existing vegetation on the whole of a site and ensures the protection of any significant threatened species. The residue of a site would then be permitted to be developed without the need for a developer to provide a site by site threatened species assessment for any subsequent development applications on the land.

The applicant for biodiversity certification can only be a planning authority and as such the property owners of the Mt Gilead Urban Release Area have requested Council to make an application to the Minister for the Environment. A comprehensive assessment has been undertaken with regard to the condition of the existing vegetation on the whole of the land within the release area and subsequently a biodiversity certification application form has been prepared. In order to lodge the application with the Minister for the Environment the form needs to be signed by Council. It is therefore requested that should Council endorse this rezoning, that it issue delegation to the General Manager to sign this document on its behalf.

Biodiversity Banking and Offsets Scheme (BioBanking)

The NSW Government has introduced BioBanking to help address the loss of biodiversity values, including threatened species, due to habitat degradation and loss. BioBanking is a market-based scheme that provides a streamlined biodiversity assessment process for development, a rigorous and credible offsetting scheme as well as an opportunity for rural landowners to generate income by managing land for conservation. BioBanking enables biodiversity credits to be generated by landowners and developers who commit to enhance and protect biodiversity values on their land through a BioBanking Agreement. These credits can then be sold, generating funds for the management of the site. Credits can be used to counterbalance (or offset) the impacts on biodiversity values that are likely to occur as a result of development. The credits can also be sold to those seeking to invest in conservation outcomes, including philanthropic organisations and government.

The proponents at Mt Gilead are proposing to retain certain areas of vegetation throughout the site under the BioBanking process and use them as offsets for the removal of vegetation in other areas. One site proposed to be retained adjoins the southern boundary of Noorumba Reserve and would effectively increase the overall area of the reserve.

Terrestrial Biodiversity

In order to protect and encourage the recovery of significant flora and fauna and their habitats, and retain and enhance native biodiversity, it is intended that some ecologically sensitive land proposed to be zoned RE1 and RU2 receives special protection. As such the draft Mt Gilead Planning Proposal included a Terrestrial Biodiversity clause and map which is proposed to be incorporated in Part 7 - Additional Local Provisions of the CLEP 2015. Since the public exhibition of this draft planning proposal, Council has made some minor amendments to this clause which do not affect its intent.

Conclusion

Generally any matters of concern raised by the government agencies and service providers have been addressed in the responses above and it is considered that there are no impediments to progressing this draft planning proposal to finalisation. However, there is clearly a feeling among some sections of the local community that the draft Mt Gilead planning proposal should not proceed. Council therefore needs to assess whether there is justification in not supporting its finalisation at this time.

The main concerns as noted above appear to be:

- safety issues with regard to traffic using Appin Road and a commitment from the State Government to contribute towards the cost of the road upgrades
 - visual impact and loss of a rural heritage and agricultural landscape
 - the impact on fauna and flora including adequacy of environmental corridors
 - the impact on the Upper Canal
 - air pollution
 - water pollution and the impact on the Nepean River
 - curtilage around Mt Gilead
 - Aboriginal heritage
 - provision of infrastructure.
-

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

The proponents and their consultants have been working in consultation with the Department of Planning and Environment, Transport for NSW and Roads and Maritime Services to come to an agreement over the funding and construction of the proposed road-works that would be required on Appin Road as a result of any future development of land at Mt Gilead.

A technical design brief for the upgrade works required to Appin Road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lendlease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1700 lots through the satisfactory arrangements requirement of the recently signed MoU with the Department of Planning and Environment.

Council has been sent a copy of the formal offer made by Lendlease to the NSW Department of Planning and Environment to enter into a Planning Agreement to deliver the upgrade of Appin Rd between Fitzgibbon Lane and the southern extremity of the release area.

This is a significant offer and would encompass the establishment of four lanes from Rosemeadow to the southernmost access point to the Mt Gilead Urban Release Area and is valued at \$45m requested to be supplemented at \$9m from the NSW Housing Acceleration Fund.

Council is anticipating a formal response from the Department in the near future.

If this development at Mt Gilead does not proceed then it is unclear when any upgrading of Appin Road would occur. Therefore, it could be argued that this proposal will assist in helping to accelerate the upgrading of the road.

Council has already requested the departments of Roads and Maritime Services and Transport for NSW to include provisions for a safe wildlife crossing of Appin Road within the detailed planning of any proposed upgrading road-works. However, it is recommended that Council request further reassurance from these departments and the Department of Planning and Environment that this matter is dealt with to Council's satisfaction.

It is acknowledged that any future urban development of the subject land will result in the loss of a rural landscape. However, Council cannot overlook the need to consider the needs of the future residents of Campbelltown. This will include the opportunity to have a wide variety of housing choices. Whilst there have been a number of proposed and approved developments for higher density living within the existing residential areas of the city closer to transport and services, there is also a need for more lower density residential areas. It is therefore considered that the range of residential lots proposed at Mt Gilead will assist in catering for the ever growing need for more housing opportunities within the Campbelltown Local Government Area. This particular site can offer a very desirable living environment particularly for young families with access to high quality active and passive open space areas.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

The location of the proposed open space areas has specifically taken into consideration the location of the existing native vegetation and the most appropriate route for an additional wildlife corridor through the site. It could be argued that the conservation and revegetation of the open space areas and the proposed planting of trees along all the proposed roads would in-fact increase the overall amount of trees on the subject land in comparison to the land continuing under its current agricultural use.

As previously noted, provisions have been included in the draft DCP to ensure the protection of the heritage listed Upper Canal to the satisfaction of Water NSW.

The Environment Protection Authority has not suggested that this proposed draft planning proposal should not proceed, but instead has provided advice on a number of matters including how to deal with air pollution, which has been taken into consideration in the proposed amendments to the proposal.

Any future development of the subject site will be required to ensure that there is no impact on the local waterways and subsequently the Nepean River, and it is considered that the proposed stormwater drainage system and provisions of both State and Council's documentation will be well able to provide such assurance.

With regard to non-indigenous heritage it is considered that the integrity of the Mt Gilead homestead and associated outbuildings and dam will be preserved through provisions proposed to be incorporated within CLEP 2015 and the draft DCP as noted above in the response to items 22 – 32.

With regard to the provision of infrastructure, it is noted that all relevant agencies and service providers have indicated that the subject site can be adequately serviced.

In light of the growing need for new opportunities for the provision of a variety of housing choices, and the demonstrated capability of the subject land to provide such housing, it is recommended that the draft Mt Gilead Planning Proposal and draft DCP be amended as noted below, and the draft planning proposal be forwarded to the Department of Planning and Environment for approval and referral to the Minister for Planning to make the plan.

Proposed Amendments to Planning Documentation

As a result of the submissions received during the public exhibition of the draft Mt Gilead Planning Proposal and draft Mt Gilead Development Control Plan, and to update factual information and address typographical errors, the following amendments to the planning documentation are proposed.

a. Draft Mt Gilead Planning Proposal

The draft Mt Gilead Planning Proposal has been amended to ensure that the most recent documentation is referenced, e.g. Campbelltown Local Environmental Plan 2014 is now Campbelltown Local Environmental Plan 2015 (CLEP 2015). It has also been amended to address the following proposed amendments to CLEP 2015.

b. Proposed Amendments to Campbelltown Local Environmental Plan 2015

- amend clause 4.1 to provide for the subdivision of a maximum of 65 residential lots with a minimum area of 375sqm on Lot 61 DP 752042 Appin Road, Gilead
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8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

- amend clause 4.1A and the Restricted Dwelling Yield Map to ensure a cap of 1700 residential lots on the subject land
- amend the Lot Size Map and Height of Buildings Map to include all land proposed to be zoned RU2 Rural Landscape
- include an Urban Release Area map which indicates the location of the Mt Gilead Urban Release Area
- amend the proposed Terrestrial Biodiversity clause to be included in Part 7 Additional local provisions.

c. Proposed Amendments to draft Mt Gilead Development Control Plan**Clause 2.2 Key Development Objectives**

Add the following new objectives:

- provide for the establishment of a biodiversity corridor to allow for the movement of fauna from Noorumba Reserve through the subject site to connect with the Nepean River and Beulah
- respect the heritage significance of the Mt Gilead homestead site including the outbuildings, mill and dam and their setting.

Clause 3.1 Heritage and Views

Add the following objectives:

- retain the regional views to hills to the west from within the subdivision to retain the visual context of the landscape's prior land uses and heritage values
- retain the bald character of One Tree Hill above the background skyline when viewed from The Old Mill, with a single landmark tree.

In control 1i, replace the words "An interpretive road entrance" with "An interpretation of the historic carriageway alignment from Appin Road to the Mt Gilead homestead".

Add the following matter in the first control:

- iii interpretation of the former Hillsborough Cottage is to be provided in the general vicinity as identified in Figure 3. This may include landscaping, signage, walling or the erection of a commemorative plaque.

Figure 3: Indicative Heritage Principles Plan

- omit the word "Indicative" from the title of Figure 3
 - identify the location of the former Hillsborough Cottage.
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Clause 3.2 Street Network and Public Transport

Add the following additional control:

- where bus bays are required on the Collector Road, the carriageway must be widened to accommodate a 2.5m wide bus parking bay.

Figure 5: Indicative Street Cross Sections

Amend the Collector Road (Bus Route) street cross section to include a note advising of the need for the carriageway width to be widened to 12m to provide for bus parking bays where required.

Figure 6: Indicative Pedestrian/Cycle Network

Amend the map to show the pedestrian/cycleway extending west along the interpretive driveway to join with the proposed north/south pedestrian/cycleway.

Clause 3.3 Public Open Space

Amend the title to clause 3.3 to Public Open Space and Landscaping

Amend the fourth and fifth objectives in clause 3.3 as follows:

- provide, enhance and protect existing watercourses and riparian corridors and improve habitat features
- promote riparian areas for the conservation and enhancement of riparian habitat and connectivity values, and for passive open space uses and activities where such uses will not degrade the riparian corridors.

Include an additional clause to address development on land adjacent to Appin Road being:

Clause 3.5.6 Land Adjacent to Appin Road**Objectives**

- ensure reasonable standards of residential amenity and a high quality residential environment in the vicinity of Appin Road
- ensure residential dwellings are not adversely impacted by traffic noise.

Controls

- in addition to the provisions of clause 3.5 of Volume 1 development is to comply with Development Near Rail Corridors and Busy Roads—Interim Guideline (Department of Planning 2008).

Additional Matter

- advise the owner of the Mt Gilead Retirement Estate that Council would only consider any change to the current rural zoning of the land occupied by the Mt Gilead Retirement Estate being Lot 2 DP 1065919 Glendower Street, Gilead through the lodgement of a site specific planning proposal request.
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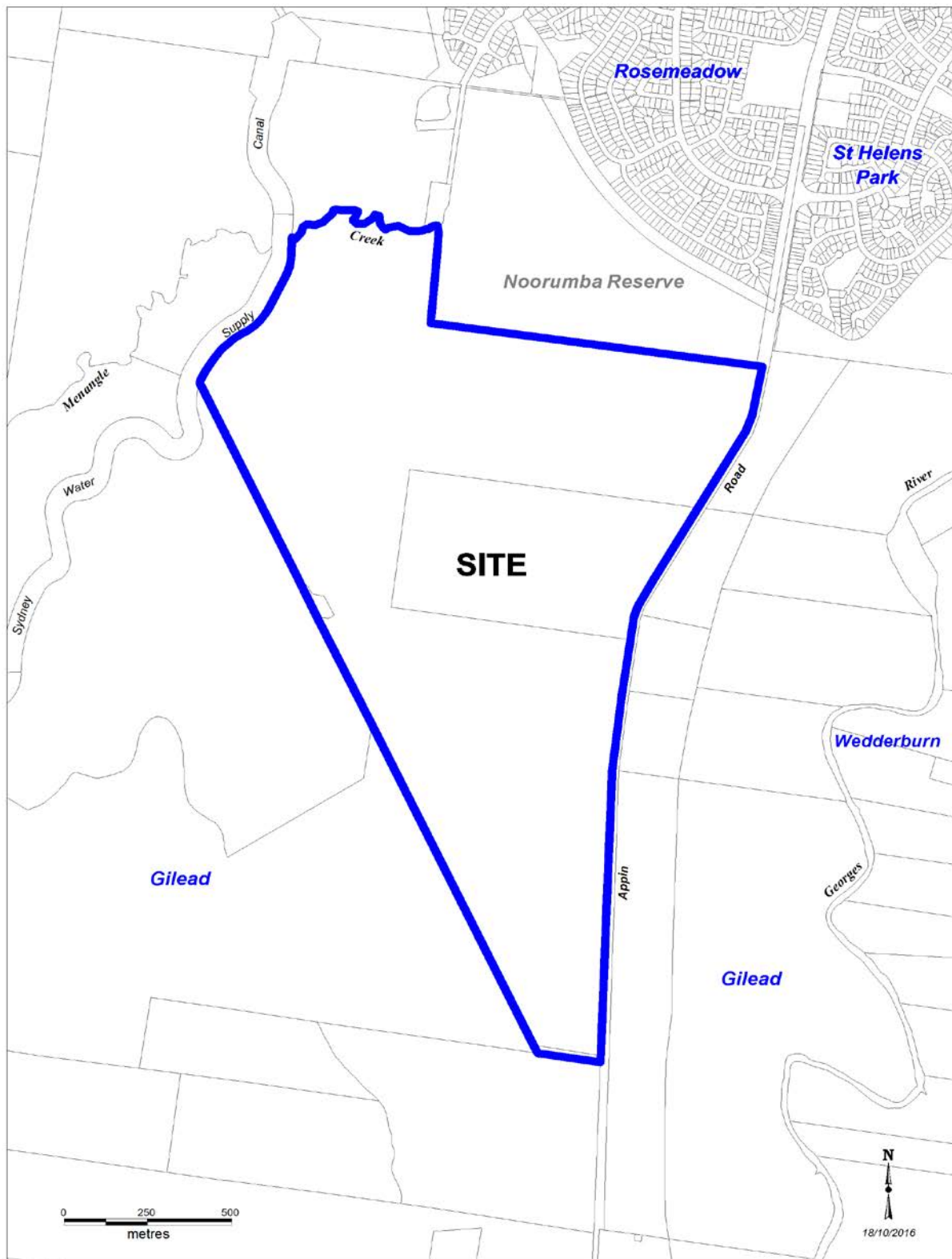
Delayed commencement of draft Mt Gilead Development Control Plan

Council is required under the provisions of the Environmental Planning and Assessment Regulation 2000 to give notice in a local newspaper of any decision it makes with regard the draft Mt Gilead Development Control Plan (DCP). If Council decides to approve the draft Mt Gilead DCP then it is recommended that it advise in its notice in the local newspaper that the draft DCP has been approved and will come into effect on the date that the rezoning of the Mt Gilead Urban Release Area is notified on the NSW legislation website. This recommendation is made to ensure that any amendment of Campbelltown CLEP 2015 to provide for the rezoning of the Mt Gilead Urban Release Area coincides with the implementation of the Mt Gilead DCP.

Officer's Recommendation

1. That Council endorse the amended draft Mt Gilead Planning Proposal generally in accordance with attachment 2 and forward to the Department of Planning and Environment for approval and referral to the Minister for Planning to make the plan.
 2. That Council approve the amended draft Mt Gilead Development Control Plan being an amendment to Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2, Part 6 generally in accordance with attachment 3.
 3. That notice of Council's approval of the amended draft Mt Gilead Development Control Plan being an amendment to Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2, Part 6, be published in the local newspaper in accordance with clause 21(2) Environmental Planning and Assessment Regulation 2000, and such notice include a commencement date equal to the date of notification of the amendment of Campbelltown Local Environmental Plan 2015 with regard to the rezoning of the Mt Gilead Urban Release Area.
 4. That all those who provided a submission to the public exhibition of the draft Mt Gilead Planning Proposal and draft Mt Gilead Development Control Plan be advised of Council's decision.
 5. That Council delegate authority to the General Manager to sign the application to the Minister for the Environment for the biodiversity certification of the Mt Gilead Urban Release Area.
 6. That Council write to Roads and Maritime Services and Transport for NSW requesting assurance that the provision of a safe wildlife crossing of Appin Road will be included as part of any upgrading road-works. Also write to the Department of Planning Environment requesting formal support for this action.
 7. That Council advise the owner of the Mt Gilead Retirement Estate that Council would only consider any change to the current rural zoning of the land occupied by the Mt Gilead Retirement Estate being Lot 2 DP 1065919 Glendower Street, Gilead through the lodgement of a site specific planning proposal request.
-

ATTACHMENT 1



Mount Gilead Locality Plan

ATTACHMENT 2

Mt Gilead Planning Proposal

July 2016

Campbelltown City Council

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1.0 Introduction

1.1 Background

A planning proposal was submitted to Campbelltown City Council (CCC) by Mt Gilead Pty Ltd and S & A Dzwonnik (the landowners) requesting that the land described as Part Lot 1 and Part Lot 2 in DP 807555, Lot 59 in DP 752042 (now known as Part Lots 1, 2 and 3 in DP 1218887) and 61 in DP 752042 at Appin Road, Mt Gilead (the site) be rezoned to predominantly residential land. The proposal accords with NSW government strategic objectives for the release of greenfield land in the Sydney Metropolitan Region for residential development. By logically extending the urban footprint of Campbelltown for future residential development the proposal seeks to enhance and expand housing choice and supply close to the Campbelltown-Macarthur Regional Centre.

This proposal follows CCC's endorsement on 3 July 2012 of a preliminary planning proposal for the site and the subsequent Gateway Determination made by the Director-General of the then Department of Planning and Infrastructure on 7 September 2012 to proceed with a planning proposal subject to conditions (see Gateway Determination at **Appendix A** which includes the Alteration of Gateway Determination to extend the date for completion of the planning proposal until 7 March 2017).

Please note that at the time that the original planning proposal was submitted to Council it was anticipated that the proposed rezoning of the subject land would be effected through an amendment to *Campbelltown (Urban Area) Local Environmental Plan 2002* (CLEP 2002). However, as Council has now replaced CLEP 2002 with *Campbelltown Local Environmental Plan 2015* (CLEP 2015), this planning proposal has been prepared as an amendment to CLEP 2015.

In his determination, the then Director-General required detailed investigation of a range of issues in support of the rezoning process as well as consultation with various public authorities. In response to the Gateway Determination and CCC's requirements for additional technical studies, the landowners, in consultation with CCC, commissioned a team of expert consultants to prepare detailed assessments of the following planning issues:

- flora and fauna
- conservation of ecological and riparian corridors
- Aboriginal heritage
- non-indigenous heritage
- bushfire risk
- traffic, transport and access
- noise
- air quality
- contamination
- geotechnical conditions and mine subsidence
- infrastructure, stormwater and sewer services
- visual impact
- agricultural land impacts
- economic impacts
- social impacts.

This final planning proposal addresses these issues and also establishes the key development standards and planning controls for the Mt Gilead land to inform the proposed local environmental plan amendment.

In addition, an indicative structure plan and site-specific development controls have been prepared for the land to supplement controls in *Campbelltown (Sustainable City) Development Control Plan 2015*. Draft voluntary planning agreements for the delivery of local and regional infrastructure (respectively) will be publicly exhibited in due course.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guidelines prepared by the Department of Planning and Infrastructure titled "A guide to preparing planning proposals", dated October 2012.

1.2 The Need for the Planning Proposal

The land the subject of this planning proposal has been identified for some time on the former Metropolitan Development Program (MDP) as future greenfield release land. By providing new land use zoning and key development standards for the site, the planning proposal facilitates the strategic outcomes of the MDP and, more currently, the draft *Metropolitan Strategy for Sydney 2031, a Plan for Growing Sydney* and State government policies in relation to housing supply. Furthermore, the planning proposal is consistent with regional, sub-regional and local strategic planning objectives and outcomes (as discussed in **Section 2.0**).

The MDP had set the minimum development yield of the Mt Gilead site at 1500 lots. However, the studies detailed in this planning proposal show that the land and the surrounding road network are capable of accommodating and supporting up to 1700 dwellings. This development yield will incorporate a range of lot sizes (375 square metres to 1000 square metres) with an average area of 600 square metres so providing a variety of housing types to facilitate choice in the Campbelltown local government area (LGA).

By extending the established urban footprint of Campbelltown, the site will not sit as an unconnected, stand-alone residential development. Rather, it expands the existing residential land to the immediate north and will utilise any excess capacity in existing community infrastructure and services such as schools, recreation facilities, shops and the like.

The planning proposal is required to facilitate the above outcomes as the land is currently not zoned for the proposed residential development. The planning proposal seeks to zone the majority of the site to Residential R2 (approximately 149ha), along with smaller areas for open space (approximately 31ha) (including riparian corridors and provision of a sports field), and roads, in accordance with the Standard Instrument – Principal Local Environmental Plan and consistent with CLEP 2015. In addition, a small area is intended to be zoned as a neighbourhood centre in order to facilitate the future delivery of a community centre, and approximately 29ha will remain as rural land.

1.3 Council and Stakeholder Involvement

A joint Landowner-Council Working Group was established to advance and oversight the preparation of the planning proposal.

In accordance with the Gateway Determination, consultation with the community and public authorities under section 56(2)(c) and (d) of the EP&A Act was undertaken by CCC during the exhibition of the planning proposal. The outcomes of the consultation with public authorities are reflected in **Section 5.0**

2.0 Strategic Planning Context

The Mt Gilead site is included broadly and specifically in relevant State, regional and local strategic planning documents, and has been identified as contributing to the Government housing targets for the Sydney metropolitan area. The relevant strategic planning framework is discussed below.

2.1 New South Wales 2021: A Plan to Make NSW Number One

NSW 2021: A Plan to Make NSW Number One is a long-term plan to deliver services in NSW, which sets clear priorities to guide government decision-making and resource allocation.

NSW 2021 is based around five strategies to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen our local environment and communities. The rezoning of the site for residential uses would be consistent with the strategy in that it could contribute to the aim of improving housing affordability and availability, and assist in facilitating the goal of delivering 25,000 new dwellings per year.

2.2 Metropolitan Strategy

2.2.1 Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* aims to provide an integrated planning framework to manage Sydney's growth to 2036. Since its release in December 2010, the strategy has been reviewed and a draft *Metropolitan Strategy for Sydney to 2031* has been released. This draft strategy establishes the most up-to-date strategic framework for Sydney, and is addressed further below.

2.2.2 Draft Metropolitan Strategy for Sydney to 2031

The draft *Metropolitan Strategy for Sydney 2031* was publicly exhibited until 31 May 2013 and was the new strategic plan to guide Sydney's growth, superseding the 2036 Plan. The draft strategy sets the framework for Sydney's growth and prosperity to 2031 and beyond. It has a strong focus on boosting housing and jobs growth, and includes targets and actions to facilitate investment and growth in NSW.

The draft 2031 strategy anticipates that Sydney's population will grow by 1.3 million people by 2031 taking the population to 5.6 million. Notably the number of people over 65 will be double that at present, and there will be more than one million people under 15 years of age. Relevantly, Greater Western Sydney will be home to more than half of Sydney's population.

To drive sustainable growth, the draft strategy is built around five key outcomes for Sydney including balanced growth; a liveable city; productivity and prosperity; a healthy and resilient environment; and accessibility and connectivity. The draft strategy sets employment and housing targets across six subregions and new housing is encouraged in areas close to existing and planned infrastructure in both infill and greenfield sites.

The Campbelltown LGA, in which Mt Gilead is situated, is classified as part of the South West Subregion and Campbelltown–Macarthur is a major centre under this plan servicing the South West Subregion.

Table 1 lists a number of targets contained in the Draft Strategy and relevant to this proposal.

Table 1 – Draft Metropolitan Strategy South West Sydney targets

Area	Current	Target to 2021	Target to 2031
Population	829,000	1,048,000 (218,000)	1,298,000 (469,000)
Housing	286,000	346,000 (60,000)	427,000 (141,000)
Employment	298,000	362,000 (64,000)	432,000 (134,000)

*Brackets denote the increase from existing numbers

More specifically, the Campbelltown–Macarthur Major Centre will continue as the regional focus for office, retail, entertainment, cultural, public administration and services developments, and is projected to provide capacity for at least an additional 10,000 jobs until 2031.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

The planning proposal is consistent with, and directly supports, the strategic objectives of the draft Metropolitan Strategy in relation to boosting housing supply, and indirectly in facilitating jobs growth in the South West Subregion.

2.2.3 Draft South West Subregional Strategy

The draft *South West Subregional Strategy* (SWSS) is applicable to the Campbelltown LGA and sets actions for the subregion to ensure local delivery of the objectives set out within the *Metropolitan Plan for Sydney to 2036*. The proposal is consistent with several of the key directions in the draft SWSS in that:

- it will unlock land for the development of residential dwellings, directly contributing to the growth of housing in the South West subregion
- it will support the provision of dwellings in the vicinity of new centres identified in the South West subregion such as the Campbelltown centre
- it recognises and respects the rural character of the subregion through limiting the extent of the proposed residential zoning.

2.2.4 A Plan for Growing Sydney

The draft *Metropolitan Strategy for Sydney to 2031* has been finalised in the strategy document *A Plan for Growing Sydney* which was released in December 2014. Campbelltown-Macarthur is now recognised in this strategy as one of three Regional City Centres outside of the Sydney and Parramatta Central Business Districts.

To achieve the vision for Sydney to be a strong global city *A Plan for Growing Sydney* has set the following goals:

- a competitive economy with world-class services and transport
- a city of housing choice with homes that meet our needs and lifestyles
- a great place to live with communities that are strong, healthy and well connected
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

It is considered that the proposal is consistent with these goals particularly with regard to assisting in the delivery of new housing to meet the needs of Sydney's growing population. It is noted that the subject site at Mt Gilead is included in the land defined as the Macarthur South Investigation Area. However, it is assumed that as a Gateway determination has been given for the subject site, it is only included in this investigation area as a component to be considered in the overall assessment proposed to be undertaken for the Macarthur South Area.

2.2.5 Greater Macarthur Land Release Investigation

The *Greater Macarthur Land Release Investigation* was released for public comment in October / November 2015. This document provides an investigation into the potential of land within the Greater Macarthur area that could be developed for urban purposes to assist in addressing the growing need for new housing in the Sydney Basin. It also proposes to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* by including certain land within the Greater Macarthur area as part of the South West Growth Centre. The land at Mt Gilead is specifically noted as having potential for future residential development, and the document includes an action to have had the subject land rezoned by the end of 2015. Reference is also made to the need for the upgrading of Appin Road to accommodate the increase in traffic that would result from any future development in this area.

2.3 Campbelltown Council Strategic Policies

2.3.1 Campbelltown 2025 – Looking Forward

Campbelltown City Council has adopted *Campbelltown 2025 – Looking Forward*, an overarching planning strategy that sets social, environmental and economic foundations for the growth of the LGA. The document articulates a vision to provide a sustainable city by 2025, and sets out six strategic directions which include desired outcomes and focus areas that will need to be considered in future development within Campbelltown. The proposal's consistency with these strategic directions is explored below.

Growing the Regional City

This focus area sets out a vision to ensure a sustainable future for Campbelltown city as a strong regional centre with regional facilities and employment opportunities. By supplying a range of residential lots, on average 600 square

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

metres in area, development of the Mt Gilead site can make Campbelltown more attractive for people seeking employment in the area, so encouraging growth and investment in new enterprises and infrastructure.

Building a Distinctive Campbelltown Sense of Place

Campbelltown is to grow into a place that is distinctive in terms of natural and built environment, offering residents a relaxed, safe and scenic environment. The proposal at Mt Gilead will facilitate a community that will have high civic pride with a built form that responds and capitalises on the site's natural landscape features. The future community should contain an ambience of growth, prosperity and contemporary style.

Getting Around the City

The development of the city is to be planned and integrated around transport needs. Future planning is to increase opportunities for accessibility and reduce the need for private cars with increased use of existing public transportation within the city. Mt Gilead will be linked by bus to Campbelltown City Centre, ensuring that accessibility is created to an existing activity node.

Building and Maintaining Quality Infrastructure

New development is to satisfy its own infrastructure requirements by means of direct provision on site or contributing proportionately to the broader infrastructure upgrades by Council. The site is capable of being serviced to support the incoming community.

Creating Education, Employment and Entrepreneurial Opportunities

The city's vision is to retain and create jobs to grow the supply of skilled and adaptable workers within the city. By catering for the mid to upper end of the housing market, Mt Gilead can facilitate the city's growth in professional and business jobs.

2.3.2 Campbelltown Local Planning Strategy

The *Campbelltown Local Planning Strategy* (CLPS) is a background document which informed the preparation of the *Campbelltown Local Environmental Plan 2015*. The aim of the CLPS is to provide a strategic land use planning direction to deliver the strategic vision documented in *Campbelltown 2025 - Looking Forward*. It also acknowledges the growth targets within the draft *South West Subregional Strategy* (SWSS) and establishes a basis for achieving those targets.

Specifically it refers to the potential of the Mt Gilead site as an area that could be developed to assist in meeting the 4,700 'greenfield' dwelling target nominated in the draft SWSS for the Campbelltown LGA.

2.3.3 Campbelltown Residential Development Strategy

The *Campbelltown Residential Development Strategy* (CRDS) seeks to identify dwelling opportunities to address the projected population growth of the Campbelltown LGA, and has thus provided valuable input into the preparation of the CLPS. The CRDS seeks to manage the anticipated future residential growth required for the Campbelltown LGA through the forms of both 'infill' and 'greenfield' development. It further notes that the Mt Gilead site could provide a potential yield of 1,500 dwellings.

2.4 Residential Land Supply

Metropolitan Development Program

The *Metropolitan Development Program* (MDP) was a key NSW Government program to maintain housing supply in the Sydney metropolitan region, and its main function was to manage land supply to meet new housing needs from urban renewal and greenfield sites in Sydney. The program rolled forward annually and included assessing future land supply to meet housing needs, and maintaining housing and land supply databases. The MDP identified the Mt Gilead site as greenfield release land that was yet to be zoned.

Currently, monitoring of supply of new home sites to accommodate Sydney's growing population is reported via MDP reports which provide up to date information on greenfield land and dwelling supply.

The land at Mt Gilead the subject of this planning proposal is the same as that originally identified for release under the then MDP.

Supply of housing in Campbelltown

The Department of Planning and Environment released updated population projections in June 2014. These projections identified that Greater Sydney requires one million more homes by 2031 to house Sydney's growing population. The Campbelltown LGA is expected to grow at a rate of 1.8% per annum, with an increase in population of 64,600 (42.7%) between 2011 and 2031. An additional 24,846 homes will be needed in Campbelltown by 2031 to accommodate the expected population increase¹ (2014 NSW Population Projections data, Department of Planning and Environment).

As discussed above, Campbelltown-Macarthur is now a Regional City Centre. It is understood that, accordingly, CCC wishes to stimulate and broaden the area's economic base and range of business opportunities. A limitation in housing choice could limit the attractiveness of the Campbelltown area as a place to live for professional and business people. The proposed range in lot sizes at Mt Gilead could help redress this issue, so contributing to the growth of Campbelltown-Macarthur as a Regional City Centre.

3.0 Site Description and Context

3.1 Land to be rezoned

The site subject to this planning proposal is essentially a triangle extending south of Campbelltown's urban footprint. The western boundary of the site diagonally bisects Lot 1 in DP 807555 ending at the south eastern boundary of Lot 2 in DP 807555. The eastern boundary is Appin Road. The total land area of the site is 210ha.

3.2 Legal Description and Ownership

The site consists of four lots owned by two land owners as shown in **Figure 1**.

- Part Lots 1 and 2 in DP 807555 and Lot 59 DP 752042, (now known as Part Lots 1, 2 and 3 DP 1218887) owned by Mt Gilead Pty Ltd, a company of the MacArthur Onslow family that has held property around the area since the 1940s
- Lot 61 DP 752042, owned by S & A Dzwonnik who have held the land since the 1980s.

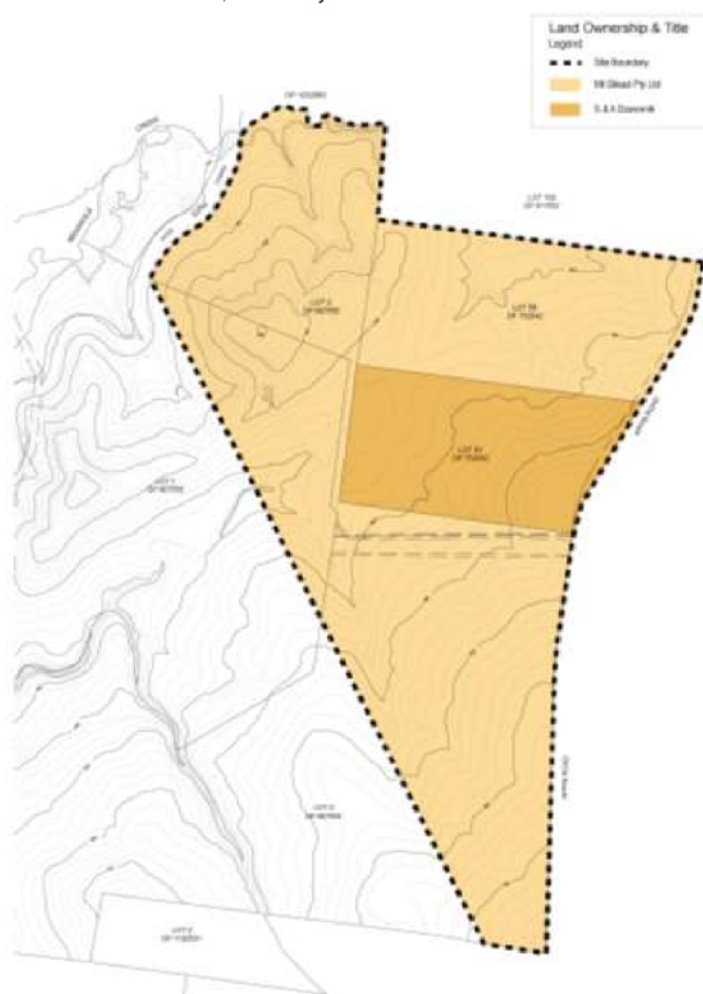


Figure 1 – Land Title and Ownership

Source: Cox Richardson

3.3 Current Zoning

The site is currently zoned No 1 (Non-Urban) under the *City of Campbelltown Interim Development Order No 15* (IDO 15) (see **Figure 2**). Under IDO 15, the proposed residential development of the Mt Gilead site is not permissible.

IDO 15 does not permit subdivision in Zone 1 unless a minimum area of 100 hectares can be achieved. It includes several provisions relating to agricultural and rural land uses and seeks to retain large lots for these purposes.

CCC has now finalised the preparation of *Campbelltown Local Environmental Plan (LEP) 2015* (CLEP 2015) which commenced on 11 March 2016. While the CLEP 2015 covers the majority of the Campbelltown LGA, some areas of land within IDO 15, including the Mt Gilead land release site, are identified as deferred matters within the LEP.

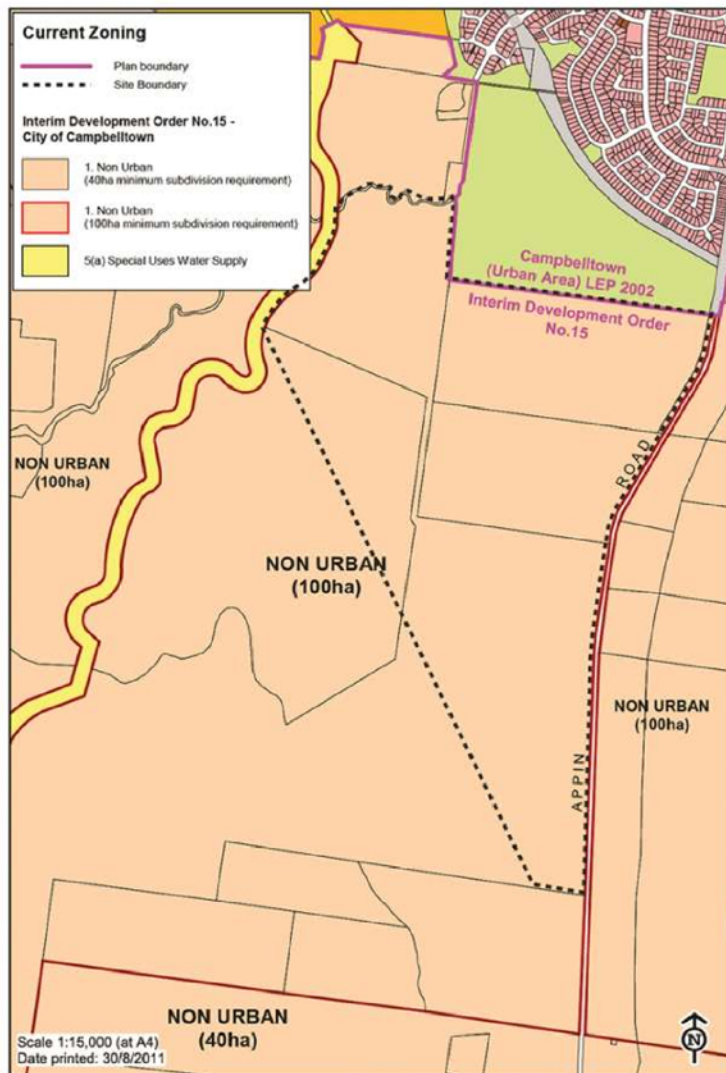


Figure 2 – Map indicating the current zoning of the subject site

3.4 Location and Context

The Mt Gilead site, as defined by the MDP, is located in the Campbelltown LGA approximately seven kilometres south of the Campbelltown city centre. Mt Gilead covers a total area of approximately 210 hectares, part of which is the long-established Mt Gilead rural property (see **Figure 3**).



Figure 3 – Aerial photograph of the site

Source: Cox Richardson

The site is immediately bounded by:

- Appin Road to the east
- Noorumba Reserve and Non-Urban land to the north
- the Sydney Water Supply Canal (the Upper Canal) in the north west

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

- rural land to the west and the associated Mt Gilead Homestead, Old Mill and the Artificial Lake all of which date back to the early construction and use of the Mt Gilead estate
- part of the Beulah Biobanking Reserve/ Humewood Forest to the south.

Access to the respective landholdings is from Appin Road.

More broadly, the surrounding locality includes (see **Figure 4** to **Figure 7**):

- the low density residential suburbs of Rosemeadow and St Helens Park (including the Gilead Retirement Village) located around one kilometre to the north
- the M31 motorway (previously known as the M5) beyond the Mt Gilead Homestead and farm to the west
- the Nepean River about 2 kilometres to the west of the Mt Gilead Homestead
- a number of rural land parcels along the eastern side of Appin Road adjoining the Dharawal State Conservation Area located south east of the site
- the Georges River approximately one kilometre to the east of Appin Road
- the Beulah Estate and rural residential land further to the south.

Figures 5 to 7 illustrate the surrounding locality.

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Figure 4 – Site context

Source: Cox Richardson



Figure 5 – Beulah Bio-banking Reserve/Humewood Forest to the south of the site



Figure 6 – The Old Mill with Mt Gilead farm manager's house in the foreground



Figure 7 – Mt Gilead outbuildings (former coach house)

3.4.1 Relationship to Surrounding Development

The urban areas to the north of the site are predominately residential, forming the southern extent of residential development in Campbelltown. This land is generally categorised by low density, single dwelling development, while the non-urban zoned land to the immediate north and north-west of the site has been developed for seniors living. As the Mt Gilead site is located less than 1km to the south of the above development, the proposed rezoning will provide a logical addition to the residential area.

The Noorumba Reserve which part forms the northern boundary of the site is a significant local natural resource in that it contains Cumberland Plain Woodland including 39 plant species of regional significance.

3.5 Site Characteristics

Located within a semi-urban area, the site has historically been used for agricultural purposes and thus contains cleared paddocks with improved pastures. Pockets of residual vegetation are located along drainage lines and steeper slopes. The site comprises remnant and degraded native vegetation and exotic pastures.

There are no buildings or other improvements on the land, other than a number of farm dams, fencing and a track to the Mt Gilead homestead. The land is currently approximately 95% cleared for grazing and is currently used for cattle production (see **Figures 8 to 11**).

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Figure 8 – Pasture land



Figure 9 – Access to the Mt Gilead property from Appin Road



Figure 10 – Looking west at constructed dam towards the middle of the site



Figure 11 – North-west boundary and the highest point of the site looking north-west

3.5.1 Topography and Drainage Corridors

Topographically, the majority of the site is generally undulating and consists of gentle rises, rounded crests and ridges with slopes generally less than 5 degrees (see **Figure 12**). The land generally slopes north-west into a shallow valley at the foot of the ridge line in the north-west. The ridge line has a hill with steeper gradients up to 25 degrees.

There are several surface water features on the site consisting of small farm dams and drainage channels. The major drainage channels are:

- a steep gully to the north-west trending north and a shallow gully to the north-east trending north which form part of the Menangle Creek Catchment
 - a shallow gully to the south-west trending north-west that forms part of the Woodhouse catchment and eventually flows out to the Nepean River.
-

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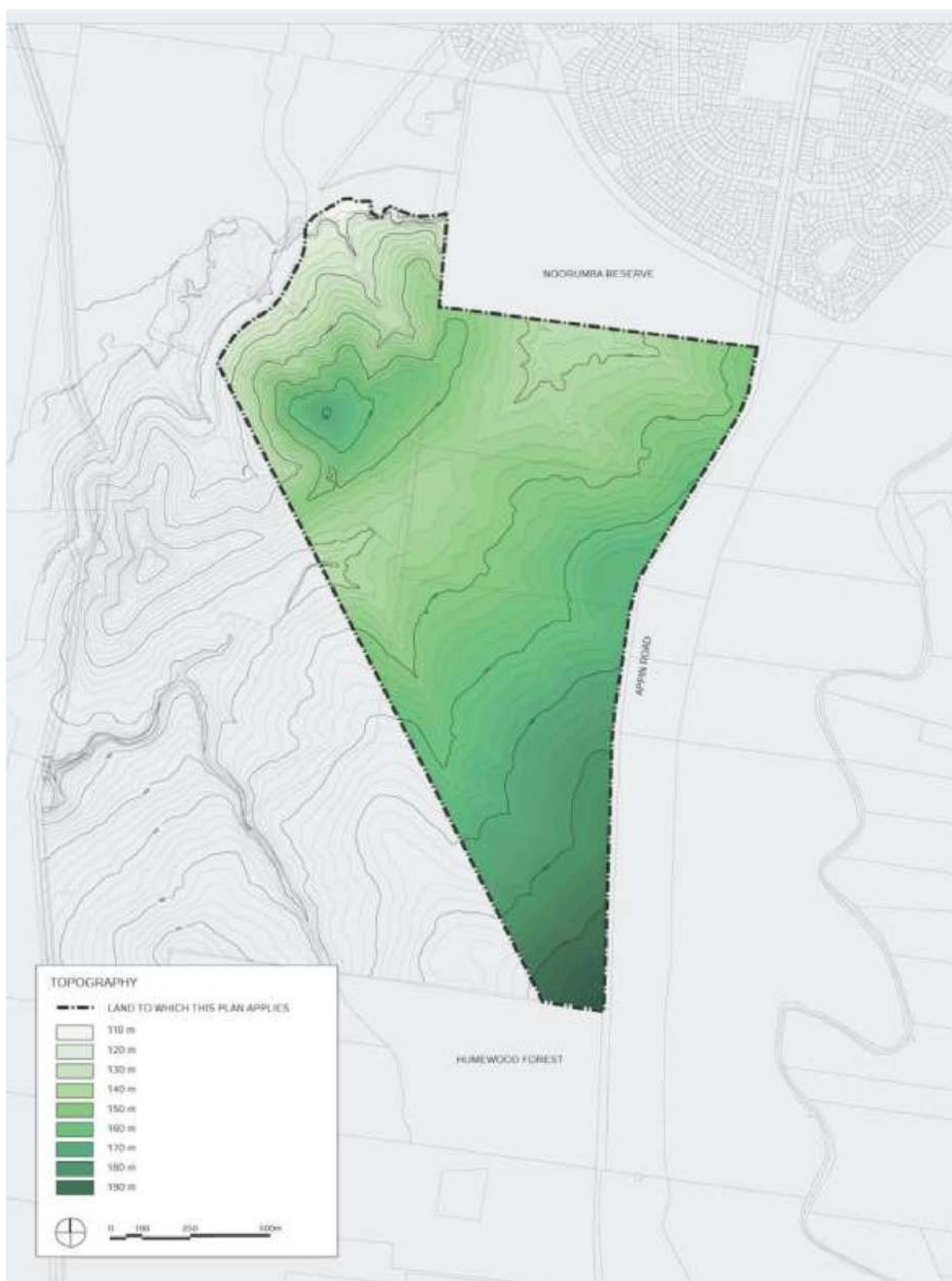


Figure 12 – Topography of the site

Source: Cox Richardson

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

3.5.2 Flora and Fauna

Essentially agricultural land, the site has a long history of grazing, pasture improvement and weed invasion.

A total of 154 flora species were identified on the site, comprising 67 native and 87 introduced species; and no threatened flora was recorded during field surveys. The site contains three native vegetation communities:

- Cumberland Plain Woodland – a Critically Endangered Ecological Community under both Commonwealth and NSW legislation, with three localised clumps located along the northern and western borders of the site
- Shale Sandstone Transition Forest – a Critically Endangered Ecological Community (EEC) under both Commonwealth and NSW legislation, and represented by two pockets in the middle of the site
- River-flat Eucalypt Forest – listed as an EEC under NSW legislation, and represented by a small patch in the north western corner of the site.

In relation to avifauna, a total of 58 bird species were recorded on the site, including one vulnerable and one migratory species. Few native mammals were identified during field surveys - 13 native bat species including six vulnerable species and a lone wallaby. Domestic livestock graze throughout the site.

These matters are discussed further in **Section 5.1** of this report.

3.5.3 Geology and Soils

The site is underlain by the Triassic Ashfield Shale of the Wianamatta Group deposited over the Hawkesbury Sandstone. In general there are only limited bedrock outcrops across this area, with shale underlying the northern portion of the site and sandstone the southern portion of the site.

The area is covered by Blacktown group soils derived from Wianamatta Shale, ranging from shallow to moderately deep Red Podzolic Soils and Brown Podzolic Soils on crests, upper slopes and well drained areas, to deep Yellow Podzolic Soils and Soloths on the lower slope and in the drainage depressions and areas of poor drainage. Soils derived from Wianamatta Shale will generally exhibit a subsoil profile of moderately reactive high plasticity clay.

The site is considered to present a very low risk of Potential Acid Sulphate Soils (PASS).

In terms of salinity, the local soil types are expected to yield negligible salinity.

3.5.4 Geotechnical Observations

In general, the site was found by URS to have no significant observable geohazards. Although, several areas of potential hazard were identified, in general the overall stability of the site was considered good with only surficial soil instabilities on the steeper northern area and minor rock fall potential localised to the former quarry.

3.5.5 Heritage

Non-indigenous Heritage

A number of non-indigenous heritage items are located in close proximity to, or abutting, the site. These are:

- the Sydney Water Supply Upper Canal System, also known as the Upper Canal, forms the north-western boundary of the site. It is listed on the NSW State Heritage Register
 - the Mt Gilead Homestead and surrounding buildings and structures, including the Old Mill are outside of, but in close proximity to, the site to the west. The Homestead group is a local heritage item listed in Campbelltown IDO No 15 and on the Register of the National Trust of Australia (NSW). A small part of the Artificial Lake (dam), which is part of the group, is located on the site
 - the Beulah Estate lies approximately 0.5 to one kilometre to the south of the site. Beulah, a cultural landscape containing early colonial structures and an important garden layout, is listed on the State Heritage Register. It is shielded from the site by bushland in the Beulah Biobanking area
 - the Humewood Forest lies to the immediate south of the site and is part of the Beulah Biobanking area. Humewood, a stand of trees associated with the former home of the Hume family (see Meadowvale below), is a local heritage item listed in IDO 15 and is significant because of the landscape value of its vegetation
-

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

- Meadowvale (formerly known as Humewood) is situated south of the Beulah Biobanking bushland. Meadowvale, a house with colonial characteristics and a local heritage item listed in IDO 15, stands on the original land grant made to Andrew Hume, the colonial explorer of NSW.

In addition to the above, the archaeological remnants of the early Hillsborough homestead, located within the site, is considered to have local significance but is not listed in any statutory instrument.

Indigenous Heritage

There are twelve items of indigenous significance located on the site, comprising three artefact scatters; two isolated finds; one modified tree; and six Potential Archaeological Deposits.

3.6 Site Opportunities and Constraints

In summary, from the foregoing examination the site presents a number of opportunities and constraints for future residential development - as follows and as illustrated in **Figure 13**.

Opportunities:

- close to physical, social and employment infrastructure in the Campbelltown City Centre
- identified as a greenfield land release area within the Metropolitan Development Program
- has sufficient area for provision of open space and community facilities
- provides potential for views and vistas in a rural setting
- largely cleared of vegetation
- retained existing vegetation creates opportunities for biodiversity corridors
- land generally level or gently undulating
- no geotechnical or geological issues.

Constraints:

- steep slope in the north west corner of the site
 - drainage lines traverse the site
 - proximity to heritage items.
-

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

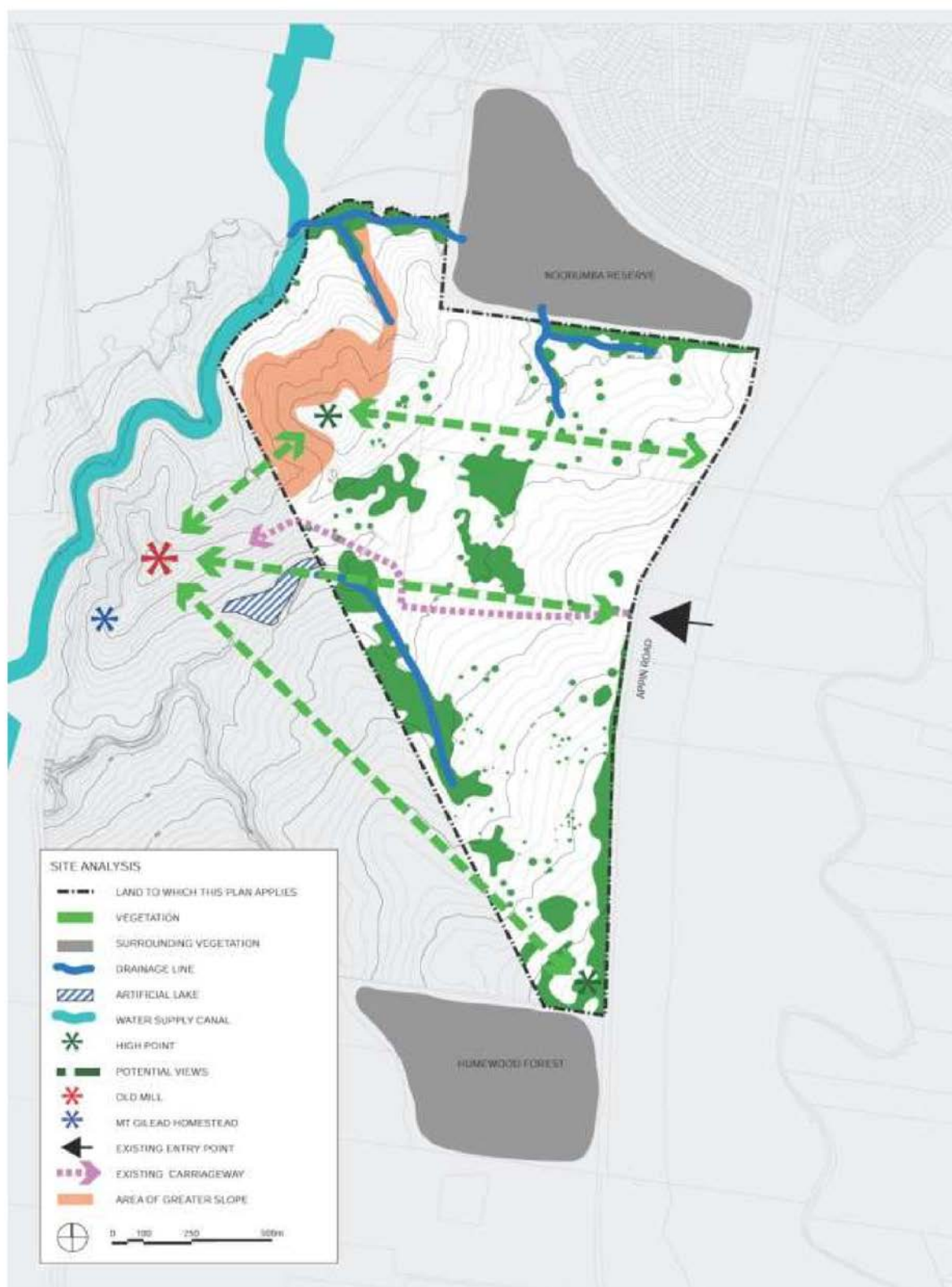


Figure 13 – Site Analysis

Source: Cox Richardson

4.0 Planning Proposal

This planning proposal has been prepared in accordance with the *A guide to preparing planning proposals* (Department of Planning & Infrastructure, October 2012) and in accordance with Section 55(2) of the EP&A Act.

4.1 Objectives and Intended Outcomes

The primary outcome of the planning proposal is residential development of the 210 ha Mt Gilead site in close proximity to the social and community assets within the Campbelltown LGA that respects the heritage and ecological significance of adjoining land.

The objectives of the planning proposal are to:

- permit low density residential development supported by public open space and community facilities, including a small retail centre
- protect environmentally sensitive land and provide an environmental bushland corridor that links the Noorumba Reserve with the Beulah biobanking site and the Nepean River corridor
- respect the heritage significance of the Mount Gilead homestead site including the outbuildings, mill and dam and their setting
- respect the environmental significance of the Beulah biobanking site
- reserve land for acquisition by Roads and Maritime Services for future road infrastructure (widening of Appin Road)
- increase the supply of housing within the Campbelltown LGA with the addition of up to 1700 new dwellings.

4.2 Explanation of Provisions

The proposed outcome will be achieved by:

- amending *Campbelltown Local Environmental Plan 2015* (CLEP 2015)
- adopting the provisions within CLEP 2015
- including a number of local provisions in relation to minimum lot size and protection of terrestrial biodiversity as explained below.

4.2.1 Land to which the Plan will apply

The planning proposal applies to the land at Appin Road, Gilead, in the Campbelltown LGA, known as Part Lot 1 DP 807555, Part Lot 2 DP 807555, Lot 59 DP 752042 and Lot 61 DP 752042 (see **Figure 14**).

4.2.2 Relationship to Existing Local Planning Instruments

The land to which this planning proposal applies falls within the provisions of the *City of Campbelltown Interim Development Order No. 15* (IDO 15), which has been identified as a deferred matter within CLEP 2015. The planning proposal is anticipated to be an amendment to the new CLEP 2015.

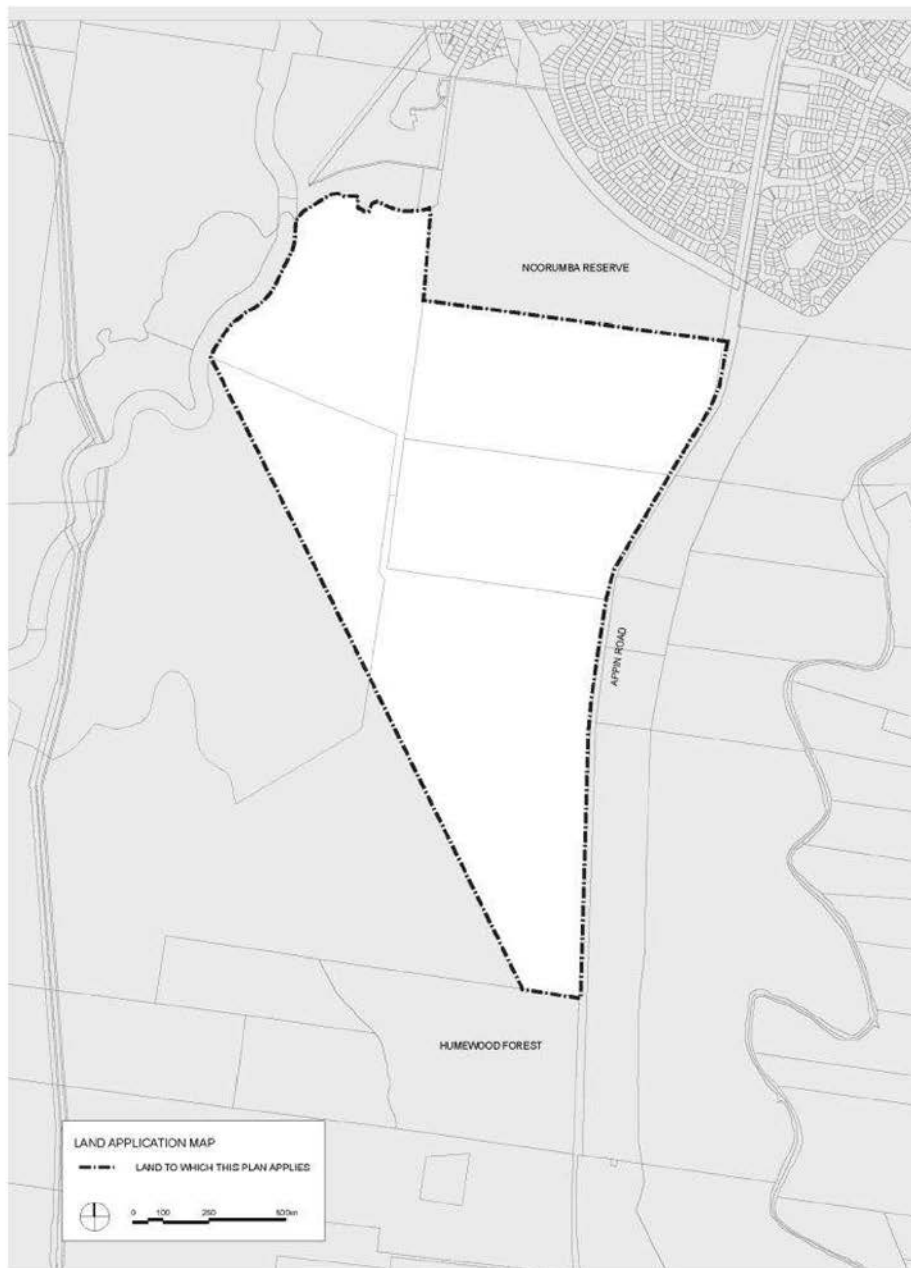


Figure 14 – Land to which the planning proposal applies

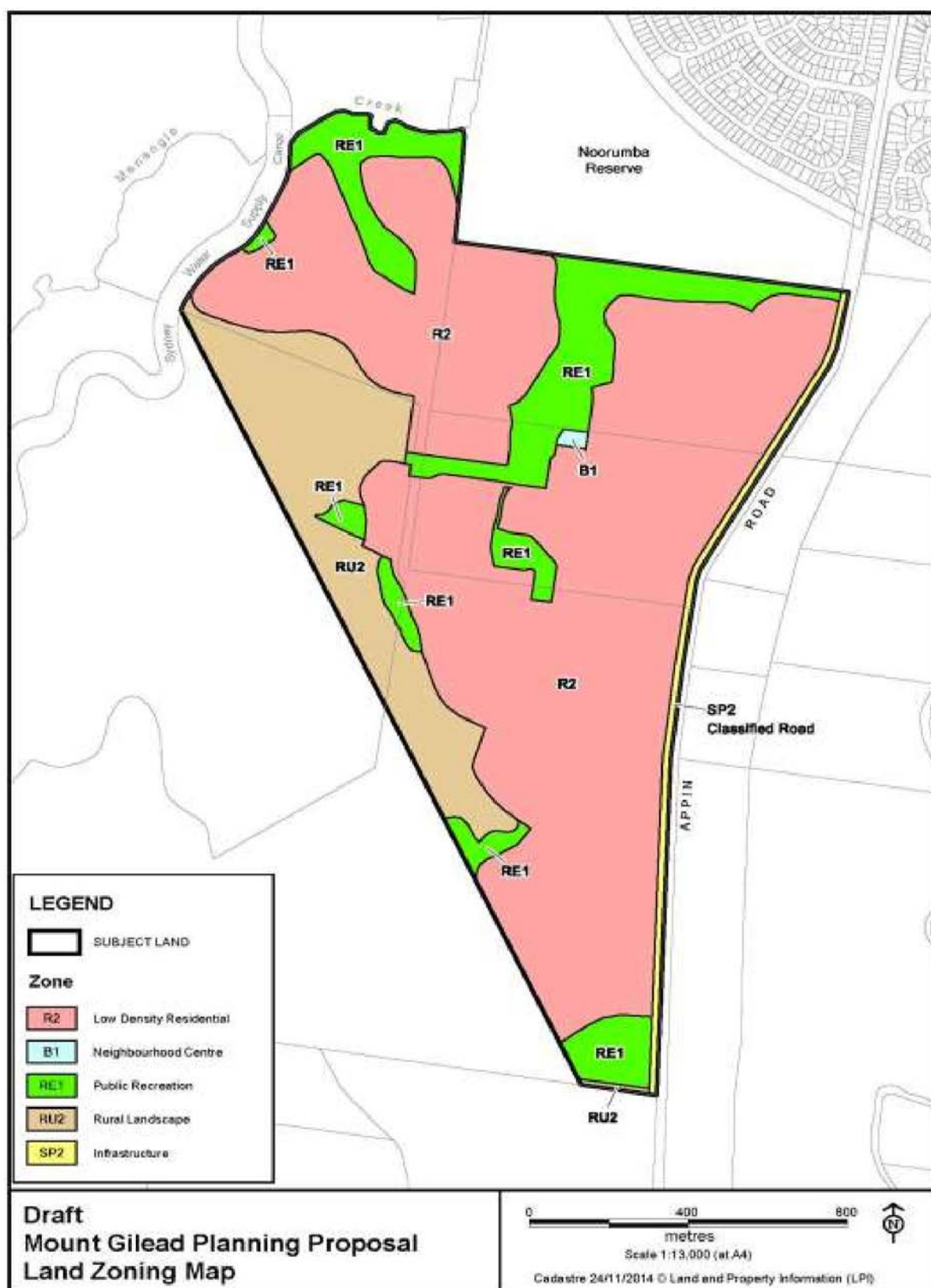
4.2.3 Land Use Zones

The Mt Gilead site is proposed to be zoned (in accordance with the Standard Template) as follows:

- R2 Low Density Residential
- RU2 Rural Landscape
- B1 Neighbourhood Centre
- RE1 Public Recreation
- SP2 Infrastructure.

The proposed zoning is shown on the Land Zoning Map appended at **Appendix B** and illustrated in **Figure 15**

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4.2.4 Proposed Provisions

It is proposed that all the provisions within CLEP 2015, including proposed land uses, will apply to the land the subject of this planning proposal. It is further proposed that additional provisions be inserted into the CLEP 2015 in order to:

- ensure a cap of 1700 residential lots on the subject land
- enable an exception to the minimum lot size on Lot 61 DP 752042, Appin Road, Gilead
- maximise the retention and enhancement of native biodiversity.

Minimum subdivision lot size

It is proposed to include an additional clause to permit lot sizes smaller than the minimum in recognition of the need for greater housing choice within the Sydney Metropolitan Region.

In order to provide a range of dwelling sizes and types to suit the diverse needs of the incoming population, it is intended that in specific circumstances subdivision to allow lots less than 450 square metres in area, but with a minimum area of 375 square metres. This provision applies to a small area of land in the centre of the site (as shown on the Lot Size Map appended at **Appendix B**) and is subject to the resultant lot(s) satisfying all of the following conditions:

- the lot(s) being for the purpose of a single dwelling
- there being no more than three lots less than 450 square metres in area contiguous with each other on a street
- the lot(s) not being located on a bus route
- the lots(s) being within 200 metres of a bus route, the community hub or open space area.

In addition, the maximum number of lots less than 450 square metres able to be created is capped at 65. The proposed provision, to be inserted into clause 4.1 of the CLEP 2015, is appended at **Appendix C**.

Restricted dwelling yield

To address the concerns of both Transport for NSW and Roads and Maritime Services it is proposed to amend clause 4.1A and the Restricted Dwelling Yield Map to provide for a restricted dwelling yield of 1700 residential lots on the subject land. The proposed provision to be inserted into clause 4.1A of the CLEP 2015 is appended at **Appendix C**, and the subject land is identified on the Restricted Dwelling Yield Map appended at **Appendix B**.

Terrestrial Biodiversity

In order to protect and encourage the recovery of significant flora and fauna and their habitats, and retain and enhance native biodiversity, it is intended that some ecologically sensitive land proposed to be zoned RE1 and RU2 receives special protection. A clause to this effect, titled Terrestrial Biodiversity, is to be incorporated in 'Part 7 - Additional Local Provisions' of the CLEP 2015, and is appended at **Appendix C**. The relevant land is identified on the Terrestrial Biodiversity Map and is appended at **Appendix B**.

4.2.5 Key Development Standards

The proposed development standards that will apply to the Mt Gilead land are generally consistent with those applying across the rest of the Campbelltown LGA as set out in CLEP 2015 and shown on the maps in **Appendix B** and are as follows:

R2 Low Density Residential

- minimum lot sizes – 450 square metres; 500 square metres; and 700 square metres
- maximum building height – 8.5 metres. Note a small area is restricted to 6 metres to protect views from the Mt Gilead Homestead site
- maximum floor space ratio – 0.55:1.

RU2 Rural Landscape

- minimum lot size – 100ha
- maximum building height – 9 metres.

B1 Neighbourhood Centre

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- Maximum building height – 9 metres.

4.3 Justification

The matters justifying this planning proposal, as required by *A guide to preparing planning proposals*, are covered in Section 6 of this report.

4.4 Mapping

The land to which this planning proposal applies is illustrated in **Figure 14** above and on the maps located at **Appendix B**.

LEP maps

The following draft LEP maps are included with this planning proposal and are attached at **Appendix B**:

- Land Zoning Map
- Lot Size Map
- Height of Buildings Map
- Floor Space Ratio Map
- Land Acquisition Reservation Map;
- Yield Map
- Urban Release Area Map
- Terrestrial Biodiversity Map
- Heritage Map.

4.5 Additional Development Controls

4.5.1 Campbelltown (Sustainable City) Development Control Plan 2015

To support the planning proposal and to reflect the special characteristics of the Mt Gilead site, an amendment to *Campbelltown (Sustainable City) Development Control Plan 2015* (DCP) is proposed. The amendment (see **Appendix D**), to be incorporated as Part 6 in Volume 2 of the DCP, sets the vision and key development objectives for Mt Gilead, and provides additional site specific development principles and controls in relation to:

- heritage protection
- protection of key views
- the street network and public transport
- open space and landscaping
- residential subdivision
- residential development.

4.5.2 Indicative Site Structure Plan

The DCP amendment incorporates an Indicative Site Structure Plan as well as a section covering the proposed landscape palette for Mt Gilead, including street trees.

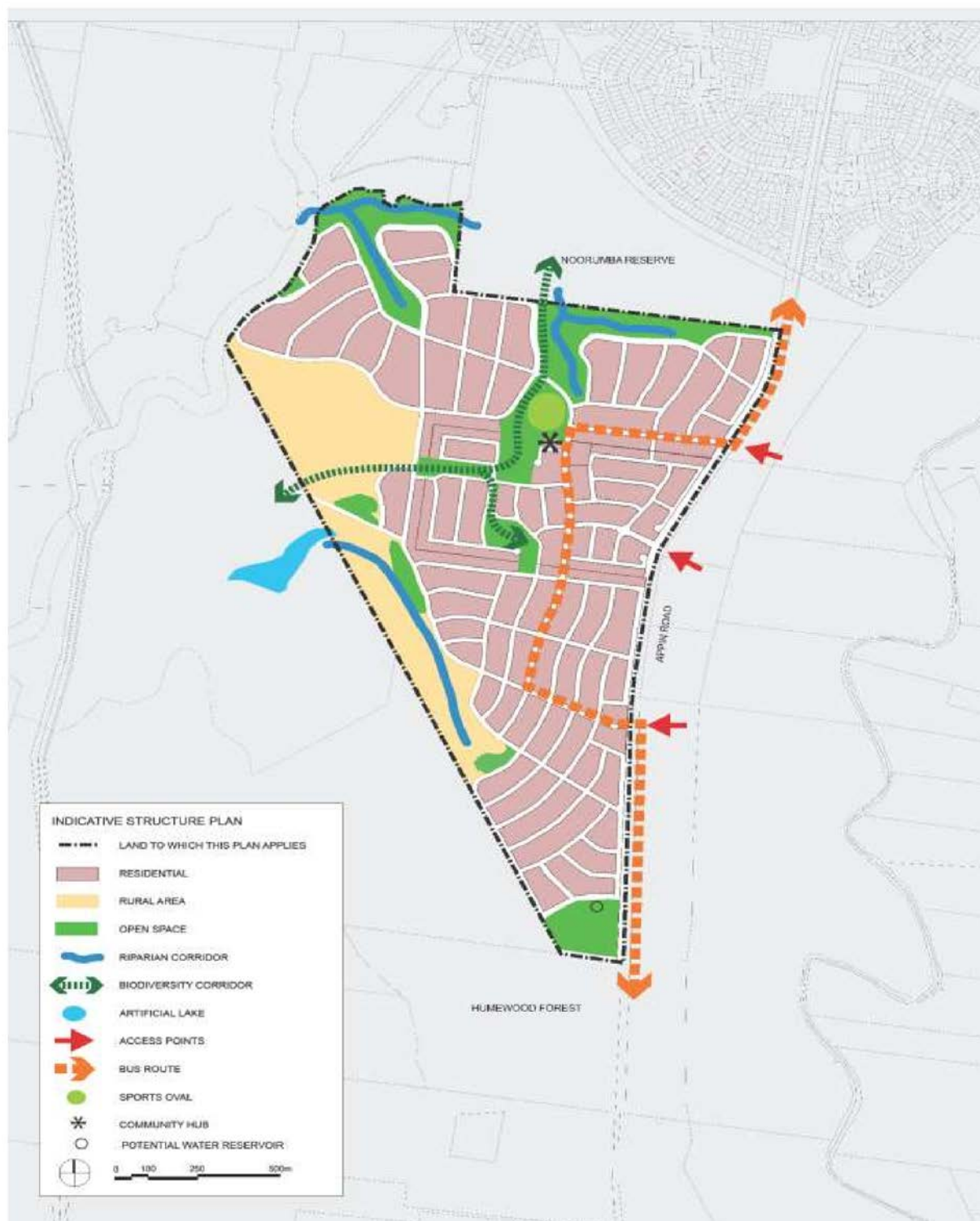
The Indicative Site Structure Plan, shown in **Figure 16** and appended at **Appendix D** has been developed to support the planning proposal and provide a framework for the future subdivision and development of the Mt Gilead site. The plan shows:

- the indicative layout of roads, including the proposed main bus route through the site
- transport access points off Appin Road
- the distribution of public open space and the indicative location of detention basins
- the location of riparian corridors
- the general location for a future sports field and neighbourhood centre.

4.6 Community Consultation

Consultation with the community with regard to this planning proposal was undertaken through the formal statutory notification and exhibition period which occurred from 28 April 2015 until 30 June 2015.

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5.0 Key Planning Issues

This section of the report addresses the planning issues listed for assessment in the Gateway Determination (see **Appendix A**) and further augmented by CCC's requirements for additional technical studies.

5.1 Ecology

The site and its surrounds currently contains areas of native vegetation and exotic pastures. As such, Eco Logical Australia prepared a detailed Ecological Assessment Report for the planning proposal. This report identifies the existing site conditions and provides an assessment of the acceptability of rezoning the land for residential purposes. The following is a summary of the key issues.

5.1.1 Fauna

Context

A total of 58 bird species (including three introduced species) were recorded on the site during bird census and opportunistic observations, including one vulnerable species, *Glossopsitta pusilla*, and one migratory species, *Ardea ibis*. No evidence of nocturnal bird activity was found.

During site surveys 13 microbat species were identified. A single Swamp wallaby - *Wallabia bicolor* - was observed along the eastern boundary adjacent to native vegetation. Domestic livestock, (cows and ponies) were grazing on the site and one feral mammal, the European fox, was recorded.

No koalas were identified on the site.

Issues and Assessment

Seven threatened fauna species and one migratory species were identified on site. Potential habitat for hollow dependant bat species was also identified in the form of hollow bearing trees. Eco Logical Australia has recommended that these trees should be retained where possible. No other potential habitat areas were identified as substantial.

While no koalas were identified on the site, some scattered koala habitat trees - *Corymbia maculata* and *Eucalyptus crebra* - are present. Importantly, the coverage of potential koala habitat trees does not exceed the 15% threshold under *State Environmental Planning Policy No 44—Koala Habitat Protection* (SEPP 44) and therefore the site is not classified as potential koala habitat. Despite this, Eco Logical recommends that these trees should be retained where possible, and management plans should be developed to reduce the impact of domestic pets on koalas in the surrounding area.

Eco Logical has confirmed that the rezoning of the site will not have any adverse impact on existing fauna species. There is limited fauna habitat, but where scattered hollow trees do occur, they should be retained if possible.

Planning Proposal Response

It is considered that the proposed rezoning of the subject site will not have any adverse impacts on threatened or endangered fauna species. The future design of residential development on the site – as shown in the Indicative Site Structure Plan incorporates the retention of potential fauna habitat trees.

5.1.2 Flora

Context

The site comprises both remnant and degraded native vegetation and exotic pastures, and three native vegetation communities are located within the boundaries of the site:

- Cumberland Plain Woodland (CPW) – 9 hectares
- Shale Sandstone Transition Forest (SSTF) – 24.5 hectares
- River-flat Eucalypt Forest (RFEF) – one hectare.

CPW is listed as a critically endangered ecological community (CEEC) under both the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) and the *NSW Threatened Species Conservation Act 1995* (TSC Act). SSTF is also listed as a critically endangered ecological community (EEC) under both these Acts, and RFEF is listed as endangered under the TSC Act.

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Issues and Assessment

A total of 154 flora species were identified within the site including 67 native and 87 introduced species. Nine weed species listed as noxious in the Campbelltown LGA and four Weeds of National Significance were identified on the site. No threatened flora was recorded.

The proposed rezoning of land does not trigger any particular mechanisms of the TSC Act. Matters relating to threatened species, endangered populations and endangered ecological communities are typically considered in the plan-making stage to ensure subsequent development can be undertaken without having a significant impact on these matters. If a development is likely to have a significant impact on these matters, a Species Impact Statement (SIS) must be prepared and submitted with the development application.

An alternative approach is Biodiversity Certification which removes the need to undertake a SIS with a development application. To provide the option of Biodiversity Certification, an assessment consistent with the Biodiversity Certification Assessment Methodology (BCAM) was undertaken by Eco Logical Australia to determine if the 'improve or maintain' test is met by the proposed rezoning. Biodiversity Certification of the site is currently under consideration.

The site has been divided into three categories for the purposes of the BCAM:

- land for biodiversity certification (extent of the development) – 152 hectares
- land for conservation/riparian/open space – 41 hectares
- land maintaining its current land use (rural) – 17 hectares.

Under the BCAM the development footprint will impact 1.8 hectares of the SSTF CEEC which is 'red flagged'. The 'improve or maintain' outcome will not be met unless a variation is obtained from the NSW Office of Environment and Heritage (OEH) prior to any future development occurring. Overall, the envisaged future development will involve the retention of 83% of CPW, 49.6% of SSTF and 100% of RFEF. The rezoning will remove 1.5 hectares of CPW and 12.5 hectares of SSTF, both largely comprising scattered trees.

In light of the small area of SSTF likely to be removed, and the area of CEEC proposed to be protected, it is considered by Eco Logical Australia that a red flag variation request could be considered favourably by OEH.

The BCAM compares the impact of a proposal to the conservation benefits. This comparison is measured using Biobanking credits which are attributed for the extent of the existing vegetation, or for factors such as how land will be managed or protected. Based on the existing site conditions, a total of 192 credits are required. A total of 366 credits are expected to be generated, resulting in a surplus of 174 credits.

Future applications for development on the site which impact any EECs or CEECs will be required to be referred to the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999*.

Overall, the ecological assessment concluded that the balance between development and conservation is achievable and that the planning proposal adequately addresses ecological issues.

Planning Proposal Response

The planning proposal proposes to retain significant areas of vegetation within public open space areas. The site's ecological values are proposed to be addressed by either Biodiversity Certification or via a Species Impact Statement submitted with future development applications.

Moreover, the proposed LEP amendment protects the ecological values of the site in the following ways:

- ecologically sensitive land proposed to be zoned RE1 and RU2 will receive special protection via a clause to this effect, titled Terrestrial Biodiversity (as shown in **Appendix C**), which is proposed to be incorporated in 'Part 7 of CLEP 2015. The relevant land is identified on the Terrestrial Biodiversity Map
- the land proposed to be zoned RE1 in the north of the site connects with Noorumba Reserve and there are generally connections between all the areas of RE1 zoned land so facilitating the passage of native fauna.

5.2 Bushfire Risk

The site is identified as bushfire prone on the Campbelltown Bush Fire Prone Land Map and therefore a Bushfire Assessment has been undertaken by Eco Logical Australia. This assessment investigates the capability and suitability of the site for future residential development with regard to the relevant bushfire planning legislation and policies.

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Context

Eco Logical Australia has undertaken site specific and surrounding vegetation mapping, identifying vegetation formations including Sclerophyll (Dry) and Grassy Woodland. To the east and south of the site are areas of forest, whilst smaller pockets of forest, woodland and grassland are contained within the site. The majority of the site has a gentle slope with areas of steeper slopes in the northern western portion of the site.

While the majority of the site is proposed for residential development, portions of existing bushland will be retained as open space.

Issues and Assessment

The existing vegetation on the site has been classified as 'forest' or 'grassland' which presents a hazardous risk of bushfire. To ensure protection from bushfire risk, Eco Logical has established indicative Asset Protection Zones (APZ) to provide a buffer to future residential development with calculations based on the vegetation of the site and slope of the land.

Eco Logical has identified other bushfire protection measures including the provision of adequate access, water supply for fire fighting, the safe installation of utilities, and building construction standards for future dwellings. These measures would be implemented as part of future applications for residential development.

Planning Proposal Response

The Bushfire Assessment has demonstrated that the site is capable of accommodating future subdivision and land development subject to appropriate bushfire protection measures.

The NSW Rural Fire Service has advised that it has no objection to the planning proposal in principle but notes that any future development will need to comply with the requirements of *Planning for Bush Fire Protection 2006*. Accordingly, the site is considered suitable for rezoning for future residential use.

5.3 Ecological and Riparian Corridors

The current vegetation on the site provides opportunities for creating effective biodiversity corridors thereby linking vegetation to the north, south and east. This, along with the preservation of riparian corridors, was assessed as part of the aforementioned Ecological Assessment Report prepared by Eco Logical Australia (see Section 5.1 above).

5.3.1 Ecological Corridors

Issues and Assessment

The nature of current vegetation on the site and its proposed retention/removal is discussed in Section 5.1.2 above.

There is currently connectivity within the site to areas of vegetation to the north and south via a fragmented series of islands or stepping stones of vegetation. The ecological assessment concluded that while the planning proposal would remove some areas of scattered trees, it would at least maintain the interrupted connectivity with surrounding vegetation to the north (Noorumba Reserve) and south (the Beulah Biobanking area).

The report further notes that as an outcome of the planning proposal the fragmented patches of vegetation would be consolidated through improved management and revegetation. At a broader landscape scale, connectivity between Noorumba Reserve and Beulah is via the vegetation to the east of Appin Road which, with the exception of Appin Road, provides a contiguous linkage of vegetation in a very good condition with low disturbance.

Planning Proposal Response

Together, the planning proposal, the Indicative Structure Plan and proposed conservation measures are intended to enhance the condition of retained patches of woodland so reducing the degree of fragmentation. As discussed earlier, it is intended that significant areas of vegetation be retained on the site within areas of public open space. In addition, the proposed LEP amendment fosters the retention and creation of ecological corridors in the following ways:

- the land proposed to be zoned RE1 in the north of the site connects with Noorumba Reserve, and all the areas of RE1 zoned land are generally connected (as shown indicatively in **Figure 17**)
 - ecologically sensitive land proposed to be zoned RE1 and RU2 will receive further protection via a Terrestrial Biodiversity clause (as shown in **Appendix C**) which is to be incorporated in 'Part 7 of the Campbelltown LEP 2015. The relevant land is identified on the Terrestrial Biodiversity Map.
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Riparian Corridors

Issues and Assessment

There are several streams and drainage lines across the site, particularly in the north and towards the western boundary.

All streams and drainage lines were categorised and mapped by Eco Logical Australia following the 'Guidelines for controlled activities' set out by the NSW Office of Water. This methodology utilises the Strahler Stream Order classification which identifies riparian corridor widths as measured from the top of bank and minimum vegetated riparian zone widths.

Drainage lines that were not classified in the assessment were deemed to be of limited riparian value or did not meet the definition of a river. In some situations the watercourses have been significantly disturbed and in some areas display no true bed and bank characteristics.

The mapping of top of bank and stream order is presented in **Figure 18**. The majority of the watercourses are considered to range from slightly to substantially modified, with clearing of vegetation within the catchment and along the tops of banks. Aquatic habitat is limited due to the modification of the watercourses, and even in unmodified watercourses the aquatic vegetation is generally of marginal quality. Eco Logical Australia concluded that the overall rating of riparian and aquatic conditions varies from degraded to moderate.

Planning Proposal Response

Riparian zones have been defined to the top of bank and appropriate vegetated riparian zones mapped (see **Figure 18**), noting that the NSW Office of Water has agreed that since some previously mapped first order Strahler streams/channels do not meet the definition of 'waterfront land' they can be removed.

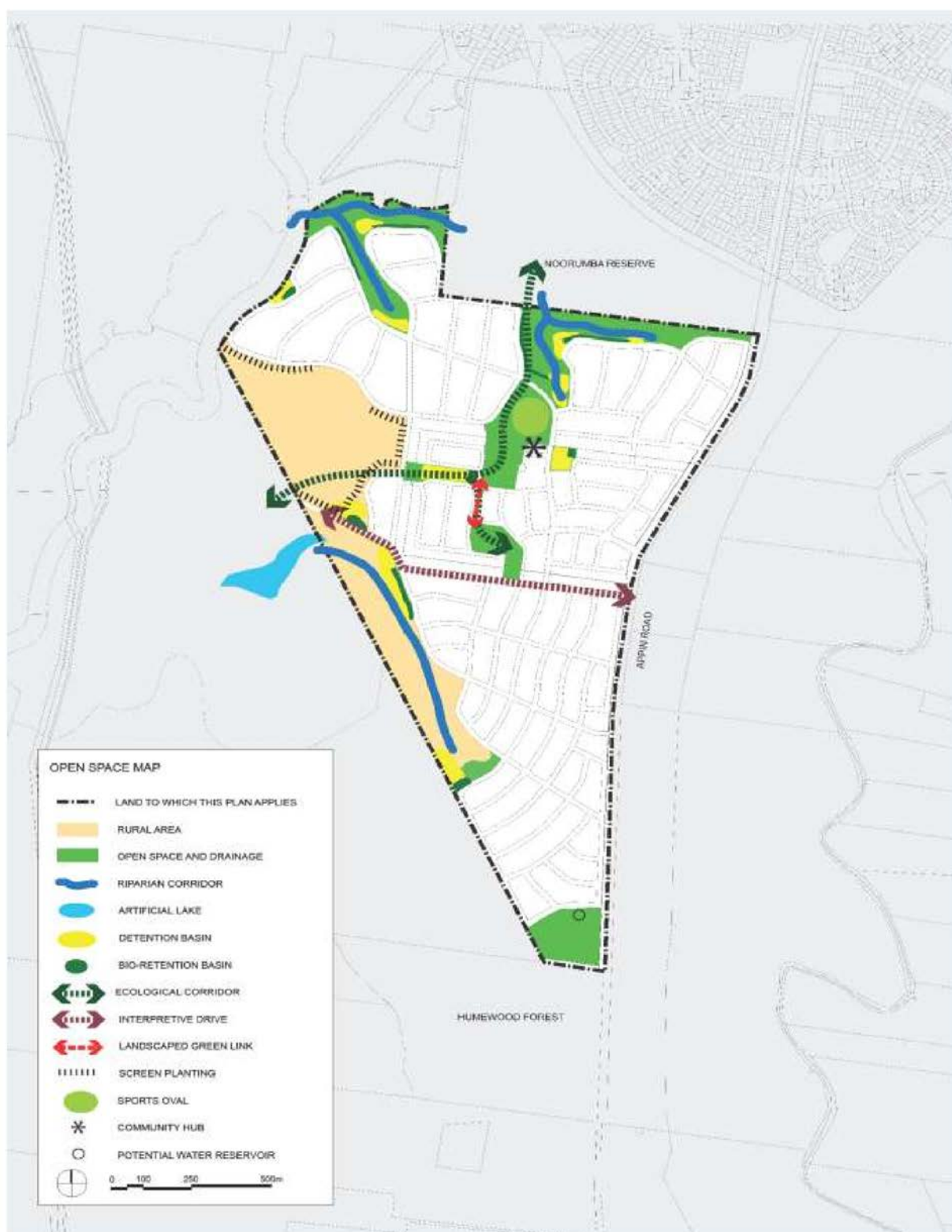
Wherever possible, development and subsequent asset protection zones will not occur in areas mapped as riparian corridor or vegetated riparian zone. As shown in **Figure 17** the majority of mapped watercourses on the site will be contained within areas of proposed open space or on retained rural land, which are to be zoned RE1 and RU2 respectively. Moreover, as explained above, further protection is provided via the terrestrial biodiversity clause and attendant biodiversity overlay map to be incorporated in the CLEP 2015.

Eco Logical Australia has made a series of recommendations in relation to the future management of riparian corridors. These cover matters such as:

- the determination of stream ordering downstream
- the determination of riparian corridor widths
- future maintenance, rehabilitation and vegetation of riparian corridors
- measurement of the top of bank of any proposed new constructed channels
- the permissibility of cycleways and paths within the outer vegetated riparian zone
- the permissibility of detention basins within the outer vegetated riparian zone, and associated equivalent offset areas.

These requirements have either been taken into account in the planning proposal or will be implemented as part of subsequent development applications.

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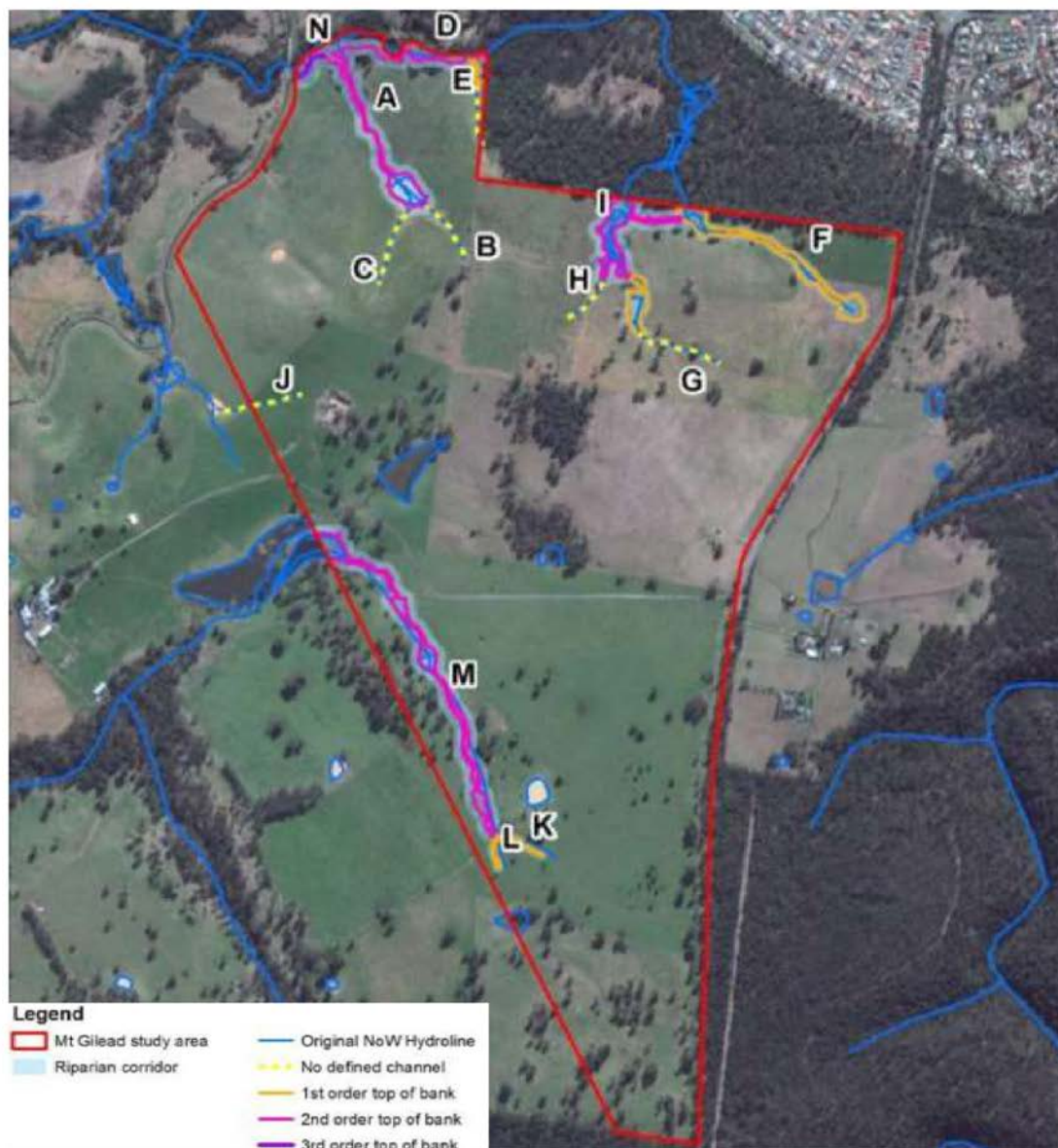


Figure 18 – Classification of riparian corridors

Source: Eco Logical Australia

5.4 Soils and Geotechnical Conditions

The proposed rezoning of the site for future residential uses required an assessment of the existing soil and geotechnical considerations to identify any potential risks. As such, URS prepared a Phase 1 Environmental and Geotechnical Site Assessment.

Context

The site generally slopes north-west into a shallow valley at the foot of a ridge line in the north-west. The ridge line comprises a hill with steeper gradients. The site contains a number of small farm dams with three major drainage channels.

The northern portion of the site is underlain by Ashfield Shale, while Hawkesbury Sandstone underlies the southern portion of the site. Soils on the site are shallow to moderately deep (<1.5 m) and are expected to be moderately reactive high plasticity clay.

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Issues and Assessment

Geotechnical observations by URS identified five areas of potential hazard, including hilly areas of the site, gullies and a quarry. The overall stability of the site has been confirmed by URS as 'good' with only surficial soil instabilities on the steeper northern area and minor rock fall potential localised to the quarry. URS has noted that areas proposed for residential zoning are not located in these areas.

The existing soils on the site are cohesive and potentially have low bearing strength when wet. URS has suggested compaction of soil will enhance the bearing strength of the founding soil. It has been recommended that the site should be graded and site drains should be designed to prevent ponding or channelling of water across the soil horizons.

An investigation by URS of surface soils (0-300mm depth) across the site identified that all surface soil samples were non-saline. A review of the available Acid Sulphate Soil Risk Map and an assessment of the topography and lithology of the site also confirmed there is a very low risk of potential acid sulphate soils (PASS).

Given the topography and lithology of the site, URS considers no further assessment is required to provide an appropriate characterisation of acid sulphate soil risk and that consideration of PASS is not necessary in relation to future development.

Planning Proposal Response

URS has confirmed that the site is acceptable for residential land uses as there are no significant geohazards. It has been recommended that targeted geotechnical testing occur with future applications for development to support the detailed design of any residential development.

5.5 Mine Subsidence

Subsidence as a result of future coal mining is a potential issue for the site. Accordingly, a Mine Subsidence Report was prepared by Mine Subsidence Engineering Consultants (MSEC). The report predicts subsidence parameters and the potential impacts on the future development.

Context

The site is located within the Coal Exploration Authorisation Area A248, associated with the Bulli and Balgownie Coal Seams. The Bulli Seam, containing coking coal, lies approximately 500-590 metres below the surface, whilst the Balgownie Seam, containing thermal coal, is approximately 610 metres below the surface.

BHP Billiton plans to operate a mine in the Bulli Seam south of the site, and whilst not currently planned, there is potential for mining to continue north below the Mt Gilead site. Despite this potential, MSEC is of the opinion that part of the coal seams below the site are unlikely to be mined due to the presence of faults in the seams. Based on current technology, the Balgownie Seam is unlikely to be mined in the near future due to extraction constraints.

As well as containing coal resources, the site lies within the Petroleum Exploration Licence Area PEL2 and contains significant gas reserves which could potentially be extracted through gas wells. The owner of the exploration licence, AGL, has suspended expansion of nearby gas extraction projects due to community concern and legislation prohibiting wells being established within two kilometres of residential dwellings. As such, the extraction of gas is not considered an issue for the site.

Issues and Assessment

Potential impacts from future mining activities are predicted to include subsidence, tilts, strains and curvatures. As no specific mining activities are currently proposed, MSEC has assumed a scenario of longwall mining with a width of 320 metres and chain pillars between longwalls of 45 metres width. This scenario involves the mining of the Bulli Seam only, due to the unlikely capability of mining the Balgownie Seam.

In consultation with BHP Billiton and based on the above scenario, MSEC has identified the potential for subsidence and maximum tilt, curvature and strain. The potential impacts comprise:

- maximum predicted subsidence varies from 1120mm to 1440mm
 - maximum predicted tilt is 7mm/m at the perimeter of the subsidence trough and 2 to 3mm/m within the bottom of the trough
 - maximum predicted strains are 1.1mm/m, tensile, and 2.3mm/m, compressive
 - maximum predicted curvature is 6.4 kilometres radius.
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Although the above figures represent the maximum potential impact, the presence of faults within the coal seams will restrict the layout of any future longwall mining activities. As such, the Mt Gilead site will be outside, or on the edge of, any subsidence trough. The level of subsidence on the site is therefore expected to be lower than these maximums.

Likewise unlikely, if advancements in technology allow the Balgownie Seam to be mined, the maximum subsidence is expected to be approximately 750mm to 850mm. Cumulatively, this would result in a vertical subsidence of approximately two metres. This level of subsidence is unlikely to cause damage to buildings, with maximum tilt, curvature and strain being the most relevant impacts.

The Mine Subsidence Board has established building guidelines to be followed when constructing moderately sized housing. These guidelines embody provisions of the Building Code of Australia (BCA), Australian Standards and good building practices. Based on these guidelines, MSEC has established a range of subsidence parameters which should be implemented in the future construction of residential development on the site.

Planning Proposal Response

Based on the above assessment, the site is capable of being developed for residential purposes if the relevant guidelines and standards for residential buildings are followed and the level of construction is commensurate with the established subsidence parameters. These matters will be further addressed in future applications for development on the site.

5.6 Contamination

Past and current agricultural uses on the site can result in a risk of soil or groundwater contamination via the release of chemicals through leaks and spills. URS has prepared a Phase 1 Environmental and Geotechnical Site Assessment to assess these risks and confirm the suitability of the site for future residential development.

Context

The ownership of the site has changed on several occasions since 1890, and the land has been used for farming and grazing prior to 1954 and to the present.

Issues and Assessment

Low levels of contamination associated with previous and current uses are expected on the site based on the preliminary environmental and historical review undertaken by URS. This contamination could be attributed to various chemicals such as arsenic and organochlorine pesticides (OCPs) associated with sheep and cattle grazing activities.

A single instance of an asbestos cement pipe was identified on the site by URS in 2006. No asbestos was observed during the most recent site inspection.

URS has suggested that the migration of onsite contaminants to adjacent receptors should be able to be adequately controlled by the use of surface drainage. A Phase 2 investigation should also be undertaken to reduce the risk of unexpected findings during the future development. This is capable of being undertaken as part of future applications for development.

Planning Proposal Response

URS has confirmed there is minimal likelihood of significant chemical contamination of the site that would compromise development for residential purposes. Any further investigations and mitigation measures can be undertaken during the preparation of detailed applications for the future residential development.

5.7 Non-indigenous Heritage

The presence of several historical sites within and adjacent to the site necessitates an assessment of non-indigenous heritage. Navin Officer and Tropman & Tropman Architects (the heritage consultants) have jointly prepared a European Heritage Assessment in relation to the historical significance of the site and to confirm the appropriateness of future residential development.

Context

There are no items of state heritage significance within the site. However, the Upper Canal System located adjacent to the site and part forming the north western boundary is listed on the State Heritage Register.

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The following items on the site are listed as, or considered to be of, local heritage significance:

- part of the Artificial Lake (dam) - listed as a heritage item in the Campbelltown IDO 15 as part of the 'Mt Gilead Group'
- the archaeological remnants of the early 'Hillsborough' homestead is considered (by the attached heritage assessment) to be of local heritage significance, as are significant and endangered ecological features on the surrounding land.

The history of these items and their significance are detailed in the European Heritage Assessment.

In addition, as identified in **Section 3.5.5** the following heritage items are located outside, but in the immediate vicinity, of the site:

- the Mt Gilead Homestead and surrounding buildings and structures (listed in Campbelltown IDO No 15 and on the Register of the National Trust of Australia (NSW));
- the Beulah Estate (listed on the State Heritage Register);
- Humewood Forest (listed in IDO 15); and
- Meadowvale (listed in IDO 15).

Issues and Assessment

The heritage consultants have undertaken an assessment of the impacts of the planning proposal on the heritage significance of the local and state listed items on and within the vicinity of the site as summarised below.

Upper Canal System

The Upper Canal – is a system of tunnels, aqueducts and open canals which transport water from the Appin area to the Prospect Reservoir, has historic and architectural significance and is listed on four heritage registers: NSW State Heritage Register; IDO 15; the Sydney Catchment Authority's Heritage and Conservation Register; and the Register of the National Trust of Australia (NSW).

The proposal will indirectly impact the aesthetic qualities of the Upper Canal System by partially removing the bushland setting.

Artificial Lake (Dam)

The Mt Gilead Group – the group of stone buildings, homestead, stables, granary and windmill without sails (referred to as the Old Mill) is listed in IDO 15 and on the Register of the National Trust of Australia (NSW - Classified). Neither listing defines the area of the item, but the description from both demonstrates that they focus on the Homestead Complex and Old Mill, with the IDO 15 also including a dam which is assumed to be the Artificial Lake. Other than a small area of the lake, none are within the site.

The proposal has the potential to impact the heritage significance of the Artificial Lake as it is partially located within the site.

Site of early Hillsborough homestead

The site of the early homestead known as Hillsborough has been identified as a site of local archaeological significance.

Remnant tracks

An assessment of remnant access tracks and a carriageway to the Mt Gilead Homestead was undertaken to identify if these contained any heritage significance. It was determined that these tracks and the carriageway do not satisfy any state or local level criteria for significance. Despite this, any possible interpretation of the extent of the carriageway has been encouraged to reflect the historic quality of the site.

Mt Gilead Homestead Complex

The heritage assessment concluded that historically, the Mt Gilead Homestead Complex and Windmill (the Old Mill), together with the Artificial Lake to the east, had been considered to be part of a single picturesque vista. The views to and from these items are considered important in the context of their heritage significance and as such, where practicable and feasible, it is considered desirable that the current rural landscape setting for these two items be retained.

The consultants note that the overall heritage significance of these two items is not considered to be affected by the proposal. Views to the Mt Gilead Homestead Complex and the Old Mill from the proposed residential development are not considered to have a significant, or otherwise unacceptable, impact on the heritage values of these items.

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Neighbouring items

The heritage items listed above in the vicinity of the site are not identified as being affected by the planning proposal.

Planning Proposal Response

The heritage conservation provisions in clause 5.10 of Campbelltown LEP 2015 will apply to the site and protect the heritage values of the site and its surrounds. In addition, further measures are proposed as described below.

Upper Canal

The proposal will indirectly impact the aesthetic qualities of the Upper Canal System, a State heritage item, by replacing part of the bushland setting with residential development. As the Canal has its own corridor of 'bushland setting' which will not be impacted by the proposal, the overall heritage significance of the item will not be detrimentally impacted.

Notwithstanding this, to address any potential impacts, it is proposed that a statement of heritage impact (SOHI) be prepared prior to any development application for works adjacent to the Upper Canal. The SOHI should clearly document the extent of visual or aesthetic impacts and all necessary controls to minimise or avoid heritage impacts.

Approval from the NSW Heritage Council should be sought for any development impacts within, or directly adjacent to, the bushland corridor of the Upper Canal.

Views and Vistas

The residential use of the site is considered acceptable by the heritage consultants subject to the incorporation of the heritage assessment recommendations and subdivision guidelines provided in the European Heritage Assessment. These recommendations and guidelines will generally be applied in relation to the preparation of future applications for residential development on the site.

More specifically, the planning proposal has responded to the issues in relation to significant vistas from, and views to, the Mt Gilead Homestead complex in the following ways:

- the land to the north east of the Mt Gilead Homestead is to retain a rural zone and is proposed to be zoned RU2, so protecting and retaining the landscape setting of the Mt Gilead group
- views to the north-east from the Homestead to the hill (within the RU2 zone), known as 'One Tree Hill' would generally be protected as the parklike backdrop and surrounds are not proposed to be disturbed with residential development. It is proposed that future residential development to the east will be screened with the planting of trees. 'One Tree Hill' will be retained as a grassed knoll with a single tree
- the rural, parklike setting of the Old Mill will be retained within the proposed RU2 zone of CLEP 2015.

These measures are further supplemented with a series of provisions in the site specific DCP in relation to retaining and interpreting heritage and views. Moreover, the Indicative Structure Plan interprets the significance of the historic alignment of the Mt Gilead carriageway off Appin Road by generally setting it on the axis of the Old Mill. Particular elements of the alignment, such as the gateway off Appin Road and the curve of the road around the Artificial Lake are retained where possible, as are views of the Old Mill.

Artificial Lake (Dam)

The integrity of that part of the Artificial Lake within the site is generally not compromised as it will continue to be surrounded by rural land by virtue of the proposed RU2 zone along the western boundary of the site, and the whole lake is to remain in one ownership.

In addition, a heritage curtilage is to be provided around the Artificial Lake to mitigate any potential impacts and only the construction of a stormwater detention basin within the curtilage would be acceptable. Construction outside of the curtilage area would have no impact on the item.

If the Artificial Lake was to be visually or functionally impacted or if impacts were to occur adjacent to it, a SOHI and a conservation management plan (CMP) would be developed for the lake prior to any development application. The CMP would establish whether any impact(s) may or may not occur to the item during and post construction, and serve to manage them.

The heritage assessment further recommends that the Artificial Lake should be considered for State heritage listing, as well as for inclusion in Campbelltown's LEP rather than it being part of the general Mt Gilead listing as is currently the case.

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Hillsborough Homestead

The site of the Hillsborough cottage will be recorded and interpreted in the subdivision design of the site, as shown in the Indicative Structure Plan, and existing archaeological evidence of the cottage will be recorded and interpreted.

Beulah Biobanking Site

The southern boundary of the site adjoins land at Beulah which has been established as a biobanking site. In recognition of the environmental significance of this biobanking site, an area of 3.5 hectares of public recreation land has been included on the draft zoning map (refer to **Appendix B**) in order to provide a buffer between the Beulah site and proposed future residential development.

5.8 Aboriginal Heritage

The generally undisturbed nature of the subject site results in potential for Aboriginal cultural heritage sites and areas of archaeological sensitivity. As such, Navin Officer has prepared an Archaeological Assessment and Aboriginal Consultation Report which examines the significance of existing Aboriginal Archaeological Sites on the site and provides an assessment on the potential impact of permitting residential development.

Context

Three artefact scatter sites (MGA13, MGA26 and MGA27) have been identified as possessing moderate scientific significance. Two isolated finds (MGA12 and MGIF3) are of low scientific significance at a local level. One culturally modified tree (MGMT1) has been assessed to have high scientific and cultural significance at a local level. Further information on six potential archaeological deposits (PADs) (MG PAD42, MG PAD43, Mt Gilead Property PAD, MG PAD44, MG PAD45 and MG PAD46) was not identifiable at this time, but it is acknowledged by Navin Officer that an Aboriginal Heritage Impact Permit (AHIP) would be required in the future if any disturbance was proposed to the PADs.

Issues and Assessment

A comprehensive consultation process was undertaken by Navin Officer in accordance with the OEH document '*Aboriginal cultural heritage consultation requirements for proponents 2010*'. This involved correspondence with Local Aboriginal Land Councils, government agencies and various Indigenous relations groups. A field assessment of the site and various desktop searches were also undertaken by Navin Officer to inform the assessment.

On the assumption that all of the identified items, Aboriginal sites and PADs will be directly affected by future development, Navin Officer has determined that the future development of the site for residential purposes will have an impact on items of Aboriginal significance, and that future construction on the site would have a high degree of harm and result in the removal of all items of significance.

Navin Officer has not precluded the proposed rezoning of the site but has recommended that the following mitigation measures, should be implemented in the future development of the site:

- implementation of conservation areas
- subsurface testing of archaeological deposits
- surface salvage of Aboriginal objects
- care and management of recovered artefacts
- ongoing consultation with Aboriginal stakeholders.

Planning Proposal Response

The heritage conservation provisions in clause 5.10 of Campbelltown LEP 2015 will apply to the site and are considered adequate to protect the Aboriginal significance of the site.

The culturally modified tree will continue to be protected by virtue of its location on land proposed to be zoned RU2.

The mitigation measures outlined above should be implemented by CCC in relation to future applications for development.

5.9 Landscape Character and Visual Impact

As detailed above in Section 5.7 there are existing features of the site and surrounding landscape elements that have been identified as having heritage significance. The proposed rezoning of the land for residential purposes has the potential to materially affect the rural agricultural nature of the site and its associated heritage features – in particular

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the Mt Gilead Homestead Complex and surrounding land. Accordingly, Clouston Associates were commissioned to undertake a Landscape Character and Visual Impact Assessment to assess the extent of the impacts of the planning proposal and establish whether and how such impacts can be mitigated.

Context

A number of elements associated with 19th Century English landscapes are present both within and surrounding the site. Of particular relevance are:

- the Homestead Complex and the Old Mill and associated landscape – including the Artificial Lake (dam) and One Tree Hill
- historic references which indicate that the landscape character of the property in the 19th century was 'park-like' and resembled an 'English country seat'
- landscape elements such as individual tree specimens within a grazing landscape, ironbark fencing, a backdrop of native timber and extensive views.

While some of these elements are missing from today's property, the core elements commonly associated with the 19th Century romantic English landscapes remain – that is, a parkland style landscape of individual and groups of trees in a rolling pasture and extensive district views, providing the context and curtilage for the heritage listed structures and buildings.

The combination of these elements creates the landscape character significance and establishes a wider landscape context for the identified heritage items.

The Upper Nepean/Sydney Water Supply Canal is also identified as an important heritage element of the landscape but has limited visual presence from the site.

Issues and Assessment

Clouston Associates originally identified numerous visual receptors grouped into public domain views, private domain views, views to and from the site, and views within the site. Of these, six locations were identified which best demonstrate any effect of future residential development.

An assessment of these viewpoints has identified impacts ranging from moderate/high to moderate and negligible. In essence, the future residential development on the site may have impacts on significant landscape and visual elements if not appropriately mitigated.

The Visual Impact Assessment (VIA) identifies two broad areas of landscape character and visual significance that require specific mitigation measures:

- the core visual catchment from the Old Mill looking north and from the access road to the Mt Gilead Homestead looking north east (both with a moderate/high visual impact rating)
- the approaches to the site on Appin Road along the eastern boundary of the site which would change as a result of the removal of existing vegetation along the eastern side of Appin Road to facilitate road widening so revealing the physical features of new urban development (moderate visual impact rating).

Other identified receptor locations were considered to be of such distance from the core heritage elements, or the view cones of any part of the site so narrow, that any change was expected to be barely visible and thus mitigation measures were not deemed to be warranted.

The view from the Gilead Aged Care Facility (located to the north of the site) would also potentially be significantly impacted by the proposed rezoning, but the approved development of the Gilead retirement village currently in construction on the adjoining site will entirely obscure this view; thus impacts from this receptor were discounted.

Planning Proposal Response

Clouston Associates has identified a range of mitigation measures to be considered in the future residential development of the site framed around the key principles of avoidance, reduction, alleviation, compensation and management. The VIA sets out specific mitigation principles and measures to manage the impacts of the residential development that would flow from the planning proposal, and indicates that if these are implemented in relation to the above two areas of impact, the visual impact rating would reduce to moderate/low.

More specifically:

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In relation to the visual catchment from the Old Mill looking north and from the access road to the Mt Gilead Homestead looking north east, the core mitigation principles for these receptors would be to:

- retain the 'bald' character of One Tree Hill as a grassed knoll with a single landmark tree
- maintain the skyline of the tree and grassed crest uninterrupted by planting or built form
- ensure that only native vegetation and no built form is visible on the lower flanks of One Tree Hill
- maintain views to the Artificial Lake (dam) with a vegetated backdrop and no visible built form.

In relation to the loss of vegetation along Appin Road and views of new urban development, the core mitigation principles would be to:

- establish a sense of the former character of, and arrival experience at, the Mt Gilead property driveway entrance through simple landmark tree planting and landscape design
- re-establish, through new roadside native planting and landscape design, a roadside character evocative of the former rural approach to the Mt Gilead property along Appin Road from both north and south.

The recommended landscape and design measures will be implemented via the proposed site specific provisions in the site specific DCP. In addition, the proposed land use zones listed in Section 5.7 above, the proposed larger lots in the north west corner of the site (as shown on the Lot Size Map) and the proposed limit to building height on the northern side of One Tree Hill (as shown on the Height of Buildings Map) will further mitigate any impacts on the views from the Homestead and the Old Mill.

The rezoning of the site to permit residential development is thus considered acceptable as there are sufficient mitigation measures available to appropriately reduce landscape character and visual impacts.

5.10 Transport, Traffic and Access

The Traffic, Transport & Access Study prepared by Parsons Brinckerhoff was designed to assess the effects on traffic of the proposed rezoning for a range of dwelling numbers (1500-1700). The traffic study was undertaken in accordance with the requirements of CCC, Transport for New South Wales (TfNSW) and Roads and Maritime Services (RMS) and the road and intersections included in the traffic study were accepted by both TfNSW and RMS.

Context

The site is located adjacent to Appin Road which is classified as a State Road. Other important surrounding roads include Narellan Road, Oxley Street and the Hume Motorway. Appin Road carries approximately 21,500 vehicles daily south of Woodland Road, Bradbury. No formal pedestrian paths are located on Appin Road along its boundary with the subject site. A review of crash data on Appin Road in close proximity to the site indicates a total of 17 reported crashes in the five year period from 2007 to 2012.

Two bus services (Route 887 and 888) operate within close proximity of the site with Route 887 travelling past the site on Appin Road.

Issues and Assessment

The roads and intersections assessed in the traffic study included Appin Road from Appin to Narellan Road, Narellan Road from Appin Road to Gilchrist Drive and the major intersections along these routes. The study area included 13 existing intersections and three proposed intersections along Appin Road directly accessing the site. Annual increases in background traffic in addition to the potential increased traffic that would be generated as a result of the planning proposal traffic growth were factored into the traffic assessment, ensuring a conservative and true assessment of the future situation.

Various development scenarios were modelled: 1,500 and 1,700 dwellings by 2026, and an interim scenario of 50% of these dwellings being constructed by 2021.

The traffic, transport and access study confirmed that the proposed rezoning for residential development will further contribute traffic to intersections along Appin Road into the future. Several of the intersections were operating at or near capacity in 2013 and will further deteriorate on the basis of background traffic growth into 2021 and 2026. Likewise, several intersections are expected to operate near, at or over capacity due to the addition of traffic from the Mt Gilead site. As such, additional capacity would be required at the following intersections in order to improve intersection performance to acceptable levels of service:

Appin Road, Kellerman Drive and Copperfield Drive

Appin Road and St Johns Road

Appin Road, Oxley Street, Narellan Road and The Parkway.

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In addition, the mid-block capacity assessment of the capacity of Appin Road to handle the expected traffic increases determined that Appin Road would need to be upgraded – including adding turning lanes, slip lanes and augmenting the carriageway to two lanes.

A range of mitigation measures have been proposed to address the impacts of the planning proposal on the road network. These include:

- providing a bus service to the site
- accommodating a walking and cycle network in the site
- investigating car share schemes
- developing a residential travel plan
- upgrades to specific intersections and Appin Road (see below).

TfNSW and RMS have reviewed the Traffic, Transport and Access Study and have confirmed that the mitigation measures are acceptable to mitigate the impacts of the Mt Gilead. TfNSW and RMS also advised that they had no objection to the Mt Gilead Planning Proposal being publicly exhibited provided the following conditions were met:

- development is set back 20 metres from the existing Appin Road western boundary providing for a future road corridor of 40 metres
- The land required for road widening is dedicated at no cost to Government through an appropriate agreement
- The land required for road widening is shown as SP2 Infrastructure 'Classified Road' on the Mount Gilead Planning Proposal Land Zoning and Land Reservation Acquisition Maps.

Planning Proposal Response

It is considered that the site is capable of being developed for residential purposes with the implementation of the mitigation measures identified in the Parson Brinkerhoff study and confirmed by TfNSW and RMS. Specifically, the road infrastructure upgrades identified in the recommendations in the report aim to overcome the congestion anticipated to be caused by both background growth and the Mt Gilead development and thus enable the development of the site for up to 1700 dwellings. The planning proposal maps reflect the conditions required by the traffic authorities.

The funding and staging of road infrastructure works is the subject of a regional voluntary planning agreement (VPA) between the landowners and the State government, which also addresses land dedications matters.

With regard to public transport, the Indicative Structure Plan shows a bus route through the site and the intersections with Appin Road will be designed to accommodate buses.

5.11 Noise

The site is potentially susceptible to noise impacts as it adjoins Appin Road and is located in close proximity to a number of industrial uses. As such, a Noise Assessment has been prepared by Wilkinson Murray to assess the potential noise impact from surrounding industrial uses and traffic on the Mt Gilead site. The predicted noise impact from traffic generated by the development of Mt Gilead on surrounding residential areas has also been addressed.

Context

Wilkinson Murray conducted noise monitoring at the site to determine existing background levels and traffic noise levels from Appin Road. The existing background noise levels of the site are similar to those of a rural context. Noise levels of surrounding uses, such as the Rosalind Park Gas Plant and Menangle Quarry, were also identified for consideration in the noise assessment. It should be noted that subsequent to the completion of the acoustic assessment, advice was given that the proposed Leaf's Gully power station would not be proceeding. Accordingly the noise impacts of the power station are no longer relevant to this planning proposal.

Issues and Assessment

The surrounding industrial activities are potential catalysts for noise intrusions on the future residential development at Mt Gilead. However, as a result of on-site noise monitoring, it was determined that the surrounding industrial uses are barely audible on the site. This is due to both the considerable distance of the uses from the site and the topographical shielding between the uses and the site.

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Based on the identified traffic noise levels from Appin Road, Wilkinson Murray assessed the suitability of the site for residential development. Noise level criteria were established for future residential development based on the Department of Planning's document *Development Near Rail Corridors and Busy Roads – Interim Guideline* and the requirements of *State Environmental Planning Policy (Infrastructure) 2007*. If new residential development was to be constructed without any mitigation measures but set back approximately 30 metres from Appin Road, it would not comply with the relevant noise criteria. As such, Wilkinson Murray has suggested measures such as glazing specifications and acoustic door seals to achieve the relevant noise levels.

Traffic noise generated by the proposal was determined using criteria set in the NSW Road Noise Policy (March 2011) and the expected traffic generation from the future residential development. The expected traffic generation on Appin Road will result in an increase of 2.4dBA for the peak hour, and between 2.0 – 2.2dBA over a fifteen hour period. The NSW Road Noise Policy specifies that an increase of 2dBA is barely discernible, therefore the proposal is not expected to have any impact on surrounding residential areas.

Planning Proposal Response

The noise impacts both on the proposal and resulting from the proposal will not be significant and are capable of being appropriately addressed in future design and development stages. Noise impacts do not preclude the rezoning of the site for residential purposes.

Moreover, it is noted that the Indicative Structure Plan for the site proposes a substantial buffer between residential development and Appin Road.

5.12 Air Quality

The proximity of the site to several industrial uses increases the potential for adverse air quality impacts on any future development. Wilkinson Murray has performed a qualitative air quality impact review to determine the viability of the proposed planning proposal. The review addressed the potential impact on air quality from surrounding industrial facilities and road traffic on the future residential development that would eventuate as a result of the planning proposal.

Context

The existing air quality environment at the Mt Gilead site is expected to be good due to its location away from significant urban development; however the following surrounding uses could influence air quality at the site:

- Appin Road
- the M31 motorway - approximately 1.8 kilometres to the west
- Menangle Quarry - approximately 1.2 kilometres to the west
- Rosalind Park Gas Plant - approximately 1 kilometre to the west
- poultry farms (Ingham's Broiler Complex) - approximately 4 kilometres to the south.

It should be noted that subsequent to the completion of the air quality assessment, advice was given that the proposed Leaf's Gully power station would not be proceeding. Accordingly, any potential air quality impacts of the power station are no longer relevant to this planning proposal.

Current data from nearby quality monitoring stations indicates that the regional air quality is below the target levels established for New South Wales. As such, there is capacity within the region for additional development.

Issues and Assessment

Wilkinson Murray have identified that potential impacts on the air quality of the Mt Gilead site could arise from elevated levels of particulate matter, carbon monoxide, nitrogen dioxide, sulphur dioxide and ozone. An assessment concentrating on the impact of the surrounding uses listed was undertaken with each of the surrounding uses expected to operate within the relevant air quality levels established by the NSW Environment Protection Authority (EPA). Two of these uses, the Rosalind Park Gas Plant and Ingham Broiler Complex, operate under environmental protection licenses, which ensure that they are continually monitored by the EPA for compliance with air quality targets.

The substantial distance of all of these uses from the Mt Gilead site further diminishes the likelihood of any air quality impacts on the future residential development. Prevailing winds within the region will contribute to dispersing any air quality impacts, such as dust or odour, away from the site.

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Likewise, the separation distance of the site from Appin Road is sufficient to ensure that no air quality impacts are experienced on the site. Wilkinson Murray have noted that even with the widening of Appin Road, a minimum of 30 metres will be achieved between the roadway and the nearest dwelling, appropriately mitigating any air quality impacts.

Planning Proposal Response

In light of the above assessment, Wilkinson Murray have identified that there will not be any significant impact on air quality at the Mt Gilead site from surrounding industrial uses and traffic. The site will be suitable for residential development from an air quality perspective and thus capable of being rezoned for this purpose.

5.13 Stormwater and Flooding

Worley Parsons has prepared a Stormwater Management and Flooding Assessment of the site covering the future management of the stormwater quality and quantity and flood risk post rezoning (and as a result of development).

Context

The site consists predominantly of open pasture land currently used for grazing livestock. The existing land surface grades generally towards the north-west with some steep areas, particularly in the north-western corner of the site. A number of low order ephemeral watercourses drain the site and discharge to four identifiable points along the site boundary.

Issues and Assessment

Stormwater quality

The objectives of the strategy for the management of stormwater quality agreed with CCC are to preserve the state of existing watercourses and to ensure that post-development pollutant loads are consistent with Council's stormwater pollutant load reduction targets. The pollutant reduction targets that were adopted for Mt Gilead are stricter than the baseline targets in Council's draft parameters for MUSIC modelling, but are considered appropriate given the proximity of the site to the Upper Canal and the Nepean River.

Separate MUSIC models were prepared to reflect the existing catchment and site conditions and the post development scenario as shown in the Indicative Site Master Plan. The modelled treatment train consisted primarily of end-of-line stormwater treatment devices such as gross pollutant traps (GPTs) and bio-retention systems located in areas of public open space. The results of detailed water quality modelling indicate that the proposed treatment train achieves Council's requirements in relation to stormwater quality.

Stormwater quantity

The focus of the strategy to manage the quantity of stormwater was to demonstrate that stormwater runoff under post-development conditions can be managed so that post-development peak flow rates do not exceed pre-development peak flow rates at each of the site's discharge points, and to ensure that flows up to the 100 year ARI event can be accommodated; safe passage of the probable maximum flood (PMF) is provided; and development does not result in water runoff causing flooding or erosion on adjacent properties.

XP-RAPTS software was used to develop a hydrologic model of the catchments that drain through the site which was then used to simulate a range of design storms and predict peak flow rates under existing and post-development scenarios. Required stormwater detention storage volumes were calculated to ensure that post-development peak flow rates would be less than, or equal to, pre-development peak flow rates at each of the proposed bio-retention systems for events up to the 1% Annual Exceedance Probability (AEP) event.

The results established the volume of stormwater detention that would be required at each bio-retention system to limit discharges so that post-development peak discharge rates do not exceed pre-development peak discharge rates for storm events up to the 1% AEP event.

Flooding

The objective of the flood assessment was to provide information regarding potential flood constraints that could affect development of the site and to identify potential flood management measures. The assessment was informed by various Australian and NSW flood plain management guidelines and policies.

One-dimensional flood modelling of the major creek lines within the Mt Gilead site was undertaken to define flood characteristics, with the HEC-RAS software used to develop flood models of each tributary. These were then used to

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simulate the 1% AEP and PMF events, and to determine preliminary flood extents and potential constraints that flooding may pose on future development.

The results indicated that the 1% AEP flood and PMF flood extents would generally be contained within riparian corridors and outside of proposed development areas. Where future residential development could be affected by the PMF, the indicative road layout shown on the Indicative Site Structure Plan was considered to provide sufficient capacity for flood free evacuation.

Planning Proposal Response

The strategy for the management of stormwater quality has been developed so that the land parcels under different ownership are able to achieve the agreed stormwater quality objectives independently of each other, so enabling them to be developed at different times.

The overall stormwater management strategy involves the implementation of a treatment train to satisfy the agreed pre-determined stormwater quality objectives and includes rainwater tanks, GPTs and bio-retention systems. The bio-retention basins and/or swales will collect surface runoff from roads and general urban areas and, as shown in the Indicative Site Structure Plan, are to be located in open space areas adjacent to, and generally outside of, riparian corridors.

Stormwater detention structures with multi-staged outlets will be provided adjacent to the proposed bio-retention systems to ensure that post-development peak discharges are equal to or less than pre-development peak discharges.

Flooding up to the PMF is not predicted to impact on most areas proposed for residential development. Where residential development is proposed within flood affected areas, minimum habitable floor levels and flood free evacuation routes will need to be considered at development application stages in accordance with Council and State policies. A more detailed assessment of flood behaviour and flood impacts will be necessary at DA stage based on proposed lot layouts and site grading.

In summary, the results of detailed water quality modelling documented in the Worley Parsons report indicates that the proposed treatment train achieves CCC's requirements in relation to the management of both stormwater quantity and quality. The risk of flooding is low and is not a constraint to the proposed rezoning of the site for residential uses.

5.14 Utility Services

Worley Parson has investigated and documented the future utility servicing requirements for the site. This is summarised below and documented in detail in the Infrastructure and Services Report and the Water and Wastewater Servicing Strategy.

Existing services and future requirements

Potable water

There is currently no potable water reticulation infrastructure in the vicinity of the site. However, the site is located adjacent to Sydney Water's Rosemeadow reservoir zone.

The preferred potable water servicing involves connection to the Rosemeadow elevated system and construction of a new reservoir zone to service high level lots within Mt Gilead, including construction of a water main connecting to the Rosemeadow system, a main parallel to Appin Road, a water pumping station at the north-eastern corner of the site and an elevated security reservoir at the south-eastern corner of the site.

Waste water

There is currently no wastewater reticulation system in the vicinity of the site with the nearest wastewater infrastructure being Sydney Water's reticulation system that services the suburb of Rosemeadow to the north of Mt Gilead.

Worley Parsons investigated various wastewater servicing options for the site and have proposed that the site be connected to the Glenfield-Liverpool gravity wastewater system. This would require a new 310 kW wastewater pumping station; two rising mains; and, a gravity sewer which would ultimately convey wastewater from Rosemeadow to the Glenfield wastewater system.

Electricity

The site is located within Endeavour Energy's area of operation. There is currently no existing electricity infrastructure within the vicinity of the site.

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Initial discussions with Endeavour Energy suggest that future development can be supplied from the Ambarvale Zone Substation. It is expected that a new substation will be required and two new 11 kV feeders would need to be installed. The existing power poles running along Appin Road cannot accommodate the new 11kV feeders.

Gas

There is no reticulated gas service in the immediate vicinity of the site. Initial discussions with Jemena have established that there is sufficient capacity within existing infrastructure to service the proposed development, and it is likely that the gas connection would be made within Rosemeadow and run down Appin Road and into the site.

The nearest gas main to the site is the 'Eastern Gas Pipeline', a 457mm diameter high pressure main that is the major gas supply line between Sydney and the Gippsland Basin in Victoria. This main is located approximately 600 metres from the western site boundary. A direct connection from the Eastern Gas Pipeline is unlikely to be a feasible option for servicing the development.

Telecommunications

Existing copper and fibre optic cabling is located in existing residential areas to the north of Mt Gilead. Telstra telephone exchanges are located at St Helens Park and Menangle. A high intensity copper main line runs north-south through the Mt Gilead site and an optic fibre line is located along the eastern side of Appin Road.

Telecommunications services would be provided by Telstra under the Universal Service Obligation arrangement referenced under the *Telecommunications Act (1997)*. Existing Telstra infrastructure would need to be extended from the north via Appin Road to reach the site. Initial discussions with NBN Co indicate that the proposed development may be eligible for the National Broadband Network.

Planning Proposal Response

As indicated above, the site is capable of being serviced through the extension/augmentation of existing utility infrastructure or the provision of new infrastructure. The provision of appropriate lead in works will be addressed as part of future development applications and in consultation with the relevant service providers. Sydney Water has advised that whilst all work with regard to water and wastewater services is not yet complete it supports the public exhibition of the planning proposal.

5.15 Economic and Social Impacts

5.15.1 Social and Economic needs

The scale of the future envisaged residential development on the site will result in potential social and economic impacts. As such, MacroPlan Dimasi has prepared a Social and Economic Needs/ Impact Assessment.

Context

An expected yield of 1,400 to 1,700 dwellings by 2026 was used in predicting the future population on the site. Based on an occupancy rate of three people per household, the population at Mt Gilead is expected to lie between 4,188 and 5,088 persons by 2026 - an increase equivalent to 0.3% of the overall Campbelltown LGA population per annum, reflecting the minor nature of the increase in the LGA context.

Issues and Assessment

The projected population is expected to have a negligible impact on demand for employment land. Based on existing labour force rates in outer south western Sydney, between 2,115 and 2,568 working residents are expected to reside within the site. MacroPlan Dimasi suggests there is no causal relationship between employment land increase and population growth, rather employment land is linked to broader market forces.

The only need for employment land is expected to be for minor services such as retail facilities for local residents. Furthermore, there is an abundance of existing employment land to satisfy demand in South West Sydney.

The existing retail opportunities in the context of the site have informed an assessment of the retail needs. Based on the expected population and surrounding context, no large supermarket facility is required to service the site. A small convenience store is expected to be suitable to service the future population in addition to the existing facilities in the surrounding locality.

The scale of envisaged development on the site does not produce a substantial demand for social and community infrastructure and open space, and the expected additional population will have a nominal impact on local and regional services which are expected to be able to cater to the demands of the new population. The future residential population could not support a new government funded school or hospital and would not generate a significant

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demand for district or regional open space for organised sporting and recreational activities. It is thus anticipated that the existing wider provision of services will cater for the incoming Mt Gilead population elsewhere in the catchment.

The size and type of neighbourhood services and social infrastructure required to support the Mt Gilead release area has been measured against relevant benchmarks for the Sydney Growth Centres and other national standards. MacroPlan Dimasi recommends that the following provision be accommodated at Mt Gilead to meet the needs of the new population:

- a small convenience store
- a Neighbourhood Community Centre (on approximately 1500 square metres of land)
- 2.5ha Neighbourhood Park
- 14.39ha of open space generally.

Planning Proposal Response

The aforementioned study confirms that the population likely to result from the planning proposal is able to be serviced by existing social and economic infrastructure within the Campbelltown LGA and there are no social or economic obstacles to the proposed rezoning.

Moreover, in accordance with the above recommendations, the planning proposal makes specific further provision with the following:

the zoning of a small area of land adjacent to proposed open space as B1 Neighbourhood Centre. The land uses within this zone permit a community centre and neighbourhood shop

the zoning of almost 31ha of land as RE1 Public Recreation. Both active and passive recreation uses are permissible in this zone.

In addition, the Indicative Structure Plan for the site shows the location of a 2.9ha sports field as well as a 'community hub' that would accommodate a community centre and convenience store/ kiosk (approximately 0.21ha). The provision of open space and a community centre are the subject of a VPA between the landowners and CCC.

5.15.2 Impacts on Agricultural Land

The site is classified as Agricultural Land Class 3 and has been, and currently is, used for agricultural purposes. Accordingly, an Agricultural Investigation has been prepared by AgEconPlus Consulting to determine the strategic importance of land for agricultural production.

Context

The site is mostly cleared and gently sloping with three creeks. The soil is predominately shallow and composed of a clay base and shale rock beneath. The average rainfall is 767.4mm with an even monthly distribution. Previously, the site was used for beef cattle grazing and dairy cattle milk production. It is now used for cattle grazing purposes.

Issues and Assessment

Feasible forms of food production based on the agricultural land classification include horticulture not dependent on irrigation water, such as olive or wine crops, or livestock grazing. Producing crops such as olives or wines is not feasible as these crops are currently oversupplied and prices are depressed. The grazing of livestock on the site is also undesirable as more intense forms of grazing and animal production are currently carried out in areas west of the Great Dividing Range, with significantly more suitable sites than Mt Gilead for such activities.

In regard to the availability of land for food production in the Sydney Basin and NSW, the site represents 0.2% and 0.01% of Class 3 agricultural land respectively. As such, the site is not critical to the vitality of the agricultural industry of Sydney or NSW. If the site was not used for beef cattle grazing, there would be a lost opportunity of 125 additional beef cattle grazed in NSW. The beef cattle industry in NSW currently comprises over six million cattle; therefore the minor reduction of 125 cattle from the site would be negligible.

Planning Proposal Response

The site does not play a critical role in the agricultural industry of Sydney or NSW, with limited value for a select range of agricultural activities. The rezoning of the site for residential purposes will not adversely affect food production in Sydney or NSW.

6.0 Summary and Conclusion

6.1 Need for Planning Proposal

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

The planning proposal seeks to rezone land in accordance with the intent of, and land identified within, the Metropolitan Development Program (MDP). The MDP had earmarked the site for the expansion of the existing residential land situated to the north of the site.

The MDP had set the development yield of the Mt Gilead site at 1500 lots. Subsequently the assessments undertaken for the planning proposal have demonstrably indicated that the land and relevant infrastructure have the capacity to accommodate more dwellings. This planning proposal has established that the site has the capacity to accommodate up to 1,700 dwellings.

The planning proposal responds directly to the MDP and also contributes to the target of 60,000 new homes by 2021 in the South West Subregion.

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

The planning proposal to rezone the Mt Gilead site from Rural to Residential land is the most efficient means of achieving the State and regional planning objectives and strategic outcomes.

6.2 Relationship to Strategic Planning Framework

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

As set out in **Section 2**, the proposal is consistent with applicable regional and subregional strategic documents, including all draft strategies, prepared by the NSW Government and Campbelltown City Council as summarised below.

Metropolitan Plan for Sydney 2036

As described in **Section 2**, the *Metropolitan Plan for Sydney 2036* aims to provide an integrated planning framework to manage Sydney's growth to 2036. Since its release in December 2010, the strategy has been reviewed and a *Draft Metropolitan Strategy for Sydney to 2031* has been released. As this new draft strategy represents the most up-to-date strategic planning policy in Sydney, the proposal has been assessed against this new strategy.

Draft Metropolitan Strategy for Sydney to 2031

As set out in **Section 2**, the *Draft Metropolitan Strategy for Sydney 2031* establishes the latest strategic directions for the Sydney Metropolitan Region. The proposal is consistent with the draft Metropolitan Plan in that it will provide additional dwellings to contribute to the delivery of the targeted 427,000 dwellings in South West Sydney by 2031. By unlocking the Mt Gilead land for residential development, the proposal will indirectly stimulate and support employment growth and jobs closer to home.

Draft South West Subregional Strategy

The proposal is consistent with the *Draft South West Subregional Strategy* as it will unlock land for the development of residential dwellings, contributing to the supply of housing in the South West subregion, and supporting the Campbelltown-Macarthur Major Centre.

A Plan for Growing Sydney

It is considered that the proposal is consistent with the goals of *A Plan for Growing Sydney* particularly with regard to assisting in the delivery of new housing to meet the needs of Sydney's growing population.

Is the planning proposal consistent with the council's strategy or other local strategic plan?

As mentioned in **Section 2**, the planning proposal is consistent with Council's strategic documents *Campbelltown 2025 – Looking Forward*, *Campbelltown Local Planning Strategy* and *Campbelltown Residential Development Strategy*. The proposal will enhance Campbelltown as a growing Regional Centre by addressing the need to provide for future residential development, maintaining protection of sensitive environments, utilising existing transport and traffic infrastructure into Campbelltown City, and improving the diversity and choice of housing.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the proposal with the relevant State Environmental Planning Policies (SEPPs) is outline

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Table 2 – Consistency of the proposal with the relevant SEPPs

SEPP	Requirement	Proposal	Complies
SEPP 19 – Bushland in Urban Areas	SEPP 19 aims to protect bushland in urban areas identified in Schedule 1 of the SEPP. Campbelltown is listed in Schedule 1 and therefore a Plan of Management is to be developed where bushland is zoned or reserved for public open space purposes.	The urban bushland within the site is to be dedicated to CCC. Plans of Management for future bushland within the site will be prepared at the time of relevant development as required by CCC.	Yes
SEPP 44 – Koala Habitat Protection	Campbelltown is identified as a local government area with the potential for providing koala habitat. This Policy aims to encourage the proper conservation and management of areas that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	The number of Koala habitat trees does not exceed the 15% threshold under the SEPP and therefore the site is not considered potential Koala habitat.	Yes
SEPP 55 – Remediation of Land	SEPP 55 requires a planning authority to consider whether land is contaminated, and if so whether it is, or can be made suitable for proposed residential use.	This planning proposal indicates that the land is not contaminated and is suitable for future residential development	Yes
SEPP (Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	Future development of the site will need to be consistent with the relevant provisions of this SEPP, with future development applications referred to the RMS where necessary.	Yes
SEPP (BASIX) 2004	The overall aim of this Policy is to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	DAs for all future residential development will need to comply with the targets established under BASIX.	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	The aim of this policy is to encourage the provision of housing which increases the supply and diversity of residencies that meets the needs of seniors or people with a disability.	The planning proposal does not preclude the provision of housing for seniors and people with a disability.	Yes
SEPP Mining, Petroleum production and extractive industries 2007	The aims of this Policy are to support petroleum production and extractive industries to provide and manage development of mineral, petroleum and extractive material resources for promoting the social and economic welfare of the State.	The planning proposal does not impede potential mining of coal resources.	Yes
SEPP Affordable Rental Housing 2009	The aims of this Policy are to provide an overall consistent planning regime for the provision of affordable rental housing.	The planning proposal does not preclude the provision of affordable rental housing	Yes
SEPP Exempt and Comply	The aims of this Policy are to provide exempt and complying development codes that have State-wide application.	The planning proposal is not inconsistent with this SEPP which would apply to future development	Yes
SREP 20 Hawkesbury Nepean River	The aims of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	The assessments undertaken for this planning proposal have addressed the environment of the Hawkesbury Nepean system. The inclusion of proposed LEP provisions in relation to the Terrestrial Biodiversity (see Section 4), and the delivery of water quality and quantity infrastructure ensure the protection of the Hawkesbury Nepean system	Yes

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The consistency of the proposal with the relevant Section 117 Directions is outlined in **Table 3**

Table 3 – Consistency of the proposal with the relevant Section 117 Directions

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

Section 117 Direction	Summary / Implications	Proposal	Complies
1.1 Business and Industrial Zones	This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone. A planning proposal must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning	The area proposed to be rezoned to Zone B1 Neighbourhood Centre is approximately 3,200m ² and is proposed to accommodate a community centre and small convenience store/kiosk. This planning proposal is thus considered to be justifiably inconsistent with this direction as it is of minor significance due to the small area proposed for business purposes.	Yes
1.2 Rural Zones	This direction applies when a council prepares a draft LEP that creates, removes or alters a Rural Zone or provision. Any rezoning of Rural land needs to be justified by an environmental study or is in accordance with the relevant Regional Strategy prepared by the Department of Planning and Infrastructure.	As noted previously, the site was identified for rezoning on the Metropolitan Development Program. The planning proposal reflects the outcomes of extensive environmental studies and accords with relevant regional strategies as set out in this report.	Yes
1.3 Mining, Petroleum Production	Any future extraction of State or regionally significant reserves of coal, other mineral, petroleum and extractive materials are not compromised by inappropriate development.	Faults within the coal seam below the site will restrict any future mining activities, whilst the remainder of the seam will still be capable of being extracted.	Yes
2.1 Environment Protection Zones	This direction seeks to ensure the protection and conservation of environmentally sensitive areas.	Environmentally sensitive land is protected and conserved by way of provisions in a proposed Terrestrial Biodiversity clause in the draft LEP for the site (see Section 4)	Yes
2.3 Heritage Conservation	This direction applies to the conservation of heritage items, areas, objects and places of environmental heritage significance and indigenous heritage.	The heritage report has recommended appropriate mitigation measures to ensure that existing heritage is protected.	Yes
3.1 Residential Zones	This direction applies when Council prepares a draft LEP that creates, removes or alters a Residential Zone or provision. Any draft LEP will need to ensure that residential development is adequately serviced with water and sewerage.	The options for the provision of water and sewer infrastructure have been investigated and will be delivered as part of future applications for subdivision	Yes
3.3 Home Occupations	This direction encourages the carrying out of low-impact small businesses in dwelling houses.	The provisions in the draft LEP are consistent with CCC LGA-wide practice and do not preclude the carrying out of low-impact small businesses in dwelling houses	Yes
3.4 Integrated Land Use and Transport	This direction aims to ensure that urban structure, building forms, land use locations, development design, subdivision and street layouts achieve improved access to housing, jobs and support viable public transport.	The proposal seeks to deliver new housing in close proximity to existing residential urban land with access to public transport.	Yes
4.1 Acid Sulphate Soils	This direction aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Previous studies on site indicated that Acid Sulphate Soils were considered to present low risk. No further assessment is required	Yes
4.2 Mine Subsidence and Unstable Land	This direction aims to prevent damage to life, property and the environment on land that may be unstable or subject to mine subsidence.	The Mine Subsidence Report has confirmed that any subsidence related issues can be managed.	Yes
4.3 Flood Prone Land	This direction aims to ensure that development is consistent with flooding policies and includes consideration of potential flood impacts.	The site subject to this proposal is not identified as flood prone land.	Yes

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

Section 117 Direction	Summary / Implications	Proposal	Complies
4.4 Planning for Bushfire Protection	This direction aims to protect life, property and the environment from bush fire hazards, and to encourage sound management of bush fire prone areas. The direction requires that a Council shall consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation on a draft LEP, and take into account any comments made. It also requires that the draft local environmental plan shall have regard to <i>Planning for Bushfire Protection 2006</i> , and introduce controls that avoid placing inappropriate developments in hazardous areas.	Any future development on site will have regard to <i>Planning for Bushfire Protection 2001</i> . Council has consulted with the NSW RFS who advise that it has no objection to the planning proposal in principle.	Yes
6.1 Approval and Referral Requirements	This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No new unnecessary referral or concurrence conditions are proposed as part of the planning proposal.	Yes
6.2 Reserving Land for Public Purposes	This direction aims to facilitate the provision of public services and facilities by reserving land for public purposes.	The planning proposal includes the reserving of land to enable the widening of Appin Road which is classified as a State Road. Road and Maritime Services has advised that it will be the responsible public authority for the acquisition of the land dedicated for the road widening.	Yes
7.1 Implementation of A Plan for Growing Sydney	Planning proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.	The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, directions, actions or priorities.	Yes

6.3 Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no critical habitat on the site.

Seven threatened bat species were identified on the site. The ecological assessment carried out for the planning proposal concludes that these species will not be affected by the proposal.

The following ecological communities are located within the boundaries of the site: Cumberland Plain Woodland (CPW) – a critically endangered ecological community; Shale Sandstone Transition Forest (SSTF) – a critically endangered ecological community; and River-flat Eucalypt Forest (RFEF) - an endangered ecological community.

The proposal involves the retention of 83% of CPW, 49.6% of SSTF and 100% of RFEF, with 1.5 hectares of CPW and 12.5 hectares of SSTF to be removed - both largely comprising scattered trees.

Any adverse effects as a result of the removal of CPW and SSTF will be addressed either via a Species Impact Statement submitted with future development applications, or offset with Biodiversity Certification as detailed in the Ecological Assessment. The proposal is capable of achieving the test of 'improving or maintaining' the current vegetation on the site, subject to a red-flag variation being granted by the Office of Environment and Heritage. The landowners have committed to achieving bio-banking offsets and substantial land has been set aside for this purpose.

Also as noted in clause 5.1.2, the proposed LEP amendment protects the ecological values of the site in the following ways:

- ecologically sensitive land proposed to be zoned RE1 and RU2 will receive special protection via a clause to this effect, titled Terrestrial Biodiversity (as shown in **Appendix C**), which is proposed to be incorporated in 'Part 7 of the Campbelltown LEP 2015. The relevant land is identified on the Terrestrial Biodiversity Map
- the land proposed to be zoned RE1 in the north of the site connects with Noorumba Reserve and there are generally connections between all the areas of RE1 zoned land so facilitating the passage of native fauna.

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

The environmental effects as a result of the planning proposal are detailed in Section 5 of this report and involve impacts on:

- non-indigenous heritage views and vistas
- Aboriginal heritage
- native vegetation
- traffic.

None of the impacts are considered of sufficient magnitude to preclude the land uses the subject of the planning proposal. All will be managed by:

- proposed LEP provisions
- proposed development controls in Campbelltown (Sustainable City) DCP 2015
- the provision of State road infrastructure to be delivered via a regional voluntary planning agreement between the landowners and the State government
- the retention of significant stands of trees within open space areas
- provision of Biobanking offsets and/or other measures to protect the biodiversity of the site as determined by SIS assessments at development application stage.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal has considered the potential social and economic effects of the rezoning for future residential development. While local community and recreation facilities will be provided within the site, as noted in **Section 5.15**, the incoming population will be able to access all other social services in neighbouring suburbs where there is excess capacity (eg schools, health services, retail, entertainment, etc).

The site will accommodate a range of lot sizes, so providing choice in housing form and size which would respond to a variety of living situations and lifestyle choices. This has the potential to attract new residents who could, in turn, stimulate employment growth within the Campbelltown LGA.

6.4 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Utility Services Infrastructure

The full range of utility services needed to support the site has been investigated, covering electricity, telecommunication, gas, water, waste water and stormwater drainage. The site is able to be serviced with all-of-the above utility infrastructure as set out in **Section 5.14**

Transport Infrastructure

The site is capable of absorbing and supporting public transport and provision has been made for a bus route within the site. The street layout within the site, as proposed in the Indicative Structure Plan, facilitates local traffic movements as well as walking and cycling. Local roads will be constructed as part of future development applications.

The need for road and intersection upgrades has been set out in the Traffic, Transport & Access Study and discussed in **Section 5.10**. Various intersection and road upgrades will be required to address capacity deficits which are forecast to occur as a result of the planning proposal and background growth. These will be the subject of a regional voluntary planning agreement between the landowners and the State government.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has consulted with all public authorities listed in the Gateway determination and the following table advises of their views or non-response.

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	Public Authority	Comments
1	Transport – Roads & Maritime Services	<p>Has no objection to the planning proposal subject to:</p> <ul style="list-style-type: none"> • Development being capped at 1700 lots through a provision within Campbelltown LEP 2015. • The proponents entering into a planning agreement (prior to the making or gazettal of the planning proposal) with the Department of Planning and Environment (DPE) for the provision of agreed road infrastructure, and dedication of a 20 metre road reserve along the western boundary of the subject site at no cost to Government.
	Response <ul style="list-style-type: none"> • Campbelltown LEP 2015 contains under Cause 4.1A a maximum dwelling density requirement for three existing urban development areas. The Planning Proposal has been amended to include Mt Gilead into Clause 4.1A by imposing a cap of 1,700 lots supported by the provision of a density/yield map • a technical design brief for the upgrade works required to Appin road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lend Lease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1,700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1,700 lots through the "satisfactory arrangements" requirement of the recently signed MoU with the Department of Planning and Environment • the above agreement is proposed to include a reference to the dedication of a 20 metre setback along Appin Road the location of which has already been recognised on the proposed zoning map as SP2 Infrastructure Classified Road that was publicly exhibited. 	
2	Fire & Rescue NSW	<ul style="list-style-type: none"> • No objections to the planning proposal.
	Response <ul style="list-style-type: none"> • The no objection comment is noted. 	
3	NSW Rural Fire Service	<ul style="list-style-type: none"> • Identifies the key issues and assessment requirements regarding bush fire protection that will be required for any future development of the subject site.
	Response <ul style="list-style-type: none"> • It is noted that matters relating to bush fire protection can be dealt with as part of the assessment of any future development application. 	
4	Water NSW	<ul style="list-style-type: none"> • Notes the need to avoid and minimise impacts on the Upper Canal by any future development. • Generally supports the provisions of the draft DCP with a few minor amendments relating to name changes (Water NSW has now replaced the Sydney Catchment Authority, and the <i>Sydney Water Catchment Management Act 1998</i> is now <i>Water NSW Act 2014</i>) and an additional objective ensuring that all future development adjacent to the

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		Upper Canal corridor considers and responds to its heritage values.
	Response <ul style="list-style-type: none"> It is recognised that any development applications on land adjacent to the Upper Canal must ensure no detrimental impacts on the canal corridor. The minor amendments to the draft DCP as requested have already been included in Campbelltown (Sustainable City) DCP 2015. 	
5	Transport for NSW	<p>Requests the following:</p> <ul style="list-style-type: none"> Development be capped at 1700 lots through a provision within Campbelltown LEP 2014 (now LEP 2015). The proponents enter into a planning agreement with the Department of Planning and Environment for the provision of agreed road infrastructure. The draft DCP be amended to increase the width of the parking lane from 2.3 metres to 2.5 metres to accommodate a standard bus. Provision and dedication of a 20 metre setback along Appin Road through a planning agreement, to be shown under a SP2 Infrastructure Classified Road Zone.
	Response <ul style="list-style-type: none"> Campbelltown LEP 2015 contains under Cause 4.1A a maximum dwelling density requirement for three existing urban development areas. The Planning Proposal has been amended to include Mt Gilead into Clause 4.1A by imposing a cap of 1,700 lots supported by the provision of a density/yield map a technical design brief for the upgrade works required to Appin road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lend Lease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1,700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1,700 lots through the "satisfactory arrangements" requirement of the recently signed MoU with the Department of Planning and Environment the above agreement is proposed to include a reference to the dedication of a 20 metre setback along Appin Road the location of which has already been recognised on the proposed zoning map as SP2 Infrastructure Classified Road that was publicly exhibited. it is noted that the request to widen the parking lane from 2.3m to 2.5m is in keeping with the request from Busabout (item 16) to widen the road carriageway to 12m. It is also noted that Australian Standard 2890.5 provides for a minimum width of 2.6m for parallel kerbside parking for buses. The draft DCP has been amended to accommodate this request.. 	
6	NSW Trade & Investment Resources & Energy	<p>Extractive Resource Issues:</p> <ul style="list-style-type: none"> Notes the location of the Menangle Sandstone Quarry west of the subject land and advises that Council would need to be satisfied that any potential land use conflicts are appropriately addressed. <p>Coal & Petroleum Issues</p> <ul style="list-style-type: none"> Due to geological constraints the extraction of resources is considered unlikely thus no

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		issues are raised.
	Response <ul style="list-style-type: none"> It is noted that a small area of the subject land falls within the transition (buffer) area of the Menangle Sandstone Quarry and that any development of this land will need to take into consideration the impacts of any extraction that may occur on the quarry site. 	
7	Sydney Water	<p>Water</p> <ul style="list-style-type: none"> Drinking water can be provided from the Rosemeadow drinking water system. The developer will need to provide a new elevated reservoir, water pumping station and associated trunk and reticulation mains to service the subject site. <p>Wastewater</p> <ul style="list-style-type: none"> Wastewater can be transferred to the Glenfield Water Recycling Plant. The developer will need to provide a new wastewater pumping station and associated lead-in and reticulation mains to service the subject site.
	Response <ul style="list-style-type: none"> It is noted that both water and wastewater services can be provided to the site and that the developer would be responsible for its provision. A preliminary site has been nominated for the location of the proposed new elevated reservoir within the south eastern portion of the subject land as noted in the draft DCP. 	
8	Office of Environment & Heritage	<p>Biodiversity</p> <ul style="list-style-type: none"> Advises that areas proposed for conservation should be zoned E2 Environmental Protection to ensure the long term retention and protection of these areas. Supports the biodiversity link connecting Noorumba Reserve with the Nepean River but requests that the corridor be widened and the stormwater detention basins, active recreation and other incompatible uses be removed, and the 'dead end' portion be continued through to lands west of the site. <p>Floodplain Risk Management</p> <ul style="list-style-type: none"> Recommends a number of issues that should be considered at the design stage of any future development on the subject land. <p>Stormwater Management</p> <ul style="list-style-type: none"> Provides a number of comments and recommendations with regard to the water quality modelling as noted in the Mt Gilead Stormwater Management and Flooding Assessment.
	Response <ul style="list-style-type: none"> To ensure consistency with Campbelltown LEP 2015 (CLEP 2015) the Mt Gilead Planning Proposal does not propose to zone conservation lands E2 Environmental Conservation as these lands will instead be subject to the provisions for conservation and enhancement as noted below. <ul style="list-style-type: none"> The draft planning proposal includes a Terrestrial Biodiversity clause which aims to maximise the retention and enhancement of native biodiversity. It is proposed that some of the proposed conservation lands will be considered as future biobanking sites which would therefore result in them being covered by the conservation and rehabilitation provisions of any biobanking agreements. 	

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	<ul style="list-style-type: none"> ○ The draft Mt Gilead Infrastructure Services Delivery Plan includes provisions for the conservation and enhancement of all open space land that will be dedicated to Council. ○ Council is in the process of finalising a Koala Plan of Management and Biodiversity Strategy which will further strengthen the conservation and rehabilitation of all lands proposed for biodiversity conservation through a future amendment to CLEP 2015. ○ Noorumba Reserve will be zoned RE1 Public Recreation under CLEP 2015 and it is thus considered preferable to zone any adjoining conservation land, that is proposed to be dedicated to Council, the same zoning to provide continuity. <ul style="list-style-type: none"> • It is recognised that there are at least three well established existing wildlife corridors from the Georges River through both Noorumba Reserve and Beulah to the Nepean River. However, the Mt Gilead Planning Proposal aims to provide another option for a wildlife link through the subject land from the Noorumba Reserve to Beulah. Whilst this link will contain active open space and drainage basins it is also proposed to include a significant amount of vegetation aimed at providing habitat for native fauna. All this land is proposed to be dedicated to Council. Clearly the wider the width of a wildlife corridor the better. However, further information with regard to corridor widths was received from the Office of Environment and Heritage (OEH) which advised that local corridors can be less than 50m in width. The narrowest part of the proposed wildlife link is 45.2 metres but the total open space area that the corridor passes through is approximately 14 hectares. It is therefore not proposed to widen this link any further as it is considered that sufficient land has been allocated to allow for the movement of native fauna through the subject site. Whilst the 'dead end' area of vegetation does not link to lands on the west of the site through public recreation areas, it will be connected via significant street tree plantings. • Comments with regard to floodplain risk management are noted. • Comments with regard to water quality modelling are noted and it is considered that no additional work is required at this stage. However, more detailed assessment will need to be undertaken as part of any future development of the subject site.
9	<p>Office of Environment & Heritage - National Parks Association of NSW</p> <ul style="list-style-type: none"> • Does not support the planning proposal for the following reasons: <ul style="list-style-type: none"> ○ The road infrastructure in Campbelltown should be improved before land is released and that redevelopment should occur closer to railway stations. ○ Widening of Appin Road will be detrimental to native fauna. ○ The development is likely to have an adverse impact on Noorumba Reserve and Beulah. ○ The planning documentation fails to adequately explain how views, bushland, riparian corridors, heritage items and water quality will be protected. ○ As the proposal is located between two areas of endangered ecological communities it should be referred to the Federal Government for assessment. <p>Response</p> <ul style="list-style-type: none"> • Significant road works are proposed along a large section of Appin Road to accommodate the additional need that would be created by this planning proposal. • The issue of providing an alternative means for native fauna to cross Appin Road is currently being investigated as part of the design for the upgrade of this road. • Whilst it is recognised that public areas of natural bushland can sometimes be abused it is considered that the majority of the community respect such areas and benefit from their location being within walking distance from residential areas. • It is considered that the planning documentation provides more than adequate information on how views, bushland, riparian corridors, heritage items and water quality will be protected.

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	<ul style="list-style-type: none"> It is recognised that development in the vicinity of endangered ecological communities should be referred to the Federal Government for comment. Whilst this does not need to occur until a development application is prepared the proponents have been in contact with the Federal Department of the Environment to discuss the implication of the provisions of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. 	
10	Department of Primary Industries Agriculture NSW	<ul style="list-style-type: none"> Notes the difficulties that can arise due to the interface between residential development and existing agricultural practices. Supports the retention of agriculture heritage landscapes and views. Considers that before any further planning proposals are determined the Greater Macarthur land release investigation should be completed. If Council wishes to keep rural productive land then other options for housing will be needed.
	Response <ul style="list-style-type: none"> Comments are noted Since the public exhibition of the Mt Gilead Planning Proposal, the NSW State Government released the <i>Greater Macarthur Land Release Investigation</i> document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. The Greater Macarthur Investigation Area covers a large portion of land within the Campbelltown and Wollondilly local government areas (LGA) and includes both the Mt Gilead and Menangle Park Urban Release Areas. These release areas are the only lands within the investigation area within the Campbelltown LGA that have been specifically identified within the NSW Metropolitan Development Program for future urban development. As they have both been supported by the Department of Planning and Environment and publicly exhibited, it is considered that they should continue to be assessed in accordance with their Gateway determinations. 	
11	Endeavour Energy	<ul style="list-style-type: none"> Advises of the procedure needed to be undertaken for the provision of electricity to the subject site.
	Response <ul style="list-style-type: none"> Initial discussions between the proponent's consultants and Endeavour Energy reveal that the subject land can be serviced with electricity. However, it is noted that additional infrastructure will be required including a new zone substation and the installation of 2 x 11kV feeders from the Ambarvale zone substation. 	
12	Wollondilly Shire Council	<ul style="list-style-type: none"> Requests that the following matters be considered: <ul style="list-style-type: none"> Placing the proposal on hold until the Greater Macarthur Area investigation is complete. Zone all areas of native vegetation E3 or E4 Environment Protection or use Natural Resources (Biodiversity) Clauses. Undertake further investigation into the potential impacts on existing regional habitat corridors and the movement of koalas. Undertake further investigation into potential air quality impacts. Undertake further investigation into the impacts of traffic travelling south to Bulli and Appin.
	Response	

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	<ul style="list-style-type: none"> As noted in item 10 above, since the public exhibition of the Mt Gilead Planning Proposal, the NSW State Government released the <i>Greater Macarthur Land Release Investigation</i> document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. The areas of native vegetation are proposed to be zoned public recreation as they will be dedicated to Council. However, these lands are proposed to be subject to a number of provisions as noted in item 8 above including the provisions of the proposed terrestrial biodiversity clause and map that have been included in the planning proposal. It is considered that sufficient investigation has been undertaken with regard to habitat corridors particularly as the site has been substantially cleared for a number of years. However, the planning proposal aims to provide additional opportunities for the movement of wildlife through the subject site. In light of the information provided by the Environment Protection Authority (EPA) it is considered that further investigation into potential air quality issues is not required. However it is noted that any future development on the subject site must be assessed within the guidelines referred to by the EPA. It is not considered necessary to undertake any further investigation into traffic travelling south to Wollondilly Shire as only 5% of the total traffic flow from the site is anticipated to travel south. Of more concern to Council is the volume of traffic that is generated from the recent and proposed developments at Appin which travels in a northerly direction through the Campbelltown LGA.
13	<p>Office of Environment & Heritage – Heritage Council</p> <ul style="list-style-type: none"> Considers that the proposed curtilage for Mt Gilead is insufficient and should include the cultural landscape. Thus a curtilage study and a conservation management plan need to be prepared prior to the finalisation of this planning proposal. Recommends that a buffer zone be provided between the proposed R2 and RU2 zones to reduce the visual impact of new development on the heritage values of Mt Gilead. Considers that the adjacent colonial farms (Mt Gilead, Beulah and Meadowvale) have been overlooked in the heritage assessment. Considers that the planning proposal does not provide any measures to minimise the impact of future development on the Upper Canal, and recommends that consideration be given to providing a RE1 (public recreation) buffer along the canal Recommends a number of amendments to the draft DCP with regard to: <ul style="list-style-type: none"> Strengthening the heritage objectives and controls. Issues relating to significant vistas and view corridors. Appropriateness of the proposed tree planting along the interpretive driveway. Landscape screening and appropriate tree planting. Relationship with adjoining heritage properties. Recognition of the former Hillsborough cottage. Extending the pedestrian/cycle route along the entire interpretive driveway. Retention of significant trees and remnant vegetation.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

		<ul style="list-style-type: none"> ○ Ensure One Tree Hill remains as is. ○ Natural heritage needs further consideration.
	<p>Response</p> <ul style="list-style-type: none"> • The boundaries of the proposed residential areas of the subject land were determined after extensive investigations were carried out to ensure the integrity of the Mt Gilead homestead site and associated heritage items. As a result a large area of land on the western boundary of the subject site is proposed to remain rural and will thus act as an extensive buffer between the proposed residential development and the outskirts of the homestead precinct. The DCP provisions recognise the importance of the significant view corridors through the site and also the need to protect the existing views from the homestead particularly to the north and east. Thus the proposed buffer will include significant new tree planting to provide screening of any new development from the homestead site. • It is considered that the heritage significance of the surrounding cultural landscape has been taken into consideration with regard to this planning proposal. This is proposed to be achieved through the provision of a significant area of rural land on the western boundary to buffer the impacts of any future development on the Mt Gilead homestead site, and the provision of an open space area on the southern boundary to provide separation from the Beulah site. It is unclear how further recognition of other previous colonial farms could be achieved. • Provisions are already proposed to be included in the draft DCP to ensure the protection of the Upper Canal, and these provisions have been supported by Water NSW. • In order to provide a clear view corridor from Appin Road towards the entrance of the Mt Gilead homestead site, it is not proposed to retain the existing alignment of the carriageway from Appin Road to the Mt Gilead homestead, only the entrance from Appin Road. Thus whilst there is not proposed to be any vehicular access to Appin Road at this point the historic entrance is proposed to be acknowledged and identified with specimen tree planting. • Whilst it is recognised that some of the existing vegetation is proposed to be removed it is noted that most of this vegetation comprises scattered trees. However, provisions are included within the planning proposal to protect and enhance significant areas of native vegetation through the provision of a terrestrial biodiversity clause and map. Also, some of the proposed conservation lands are being considered as future biobanking sites and would thus be covered by the conservation and rehabilitation provisions of any biobanking agreements. • It is considered that additional objectives and controls can be included in the draft DCP to address relevant heritage issues. . These include: <ul style="list-style-type: none"> ○ An additional key development objective in clause 2.2 relating specifically to the heritage significance of the Mount Gilead homestead site, outbuildings, mill and dam and their setting. ○ Amendment of control 1 in clause 3.1 to address the interpretation of the former Hillsborough Cottage. ○ Amendment of Figure 6 to extend the pedestrian/cycleway westward along the proposed interpretive driveway. ○ Amendment of control 2 in clause 3.1 to refer to Figure 7 and not Figure 3 with regard to the identification of the proposed landscape screening. ○ Inclusion of an additional objective in clause 3.1 to address the retention of regional views as referred to in the note to clause 3.1. ○ Removal of the word "Indicative" from the title of Figure 3 to read <i>Heritage Principles Plan</i>. 	
14	Mine Subsidence Board	<ul style="list-style-type: none"> • No submission received
15	Camden Council	<ul style="list-style-type: none"> • No submission received
16	Telstra	<ul style="list-style-type: none"> • No submission received
17	Landcom (Urban Growth)	<ul style="list-style-type: none"> • No submission received

In addition to the above agencies Council also invited comments from a number of additional government agency and service providers. Their comments and Council's responses are noted in the table below.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	Public Authority	Comments
18	Department of Primary Industries – Water	<ul style="list-style-type: none"> • Would prefer the zoning of the watercourses and riparian corridors to be zoned E2 Environmental Conservation and not RE1 Public Recreation and RU2 Rural Landscape, and be under Council's ownership and management. • Recommends that the draft DCP include a separate section to deal with watercourse/riparian issues. • Supports the concept of a biodiversity corridor linking the Georges River with the Nepean River and considers that the planning proposal does not provide such a linkage.
	Response <ul style="list-style-type: none"> • All the land that is proposed to be zoned RE1 Public Recreation is proposed to be dedicated to Council and will thus come under its ownership and management. The portion proposed to be zoned RU2 Rural Landscape will remain in private ownership. However, all this land would be subject to the provisions of the proposed Terrestrial Biodiversity clause which aims to maximise the retention and enhancement of native biodiversity. It is also proposed that some of this land be considered as a future biobank site which would therefore result in it being covered by the conservation and rehabilitation provisions of any biobanking agreement. <p>The riparian corridors in Campbelltown LEP 2015 (CLEP 2015) are not zoned E2 Environmental Conservation, but are covered by the provisions of proposed clause 7.7 which aims to protect and maintain riparian land, waterways and groundwater systems. Also, Council is in the process of finalising a Koala Plan of Management and Biodiversity Strategy which will further strengthen the conservation and rehabilitation of riparian lands through a future amendment to CLEP 2015. Thus, to ensure consistency with CLEP 2015 the Mt Gilead Planning Proposal does not propose to zone riparian lands E2 Environmental Conservation but will instead be subject to the provisions for conservation and enhancement as noted above.</p> <ul style="list-style-type: none"> • Whilst it is not considered necessary to include a separate section in the draft DCP with regard to riparian corridors, it is considered that the wording in clause 3.3 should be strengthened as recommended by this submission. • The planning proposal in Figures 16 and 17 denote the location of the proposed Ecological Corridor from Noorumba Reserve through the subject land. The draft DCP also indicates the location of this corridor in Figure 2 Mt Gilead Indicative Structure Plan. It is considered that additional wording in the draft DCP should be included to strengthen the establishment of this corridor. Thus it is recommended that an additional objective be included in clause 2.2. It is beyond the scope of this planning proposal to provide provisions for the extension of this biodiversity corridor beyond the subject site boundaries. However, the location of the proposed corridor through the site was chosen to connect with existing vegetation outside the site's boundaries and thus provide a link with both the Nepean River and Beulah • it should also be noted that wildlife corridors are being considered as part of the Master Planning by the Greater Macarthur Steering Group. 	
19	Environment Protection Authority	<ul style="list-style-type: none"> • Considers that this planning proposal should not be assessed in isolation, but should be considered as part of the Macarthur Investigation Area and the South West Sydney Sub Regional Delivery Plan. • Considers that photochemical smog (ozone) and particle pollution remain air quality issues of significant regional concern. However, advice is provided on ways to meet relevant air quality goals and protect human health, the environment and community amenity. Refers to the document <i>Development Near Rail Corridors and Busy Roads-Interim Guideline</i> and ways to manage wood burning heaters • Provides advice on ways to mitigate potential noise pollution, contamination issues, waste management and water quality impacts.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

	Response <ul style="list-style-type: none"> As noted in item 10 above, since the public exhibition of the Mt Gilead Planning Proposal, the NSW State Government released the <i>Greater Macarthur Land Release Investigation</i> document for public comment. This investigation specifically notes that the land at Mt Gilead has the potential for future residential development. It is recognised that vehicle emissions are a major source of air pollution and thus negotiations have already been held with a local bus company to ensure that an adequate bus service can be provided to the subject site in an effort to reduce private car usage. Also, the draft DCP provides for an extensive network of pedestrian and cycle paths to encourage walking and cycling. The impact of air pollution from vehicle emissions on development adjoining Appin Road can be ameliorated through careful site planning and architectural design. It is therefore recommended that the draft DCP include a reference to the Department of Planning and Environment's <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> to ensure that the provisions of this document are addressed with regard to any future development fronting Appin Road. With regard to domestic solid fuel heaters it is anticipated that gas will be available to all residences within the release area thus reducing the need for such heaters. However, it is noted that there are significant regulations currently in place within the Protection of the Environment Operations (Clean Air) Regulation 2010 to ensure that all domestic solid fuel heaters sold in NSW comply with emission limits specified in Australian Standard AS/NZS 4013:1999: Australian Domestic solid fuel burning appliances - method for determination of flue gas emission, and are marked accordingly. Advice with regard to wood heaters is also available on Council's website. The advice given with regard to mitigating potential noise pollution, contamination issues, waste management and water quality impacts is noted. 	
20	Department of Primary Industries – Fisheries	No objections to the planning proposal provided the: <ul style="list-style-type: none"> Proposed riparian buffers zones are implemented Stormwater reduction targets are achieved
	Response <ul style="list-style-type: none"> It is noted that these matters can be dealt with as part of the assessment of any future development application. 	
21	NSW Education & Communities	<ul style="list-style-type: none"> Advises that the existing schools within the vicinity of the subject land are at or near capacity and thus will not be able to meet the additional demand that would be created by the proposed development of the Mt Gilead Urban Release Area. They will either need to be upgraded or a new school site identified. As lands surrounding the subject site have been identified as having potential for future housing development, the investigation of a site for a new school within these lands is considered an option.
	Response <ul style="list-style-type: none"> Discussions were held with the proponents, and officers of Council and NSW Education & Communities and while initially it was proposed that a site for a future school should be provided within the boundaries of the subject land, the Department of Education has now advised that such a site could be provided within surrounding lands if they are developed for urban purposes in the future. 	
22	NSW Health	<ul style="list-style-type: none"> Supports the proposed cycleway/pedestrian network and recommends the provision of well-placed bike racks and good lighting. Notes the importance of ensuring access to healthy foods. Advises that the proposed bus service should be commenced early in the development of the area and should be extended further into the site.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

		<ul style="list-style-type: none"> • Supports the range of proposed residential lot sizes but concerned by the cap of 65 smaller lots as this will not address housing affordability. • Notes that the plan is purely residential and thus may result in long commuting times for residents travelling to work. • Concerned that there are no apparent plans for a school or childcare centres. • Supports the proposed public open space and neighbourhood/community facilities • Consider that the potential for impacts of gas extraction in the future need to be closely monitored. • Notes a number of issues that would be dealt with in conjunction with any future development applications, eg land contamination, noise, air quality, bushfire risk. • Advises that suitable measures should be undertaken to mitigate the potential for mosquito breeding within any water retention basins or ponding areas.
	<p>Response</p> <ul style="list-style-type: none"> • Generally the issues concerning land contamination, noise, air quality, bushfire risk and issues with regard to the development of drainage basins can be dealt with in the assessment of any potential development applications for the subject site. • The provision of the proposed bus service is anticipated to be dictated by the need of the incoming community. However it is recognised that the potential residents of the subject site would benefit from the early establishment of a bus service. • The following comments are provided with regard to the concern that housing affordability will not be addressed due to the proposed cap of 65 small lots with a minimum area of 375m². The planning proposal provides for a variety of residential lots sizes to ensure a wide opportunity of choice for potential purchasers. The bulk of the site (being approximately 1250 lots) is proposed to be subdivided into lots with a minimum area of 500m² and 700m² on steeper land. Whilst it is proposed to cap the number of lots with a minimum area of 375m² to 65, there is still the opportunity for approximately 350 lots to be subdivided to a minimum area of 450m². It is also important to note that in light of the proposed traffic infrastructure (upgrading of Appin Road), Transport for NSW and Roads and Maritime Services have requested a provision within Campbelltown LEP 2015 that restricts the number of residential lots to 1700. • Whilst this planning proposal is mainly for residential development it is important to note that the Greater Macarthur Land Release Investigation document includes the potential for 24 hectares of employment land which is anticipated to assist in providing jobs closer to homes thus reducing travelling times. • As note in item 21 above the provision of a school is proposed to be provided within surrounding lands. With regard to childcare centres these are a permissible land use with the proposed R2 Low Density Residential Zone, and thus there would be opportunities for the private sector to establish such facilities within the subject site. • With regard to the issue of the impact of gas extraction it is noted that AGL announced on 4 February 2016 that it will cease production at the Camden Gas Project in 2023. • All other comments are noted. 	
23	NSW Local Land Services	<ul style="list-style-type: none"> • Local Land Services (LLS) is an approval authority for clearing native vegetation under the <i>Native Vegetation Act 2003</i>. As the Act does not apply to Campbelltown the LLS has no approval role for the clearing of native vegetation on the subject land. • Supports the assessments made by the Flora and Fauna consultants that the proposal can achieve 'a maintain or improve' outcome with

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

		variations as required if the Shale Sandstone Transition forest is impacted by the development.
	Response <ul style="list-style-type: none"> Comments are noted 	
24	Busabout Neville's Bus Service Pty Ltd	<ul style="list-style-type: none"> Prepared to provide bus services to the subject site. Requests the widening of the road carriageway from 11.6m to 12m.
	Response <ul style="list-style-type: none"> It is noted that the request to widen the road carriageway to 12m is in keeping with the request from Transport for NSW to widen the parking lane from 2.3m to 2.5m. As noted in item 5 it is proposed to amend the draft DCP to accommodate this request. 	
25	NSW Department of Family and Community Services – including: <ul style="list-style-type: none"> Community Services Land and Housing Corporation 	No submissions received
26	NSW State Emergency Service	No submission received
27	NSW Dam Safety Committee	No submission received
28	AGL Energy Limited	No submission received
29	Aboriginal Community	No submissions received
30	Interline Bus Services Pty Limited	No submission received
31	Georges River Combined Councils Committee	No submission received

6.5 Conclusion

The studies undertaken in support of this planning proposal have confirmed that the Mt Gilead site is suitable for residential development. The proposal will enable the 210 ha site to be rezoned for low density residential development on land that is generally unconstrained by biophysical and ecological features.

The planning proposal will facilitate development that would have demonstrable social and economic benefits for the region. With up to 1700 new dwellings in a low density environment, the proposal will deliver positive outcomes for housing supply to the South West Region and the Campbelltown-Macarthur Regional City Centre, and with a range of lot sizes, 600 square metres on average, it will expand the type and choice of dwellings available in the Campbelltown LGA. This outcome is consistent with local and regional strategies and objectives to promote housing diversity.

The land is proposed to be rezoned (in accordance with the Standard Instrument – Principal Local Environmental Plan and consistent with CLEP 2015) to a predominantly R2 residential zone along with smaller areas for public open space and roads. In addition, a small area is intended to be zoned as a neighbourhood centre in order to facilitate the future delivery of a community centre. 29ha is to be retained as rural land. Ecologically sensitive vegetation will be protected.

In accordance with the Gateway Determination a range of planning and environmental issues were considered in preparing the planning proposal. They demonstrate that the proposed rezoning can proceed with few, if any, adverse effects. Impacts in relation to sensitive vegetation; heritage; and traffic and transport infrastructure are able to be managed and mitigated by a combination of additional LEP provisions, site-specific development controls, the provision of road infrastructure through a VPA, and the offsetting of the loss of vegetation.

The proposed rezoning makes provision on site for local passive and active open space, community facilities and a small area of retail development. For those social and economic services and facilities that will not be provided on site, it is considered that there is sufficient capacity in the neighbouring areas to accommodate the needs of the incoming community.

The site is able to be serviced with necessary water, waste water and other utility services.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

A technical design brief for the upgrade works required to Appin road as a result of future development of the subject land between the southern boundary of the subject land and Fitzgibbon Lane Ambarvale has been agreed upon by staff from Council, Roads and Maritime Services and Transport for NSW. Further, Council staff are aware that the proponent in conjunction with Lend Lease (the conditional purchaser of the subject land) has lodged an offer for a Regional Voluntary Planning Agreement with the Department of Planning and Environment to majority fund the required upgrade works prior to the completion of the 1,700 lots. While the Regional Voluntary Planning Agreement including the staging and timing of the required upgrades is yet to be finalised, Council is afforded security that the required infrastructure will be provided in a staged and orderly manner based upon demand prior to the completion of the 1,700 lots through the "satisfactory arrangements" requirement of the recently signed MoU with the Department of Planning and Environment

**Planning &
Infrastructure**

Contact: Michelle Dellagiacoma
Phone: (02) 9860 1560
Email: Michelle.Dellagiacoma@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_CAMPB_002_00 (12/12442)
Your ref:

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Tosi,

Planning proposal to amend the Interim Development Order (IDO) No. 15 and the Campbelltown (Urban Areas) Local Environmental Plan (LEP) 2002

I am writing in response to your Council's letter dated 18 July 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land being part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead from Non Urban under Interim Development Order No 15 to a range of urban purposes under the Campbelltown (Urban Area) LEP 2002.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance given the subject land is included under the Metropolitan Development Program as future urban. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation and upon completion and consideration of the necessary technical studies as required by the attached Gateway determination. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Michelle Dellagiacoma of the regional office of the department on 02 9860 1560.

Yours sincerely,

Signature has been removed

— 7/9/12
Sam Haddad
Director-General



Gateway Determination

Planning proposal (Department Ref: PP_2012_CAMPB_002_00): to amend the Interim Development Order No.15 and the Campbelltown (Urban Areas) Local Environmental Plan (LEP) 2002

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to rezone land being part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead from Non Urban under Interim Development Order No 15 to a range of urban purposes under the Campbelltown (Urban Area) LEP 2002 should proceed subject to the following conditions:

1. It is noted that Council has identified that additional information regarding flora and fauna, heritage, bushfire, flooding, air quality, economic impacts, social impacts, traffic and transport, geotechnical and mine subsidence and infrastructure will be investigated in detail to support the next stage of the rezoning process. Council is to undertake the necessary technical studies and the planning proposal is to be amended to reflect the outcomes of this work.
2. Council is to ensure that a proposed land zoning map is prepared following completion of the necessary technical studies. The zoning map and any other relevant maps are to be included with the planning proposal for the purposes of public exhibition.
3. It is noted that a detailed investigation into traffic, transport and access has not been undertaken at this stage. Council has indicated that infrastructure impacts will be investigated. In doing so, Council is to consult Roads and Maritime Services in regards to access and traffic impacts and the department's Strategy and Infrastructure Planning team in regards to infrastructure provision and contributions.
4. Council is to ensure that an assessment of the final planning proposal against relevant S117 Directions is also carried out. This is to be undertaken prior to the commencement of public exhibition.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - Landcom
 - NSW Department of Primary Industries (Agriculture)
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - Integral Energy
 - Mine Subsidence Board



Planning & Infrastructure

- NSW Fire and Rescue
- Transport for NSW
- NSW Rural Fire Service
- Roads and Maritime Services
- Sydney Water
- Telstra
- Adjoining Local Government Areas

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 7 day of September 2012.

Signature has been removed

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure



**Planning &
Environment**

Ms Lindy Deitz
Acting General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Our ref: 16/04392

Dear Ms Deitz

**Extension of Gateway timeframe for Mount Gilead Planning Proposal (Ref:
PP_2012_CAMPB_002_00)**

I refer to your letter of 8 March 2016 seeking an extension of time to complete the above Planning Proposal for a new release area at Mount Gilead

I have determined as the delegate of the Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated for PP_2012_CAMPB_002_00. Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Michelle Dellagiacoma to assist you. Ms Dellagiacoma can be contacted on (02) 9860 1527.

Yours sincerely

Signature has been removed

/16

**Catherine Van Laeren
Regional Director
Sydney Region West
Planning Services**

Encl:
Alteration to Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2012_CAMPB_002_00) (Mount Gilead release area)

I, the Regional Director, Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined, under section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), to alter the Gateway determination dated 7 September 2012, for the proposed amendment to Campbelltown Local Environmental Plan 2015 as follows:

1. Delete:

condition "8"

and replace with:

a new condition 8 "The LEP is to be finalised by 7 March 2017".

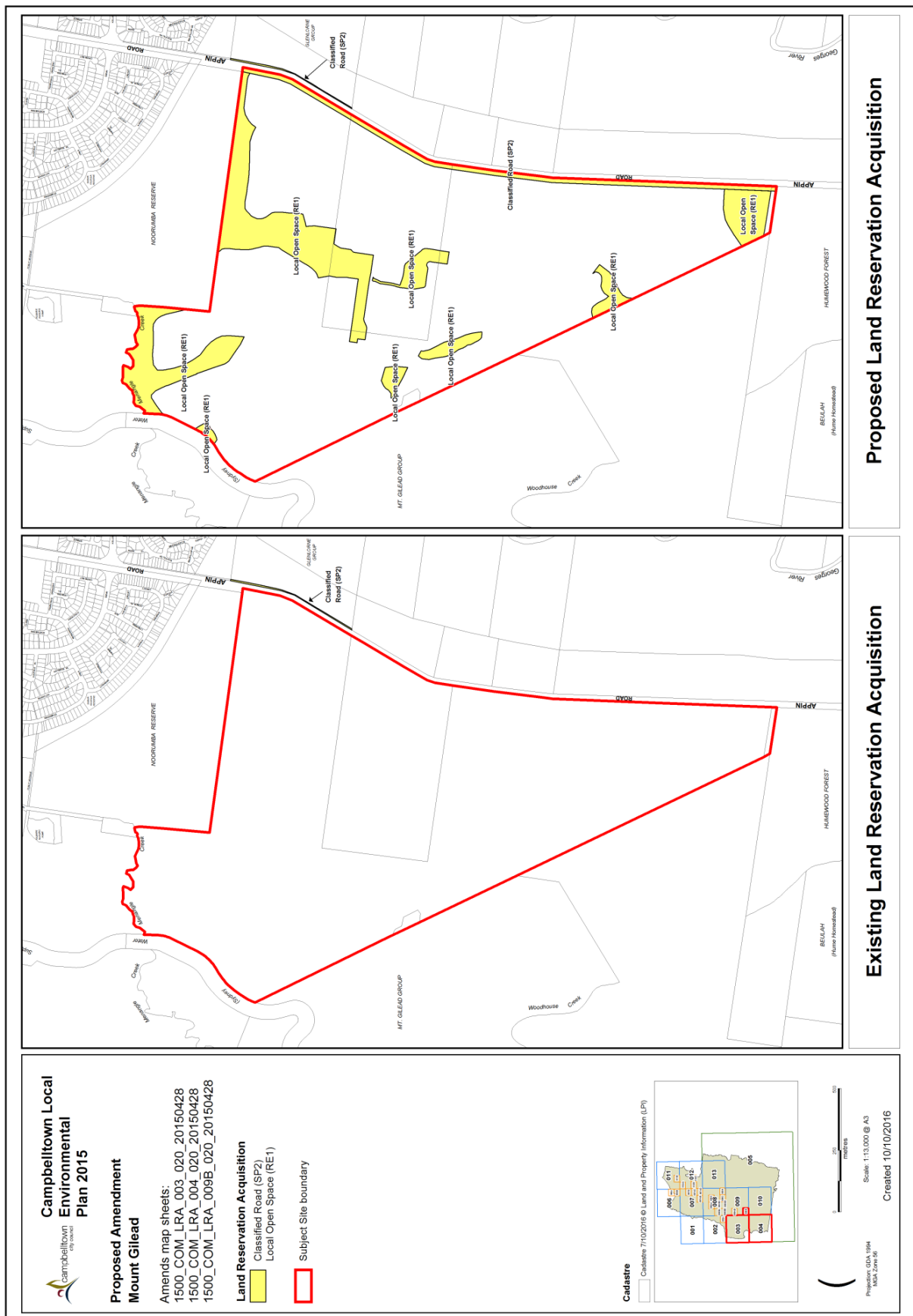
Dated 13th April 2016.

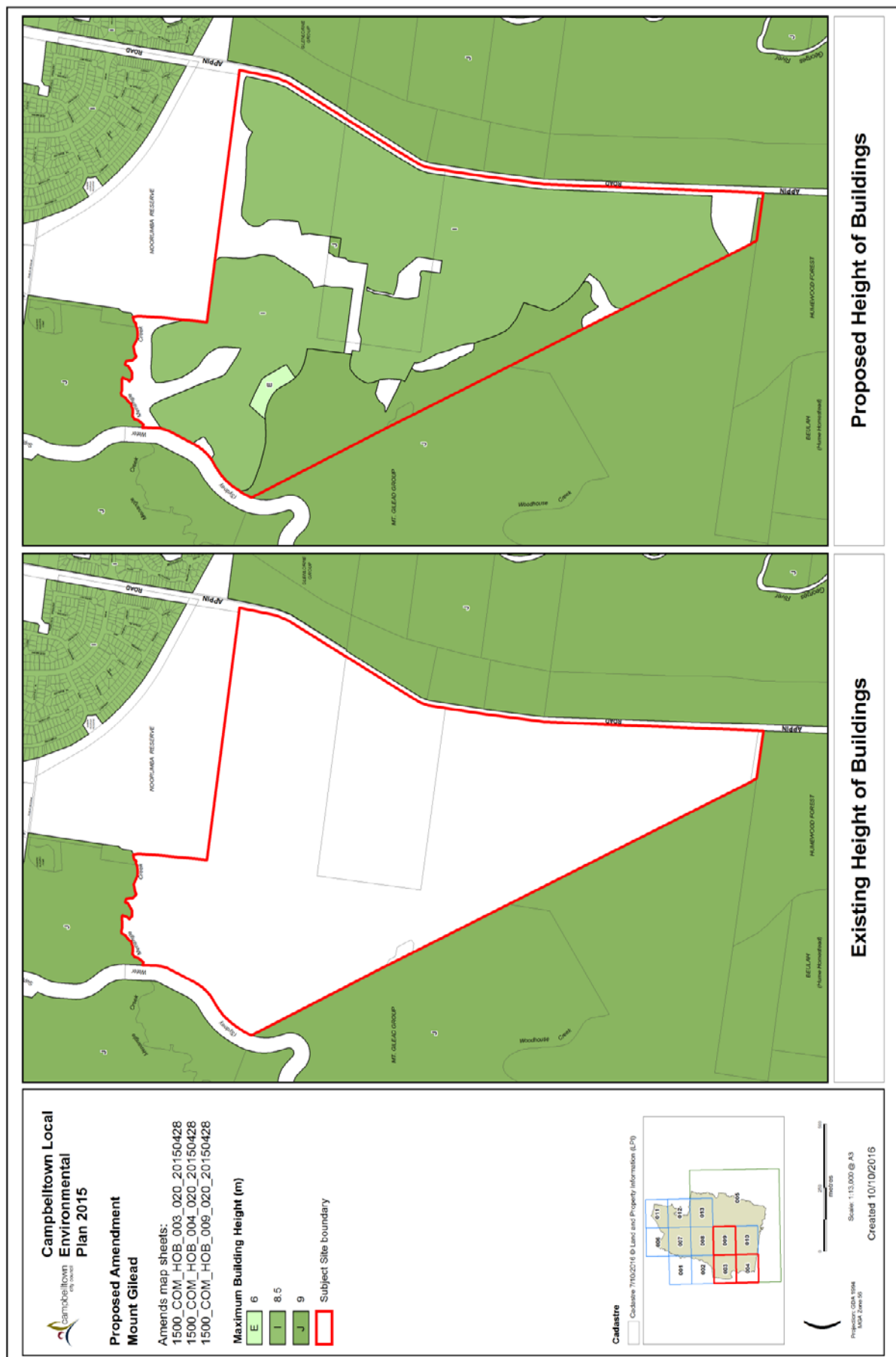
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**Catherine Van Laeren
Regional Director, Sydney Region West
Planning Services**

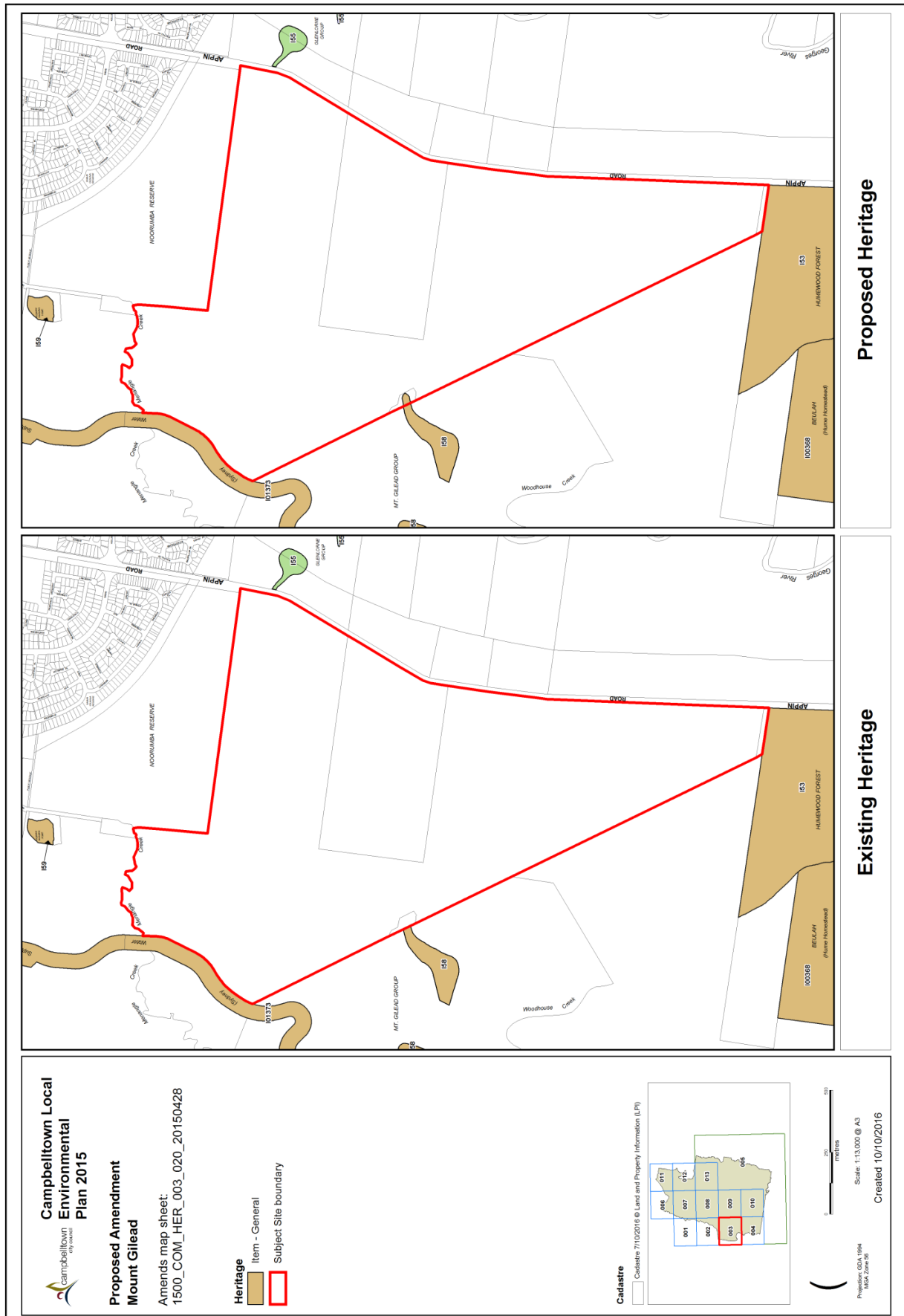
Delegate of the Greater Sydney Commission

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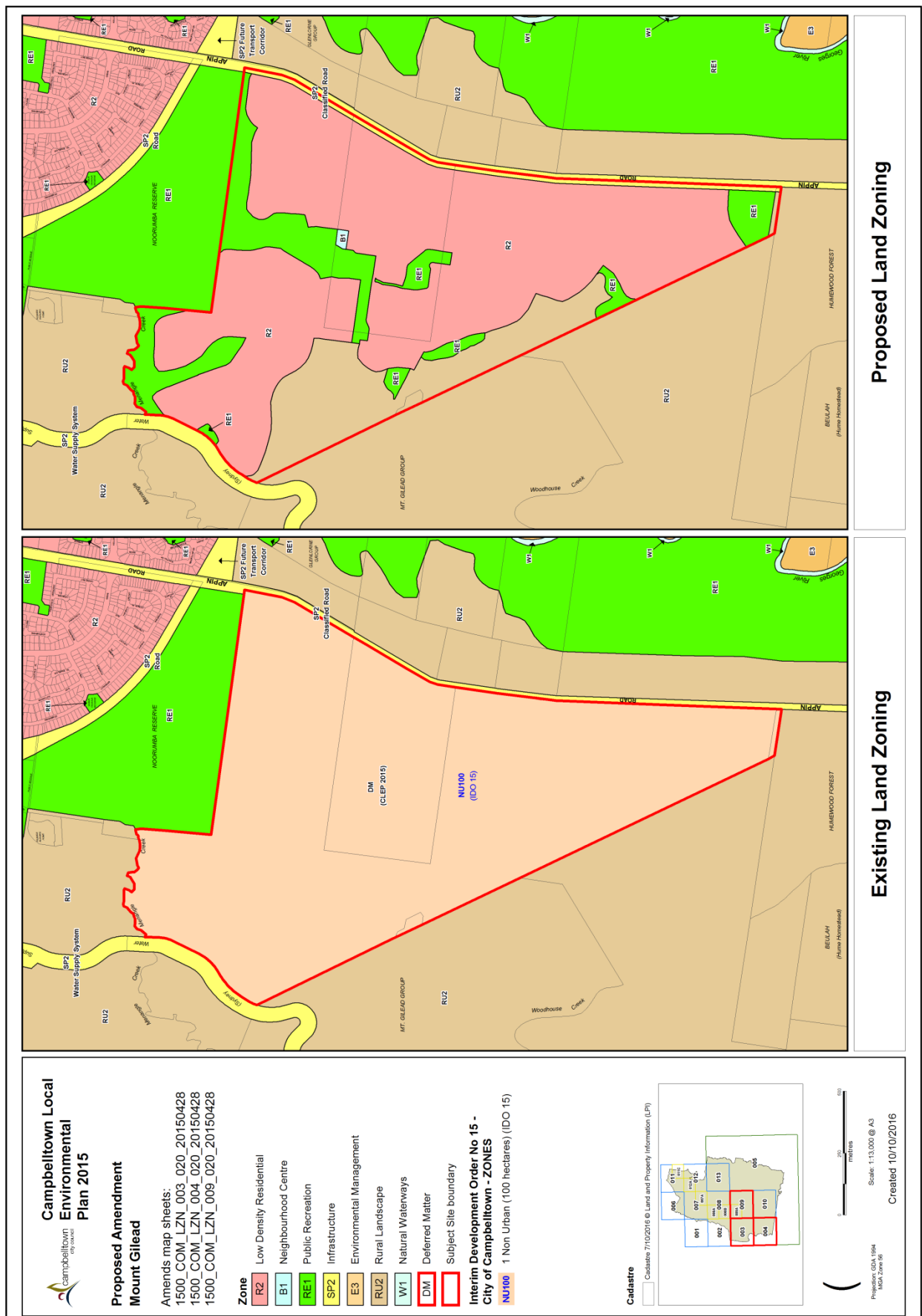




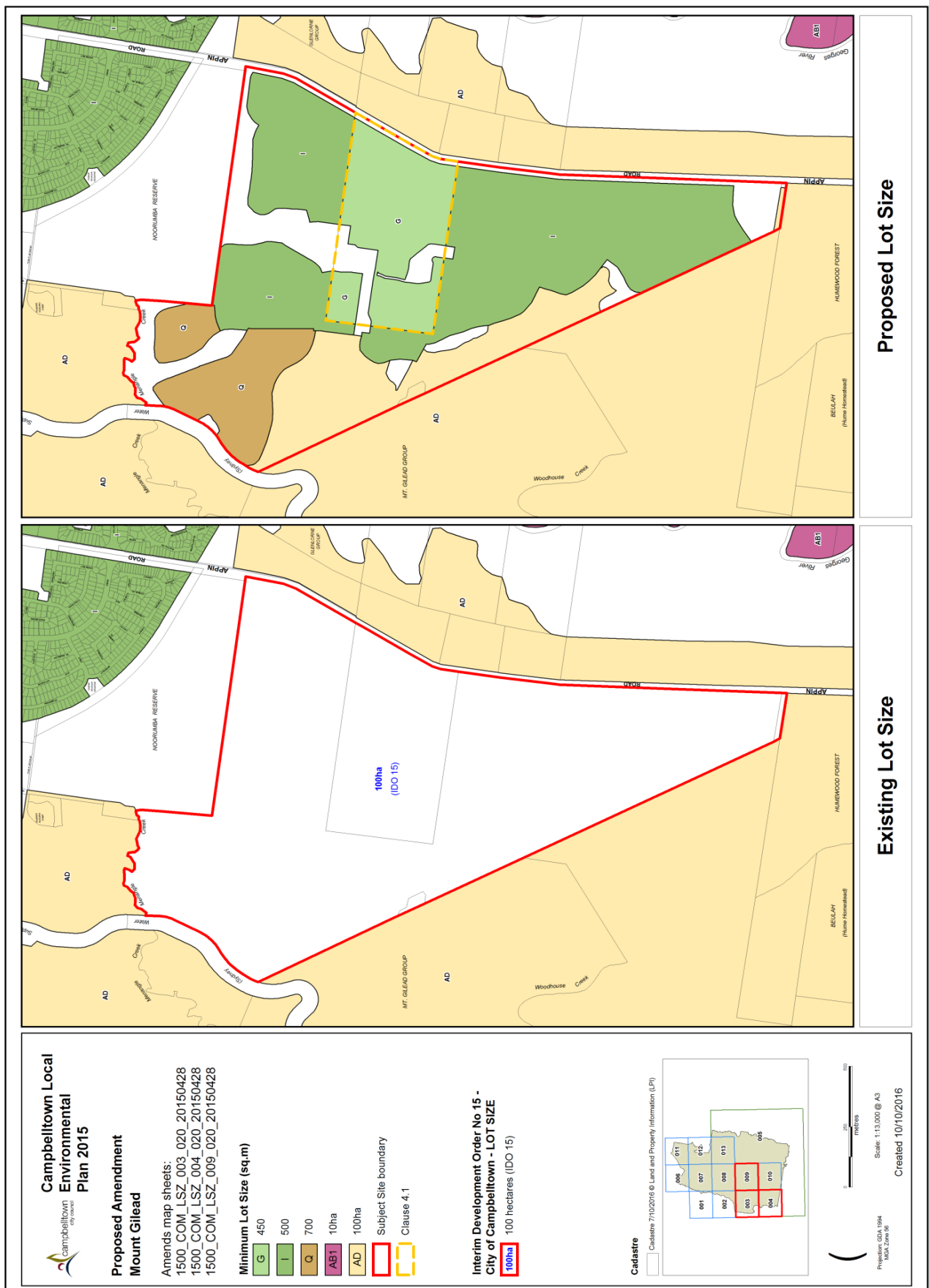
8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



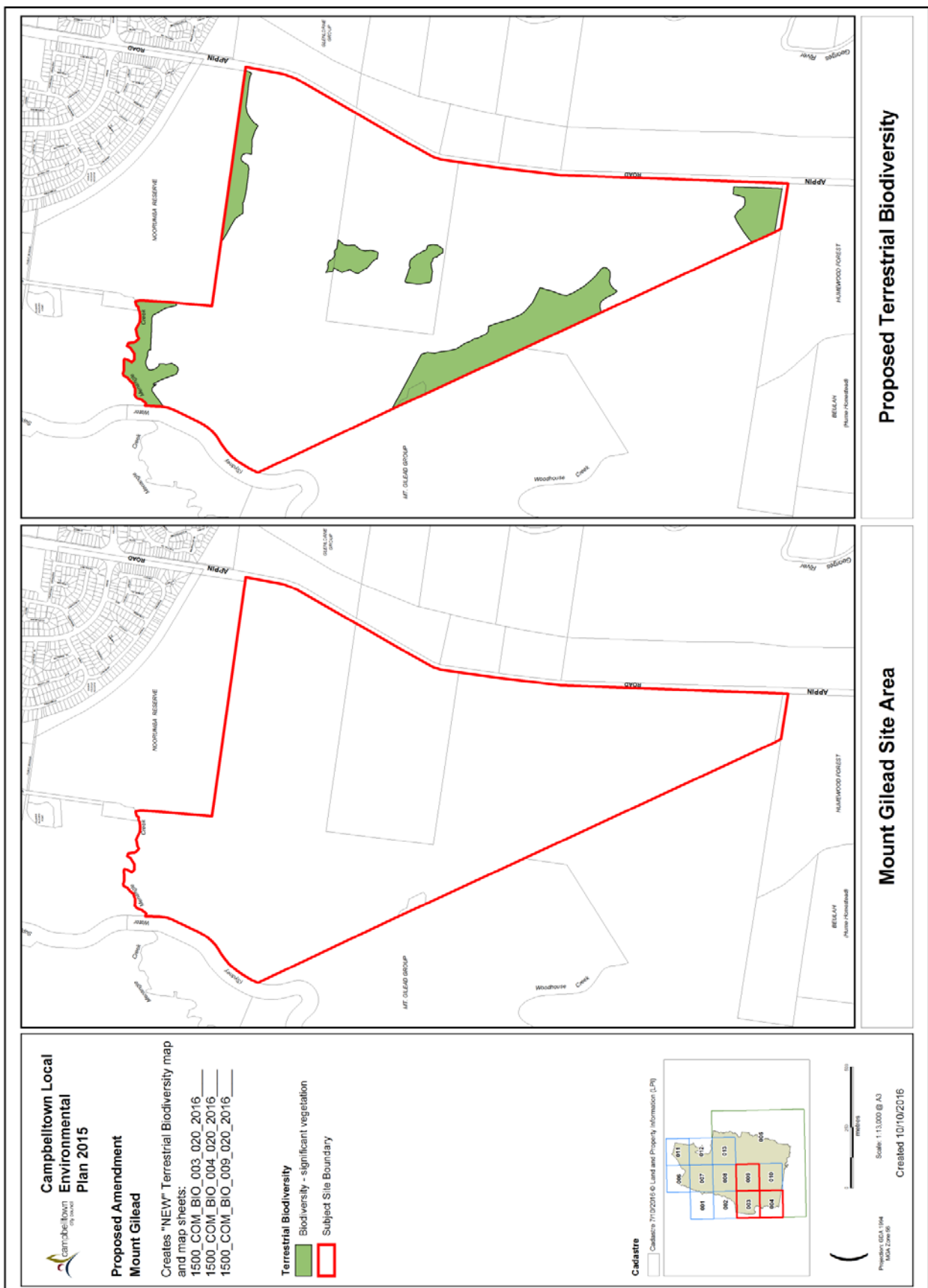
8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



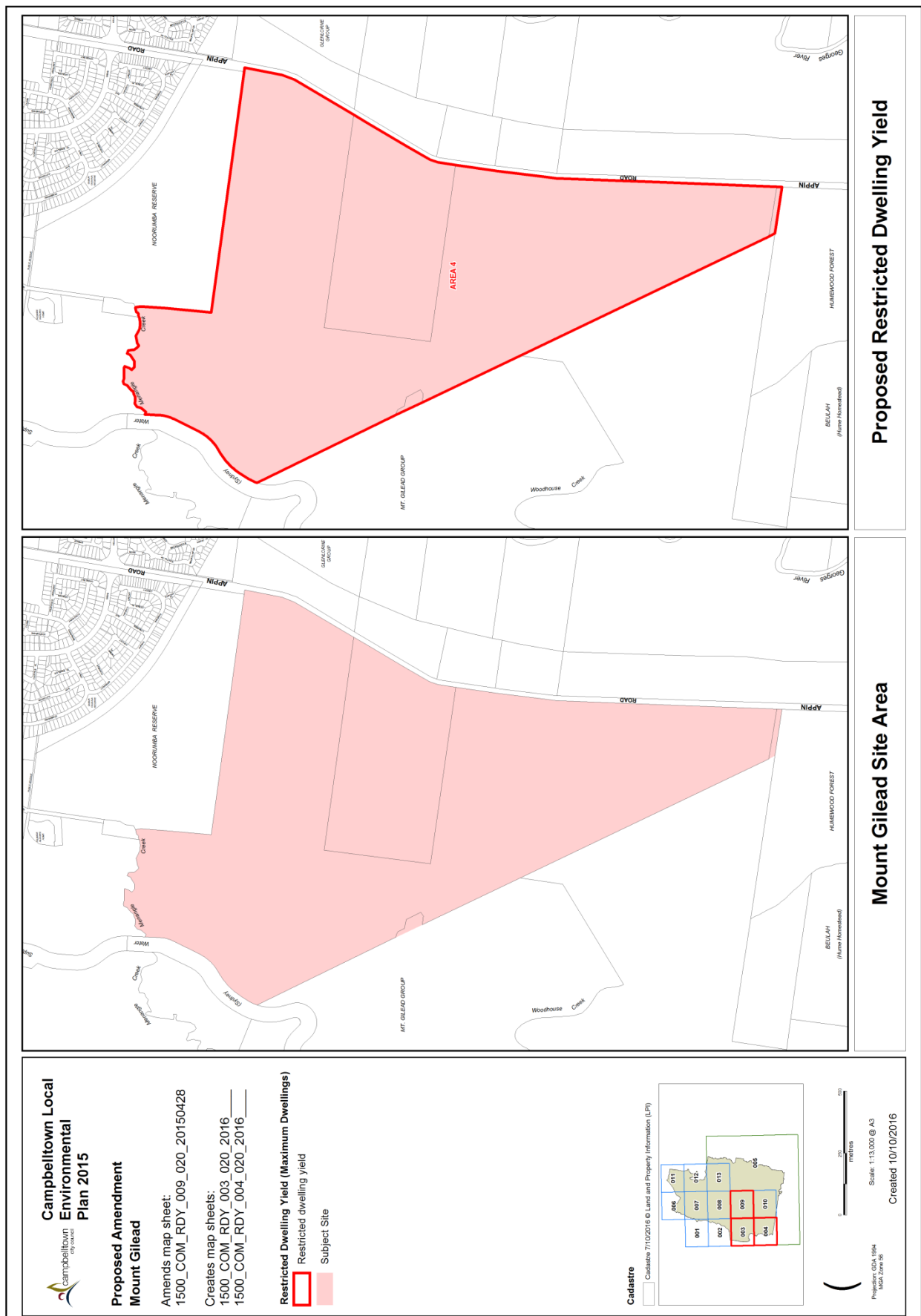
8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



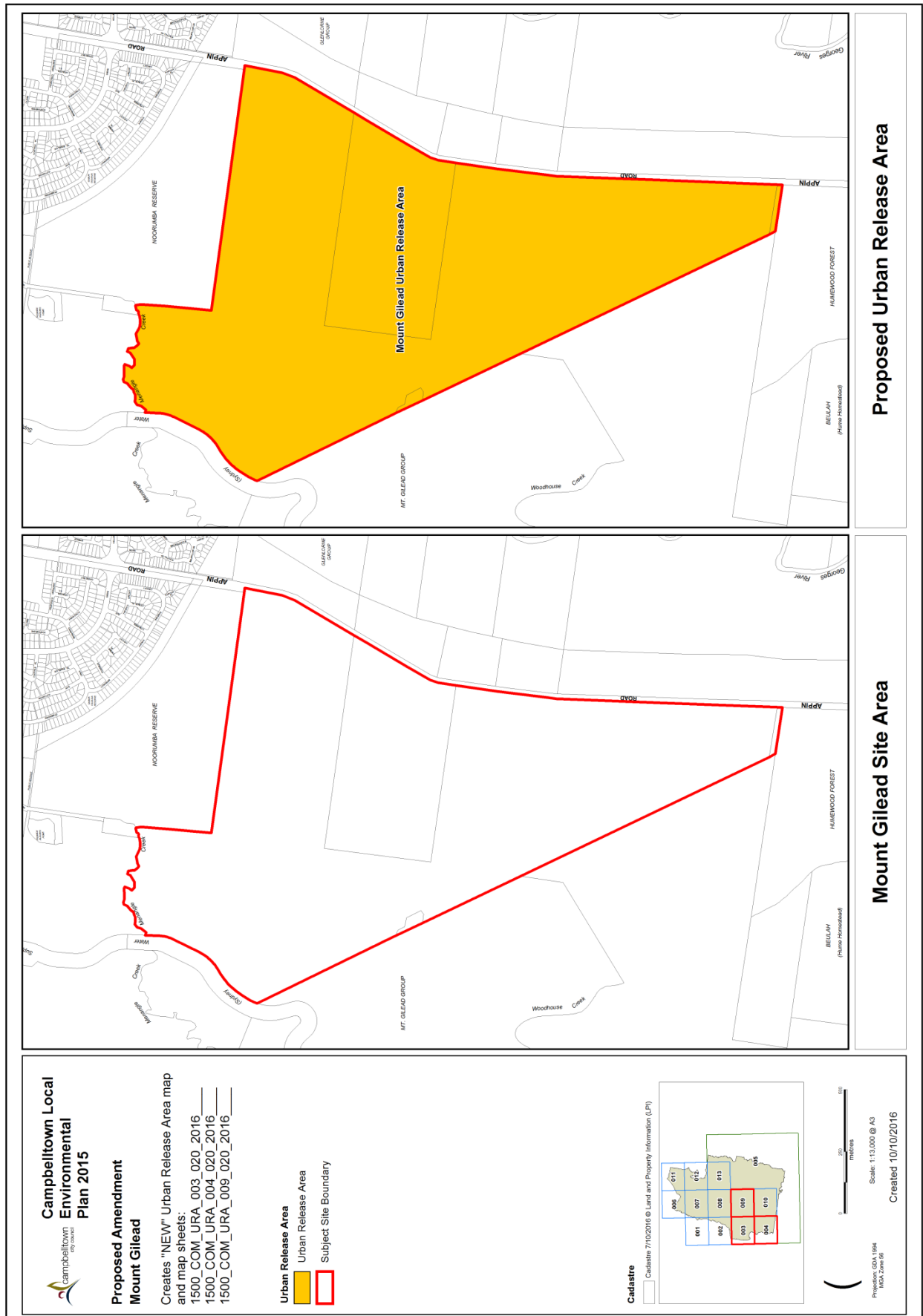
8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



- (a) the impact of the development on native flora and fauna and their habitats
 - (b) the condition and significance of the vegetation and other biodiversity on the land
 - (c) the importance of the vegetation to the sustainability of native flora and fauna in the locality
 - (d) the potential to fragment, disturb or diminish the biodiversity values of the land including biodiversity structure, function and composition
 - (e) the condition and role of the vegetation as a habitat corridor, and any adverse impact on the habitat elements providing connectivity on the land
 - (f) whether the location, design and density of the proposed development supports the protection and enhancement of biodiversity values
 - (g) any proposed measures to avoid, minimize or mitigate the impacts of the development.
4. Before granting consent to development to which this clause applies, the consent authority must be satisfied that the development:
- (a) has taken into account the objectives of this clause
 - (b) is sited, designed, constructed and managed to avoid adverse impacts on native biodiversity or, if an adverse impact cannot be avoided:
 - (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, threatened species and populations and their habitats
 - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors
 - (iii) the development includes measures to offset the loss of biodiversity values.
-

Proposed LEP Amendments

PROPOSED ADDITIONAL LEP CLAUSES

Proposed amendment to clause 4.1

4.1 Minimum subdivision lot size

Insert the following:

(4C) Despite subclause (3), development consent may be granted to the subdivision of land into lots that do not meet the minimum size shown on the Lot Size Map if:

- the land is within Lot 61, DP 752042, Appin Road, Gilead
- each lot has a minimum lot size of 375m²
- the number of lots with a minimum lot size of 375m² is limited to 65 of the total lots
- each lot is contiguous with no more than two other lots on the street frontage which are of a lot size less than 450 m²
- each lot is not located on a bus route
- each lot is not located more than 200 metres from a bus route, community centre or open space area.

Proposed amendment to clause 4.1A

4.1A Maximum dwelling density in certain residential areas

Insert the following:

Column 1	Column 2
"Area 4" on the Restricted Dwelling Yield Map, being land at Mt Gilead	1700

Insert after clause 7.19

7.20 Terrestrial Biodiversity

1. The objective of this clause is to maximise the retention and enhancement of native biodiversity, including the following:
 - (a) protecting native flora and fauna
 - (b) protecting the ecological processes necessary for their continued existence
 - (c) encouraging the recovery of native flora and fauna, and their habitats
 - (d) maximising connectivity and minimising habitat fragmentation.
2. This clause applies to land identified as "Areas of Biodiversity Significance" and/or "Biodiversity-Habitat Corridor" on the Terrestrial Biodiversity Map.
3. Before granting development consent on any land to which this clause applies, the consent authority must consider the following matters:

ATTACHMENT 3

Campbelltown (Sustainable City) Development Control Plan

Volume 2 Site Specific Development Control Plans

Part: 6 Mt Gilead

Part 6 MT GILEAD

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Part 6 MT GILEAD

1. INTRODUCTION

1.1. Land to which this Development Control Plan Applies

This Part applies to the land identified in Figure 1.

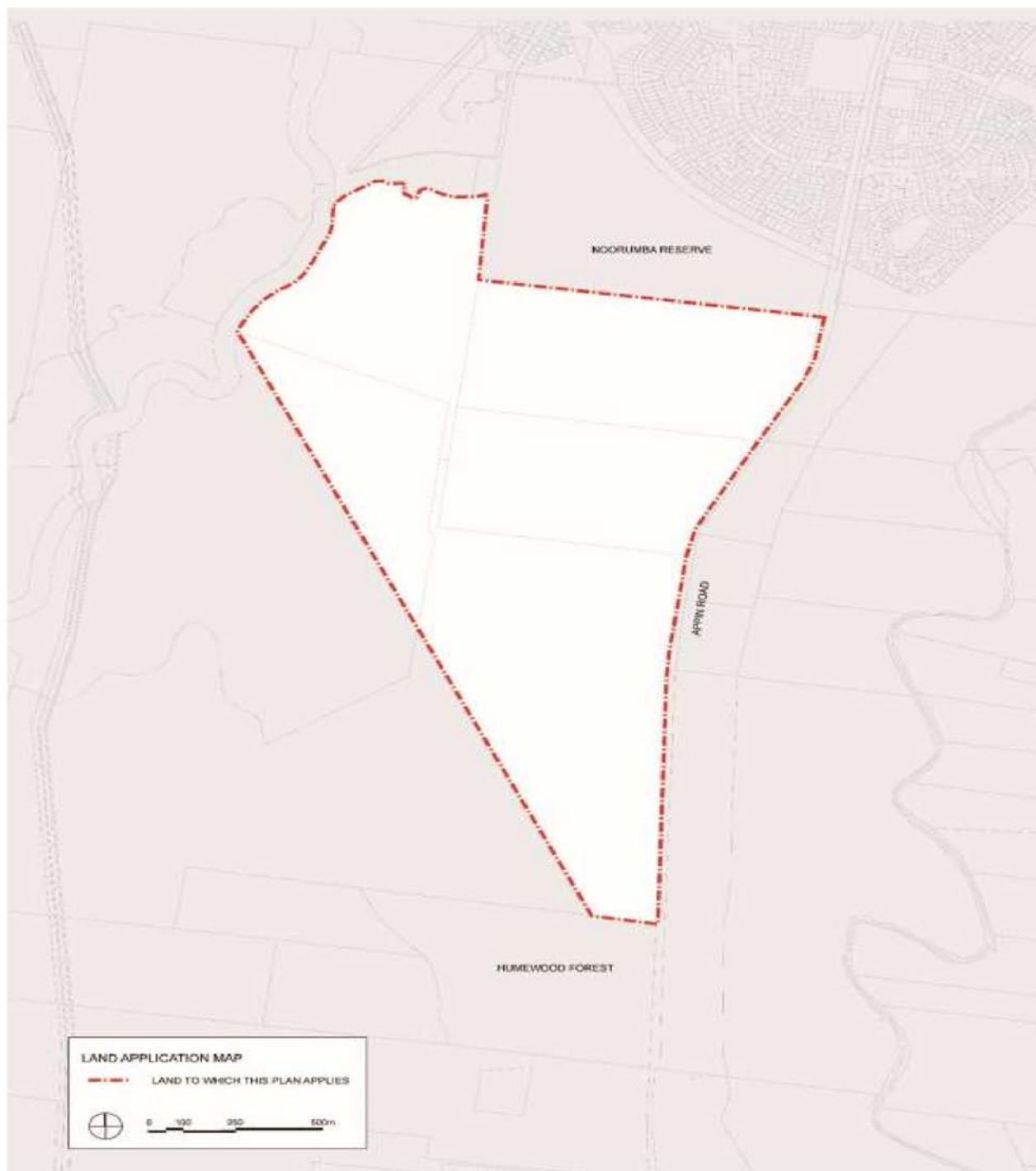
This Part establishes additional provisions for Mt Gilead. When a development control is not specified in this Part, development should be consistent with all other relevant controls of Volume 1 Campbelltown (Sustainable City) DCP. Where there is an inconsistency between Part 6 and any other Part of this Development Control Plan, Part 6 applies to the extent of the inconsistency.

The arrangement of controls in this section does not represent any particular order of priority or importance. Maps and diagrams in this Part are indicative only.

Campbelltown City Council Engineering Design Guide for Development applies to development specified in this Part.

Part 6 MT GILEAD

Figure 1: Land to which this DCP applies



Part 6 MT GILEAD

2. VISION AND DEVELOPMENT OBJECTIVES

2.1. Vision for Mt Gilead

Mt Gilead will be a high quality residential estate set within a rural landscape setting. When completed, Mt Gilead will contain approximately 1,700 detached dwellings and a population of around 5,000 people. Mt Gilead will contain significant bushland parks providing attractive recreation areas and a pleasing setting for residential development. A small community hub co-located with open space will be provided in a central location to provide a focal point for the community.

European heritage will be interpreted through street layout and open space provision, providing an insight into land use patterns and significant early settlers. Known areas of Aboriginal cultural heritage will be protected.

Access will be provided from three main entries off Appin Road. The rectilinear subdivision layout will provide legible connections, maximise accessibility and transport choice, and offer alternative trips via walking and cycling.

Housing will typically be detached single and two storey dwellings on a range of lot sizes to provide choice and diversity. Smaller lots will be located in areas of special character such as close to open spaces, the community hub and bus route.

2.2. Key Development Objectives

Key Development Objectives for Mt Gilead are to:

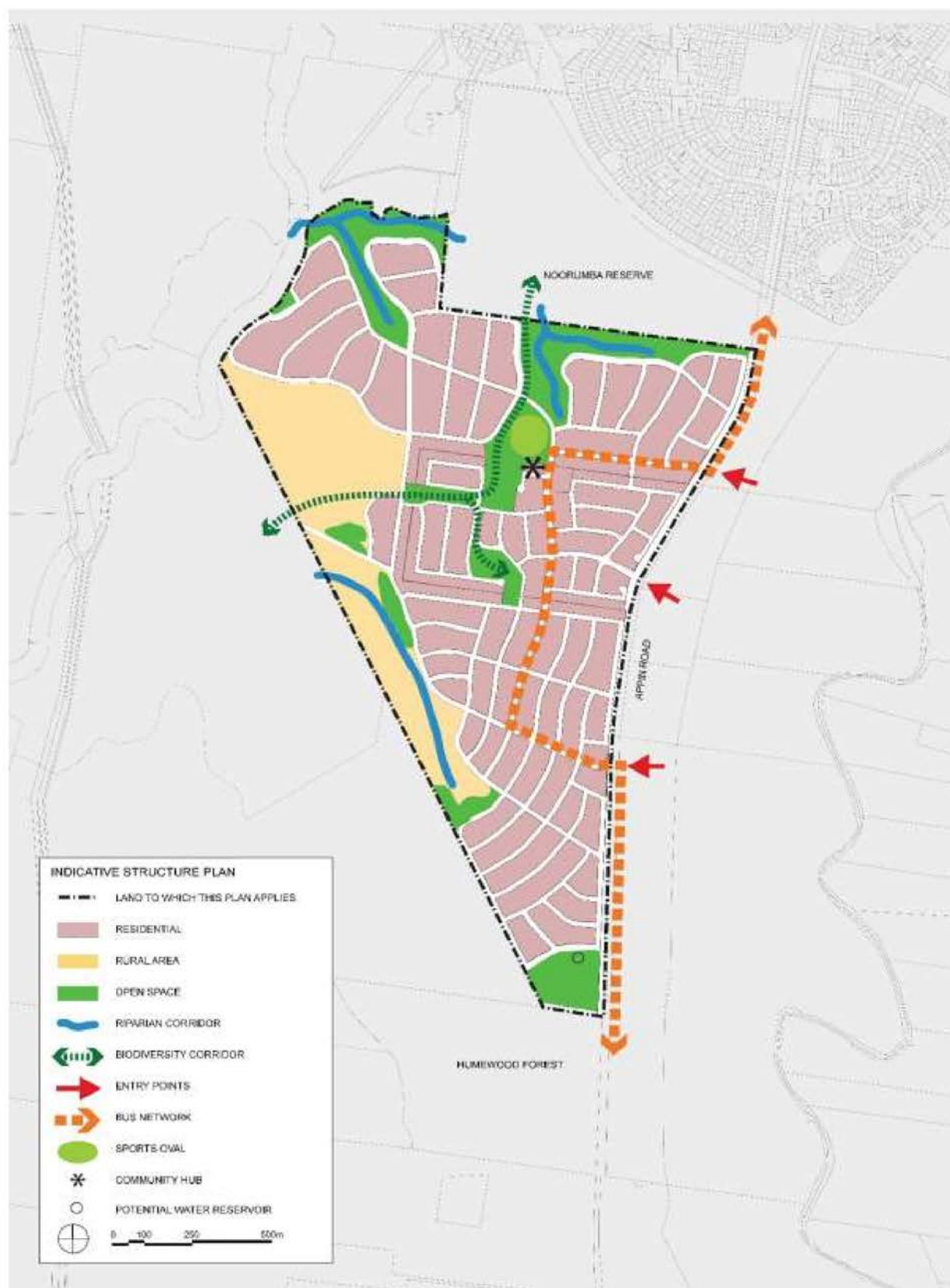
- create an environmentally and socially sustainable residential estate at Mt Gilead that provides housing diversity and choice within the Campbelltown local government area
- provide a broad variety of lot sizes
- ensure all development achieves a high standard of urban and architectural design
- promote walking and cycling, and provide good access to public transport
- maximise opportunities for future residents to access and enjoy the outdoors
- protect riparian corridors and significant vegetation
- provide for the establishment of a biodiversity corridor to allow for the movement of fauna from Noorumba Reserve through the subject site to connect with the Nepean River corridor and the Beulah biobanking site
- respect the heritage significance of the Mount Gilead homestead site including the outbuildings, mill and dam and their setting.

Controls

1. Development of Mt Gilead is to be generally consistent with the Indicative Structure Plan shown in Figure 2.
-

Part 6 MT GILEAD

Figure 2: Mt Gilead Indicative Structure Plan



Part 6 MT GILEAD

3. DEVELOPMENT PRINCIPLES AND CONTROLS

3.1. Heritage and Views

Objectives

- Interpret the rural landscape values of the site and surrounding locality
- Where possible, retain and enhance European heritage through its integration into the development of Mt Gilead
- Retain the regional views to hills to the west from within the subdivision to retain the visual context of the landscape's prior land uses and heritage values
- Retain the 'bald' character of One Tree Hill above the background skyline when viewed from The Old Mill, with a single landmark tree.

Controls

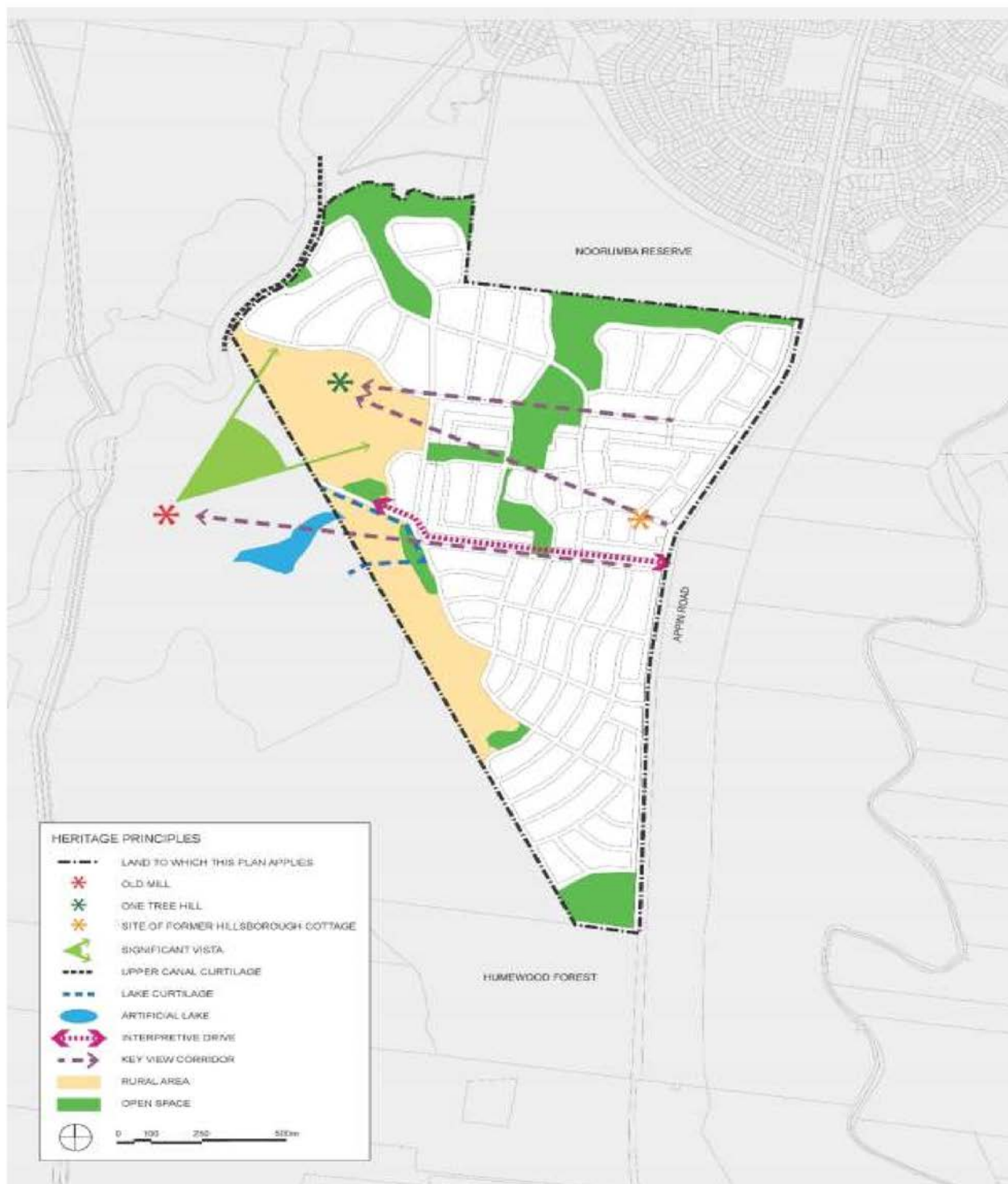
1. Development of Mt Gilead is to be consistent with the heritage principles identified in Figure 3 Heritage Principles Plan. The following specific measures are to be incorporated into the subdivision design:
 - i. An interpretation of the historic carriageway alignment from Appin Road to the Mt Gilead homestead at the existing entrance to the Mt Gilead Property as shown in Figure 3 *Heritage Principles Plan*. This should include land mark specimen tree planting
 - ii. Retention of One Tree Hill as a grassed knoll with a single tree
 - iii. Interpretation of the former Hillsborough Cottage is to be provided in the general vicinity as identified in Figure 3 Heritage Principles Plan. This may include landscaping, signage, walling or/and the erection of a commemorative plaque.
2. Landscape screening is to be provided in the locations identified in Figure 7 Indicative Landscape Strategy to:
 - i. Ensure that housing at Mt Gilead is not visible when viewed from the Old Mill
 - ii. Interpret the original landscape setting around the lake when viewed from the Old Mill.
3. Where possible, the key view corridors identified from the indicative locations in Figure 3 Heritage Principles Plan to the Old Mill and One Tree Hill are to be retained and interpreted.
4. When the subdivision street pattern and open space locations are finalised, a site review will be required to confirm that important views to the west are retained and interpreted within the public domain (streets and parks). These locations will be identified on the plans submitted with development applications for subdivision.

Note: Methods to retain and interpret views include:

- Using trees species that will not block views when mature
 - Placement of seating and/or interpretive signage at the viewpoints that explains the view and its significance in the context of the locality's cultural and natural heritage.
-

Part 6 MT GILEAD

Figure 3: Heritage Principles Plan



Part 6 MT GILEAD

3.2. Street Network and Public Transport

Objectives

- provide a clear hierarchy of interconnected streets that enables safe, convenient and legible access
- provide easily accessible connections to Appin Road
- ensure carriageways and verges match the function of the road
- provide adequate land within verges for infrastructure, landscaping and pathways
- facilitate use of public transport with suitable seating and adequate road widths
- provide a clear pedestrian and cycle network that provides links between bus stops, the community hub and open space areas
- provide a connected, convenient, efficient and safe network of pedestrian and cycle shareways
- promote the efficient use of land by allowing pedestrian and cycle shareways located within open spaces wherever practical.

Controls

1. The design of the local street network is to:
 - i. facilitate walking and cycling and enable direct local vehicle trips
 - ii. create a safe environment for walking and cycling with safe crossing points
 - iii. encourage a low-speed traffic environment
 - iv. optimise solar access opportunities for dwellings
 - v. take into account the site's topography and view line;
 - vi. provide frontage to and maximise surveillance of open space
 - vii. facilitate way finding and place making opportunities by taking into account streetscape features
 - viii. retain existing trees, where appropriate, within the road reserve.
2. Three entrances are to be provided off Appin Road generally in accordance with the locations identified in Figure 2 Mt Gilead Indicative Structure Plan and Figure 4 Indicative Street Network and Public Transport.
3. The public street network is to be provided generally in accordance with Figure 4 Indicative Street Network and Public Transport.
4. Street design is to comply with the minimum standards in the cross-sections detailed in Figure 5 Indicative Street Cross Sections.
5. Where bus bays are required on the Collector Road, the carriageway must be widened to accommodate a 2.5m wide bus parking bay.
6. Alternative street designs may be permitted on a case-by-case basis if the functional objectives and requirements of the street design are maintained and the outcome is in accordance with the Campbelltown City Council Engineering Design Guide for Development.
7. All kerbs are to be barrier kerbs.
8. Cul-de-sac streets will only be permitted where there are physical constraints such as sloping land, riparian corridors and bushland.

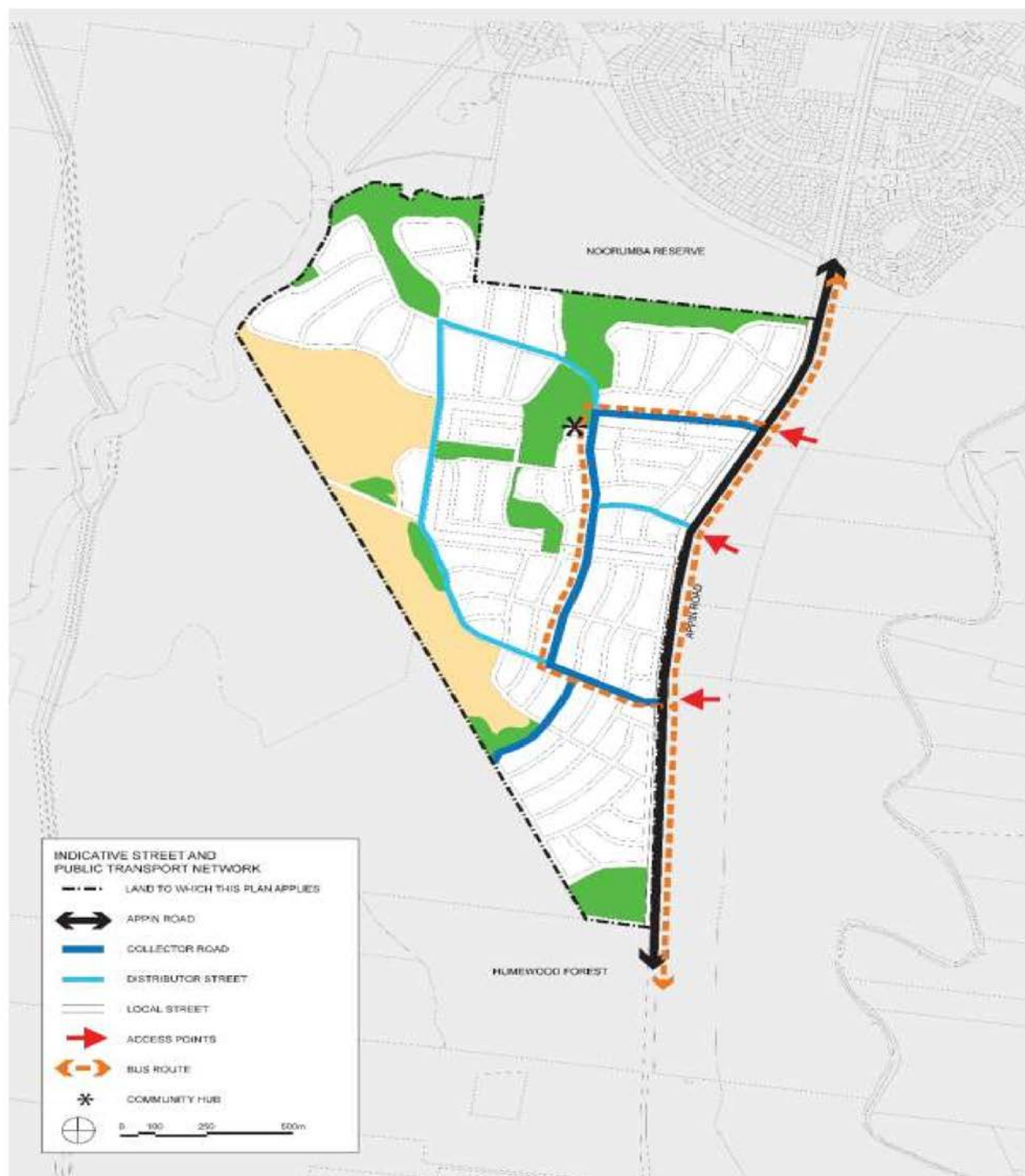
Part 6

MT GILEAD

9. Verges abutting open space and riparian areas may be reduced to 1m in width providing no servicing infrastructure is installed on the non-residential side of the road.
 10. Appropriate seating or shelters shall be provided at bus stops.
 11. Footpaths must be provided on at least one side of every street, except on the collector road where a footpath must be provided on both sides, unless it can be located within adjacent open space.
 12. Pedestrian and cycle network is to be provided in accordance with Figure 6 Indicative Pedestrian/Cycle Network, and is to:
 - i. provide safe and convenient linkages between residences and open space systems, neighbourhood shops, the community facility and the bus route
 - ii. respond to the topography and achieve appropriate grades for safe and comfortable use where possible
 - iii. comply with the requirements of Campbelltown City Council Engineering Design Guide for Development.
 13. Street trees are to be provided in a manner consistent with the Indicative Street Tree Hierarchy at Appendix 1.
 14. A 10m wide Landscape Green Link is to be provided in the verge of the local street in the location shown in Figure 7 Indicative Landscape Strategy. The Landscape Green Link is to be planted with endemic native plant species and designed in a manner consistent with Figure 5 Indicative Street Cross Sections.
-

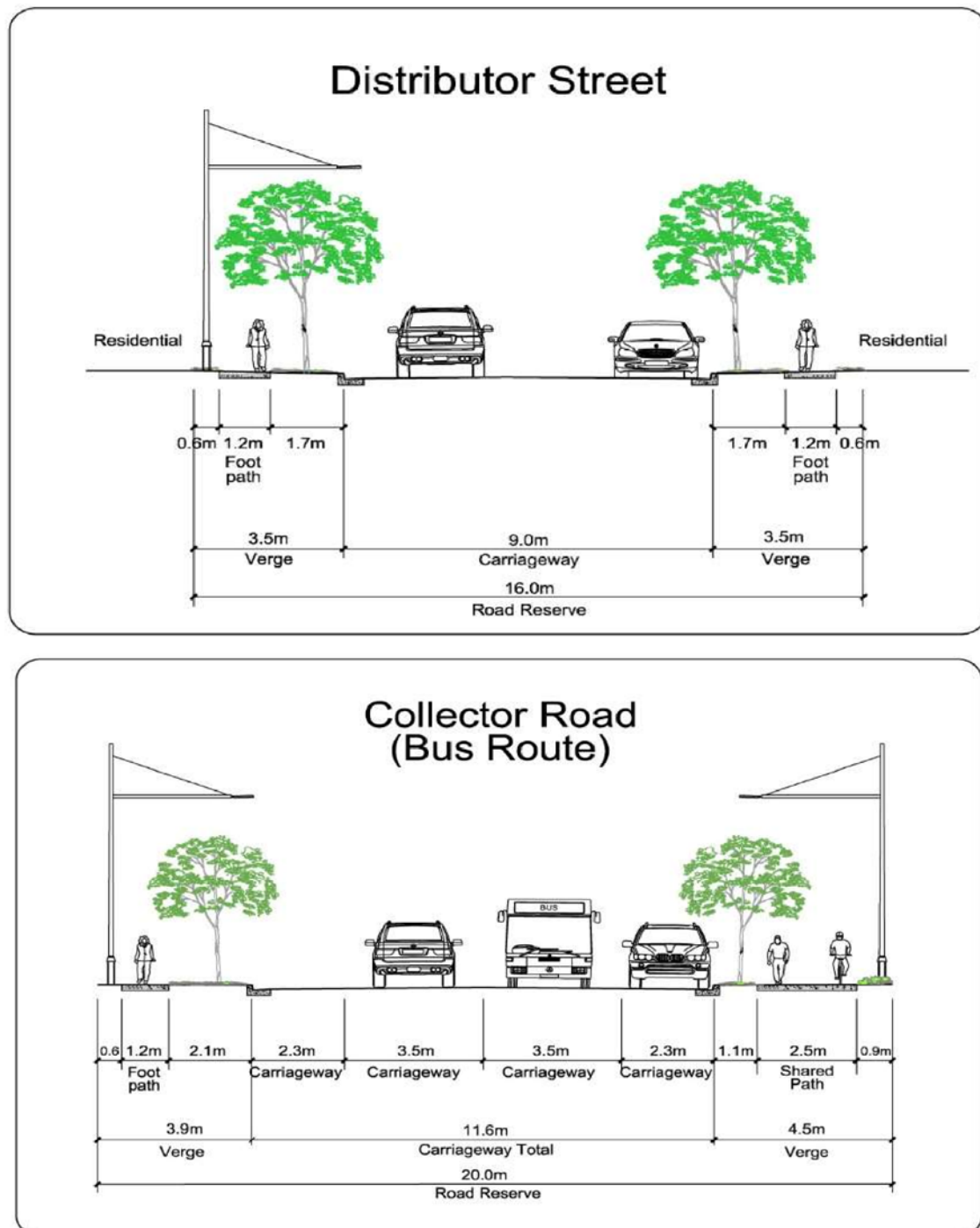
Part 6 MT GILEAD

Figure 4: Indicative Street Network and Public Transport



Part 6 MT GILEAD

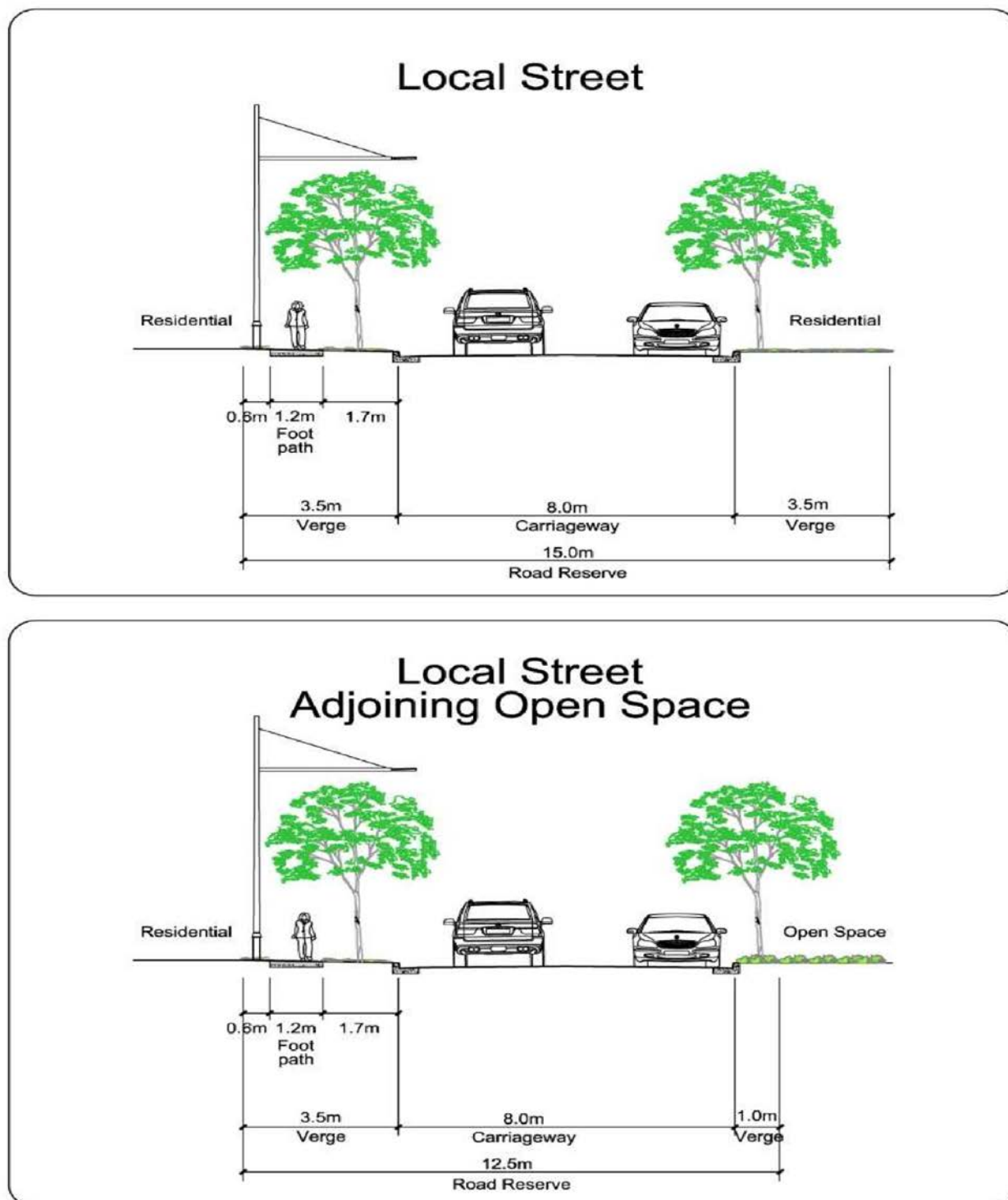
Figure 5: Indicative Street Cross Sections



Note: Carriageway to be locally widened at bus stops to 12.0m to allow for 2.5m bus bay

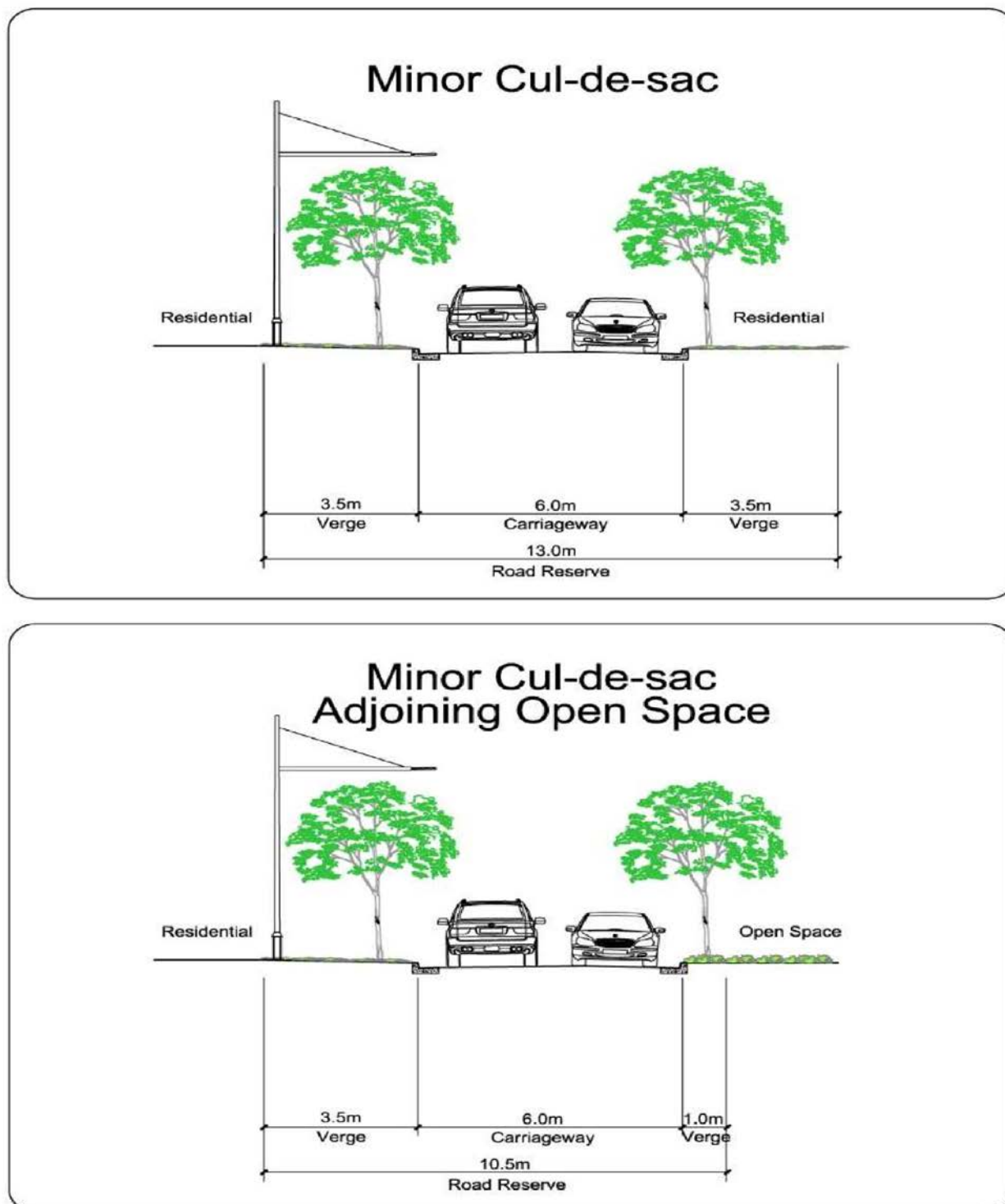
Part 6 MT GILEAD

Figure 5: Indicative Street Cross Sections



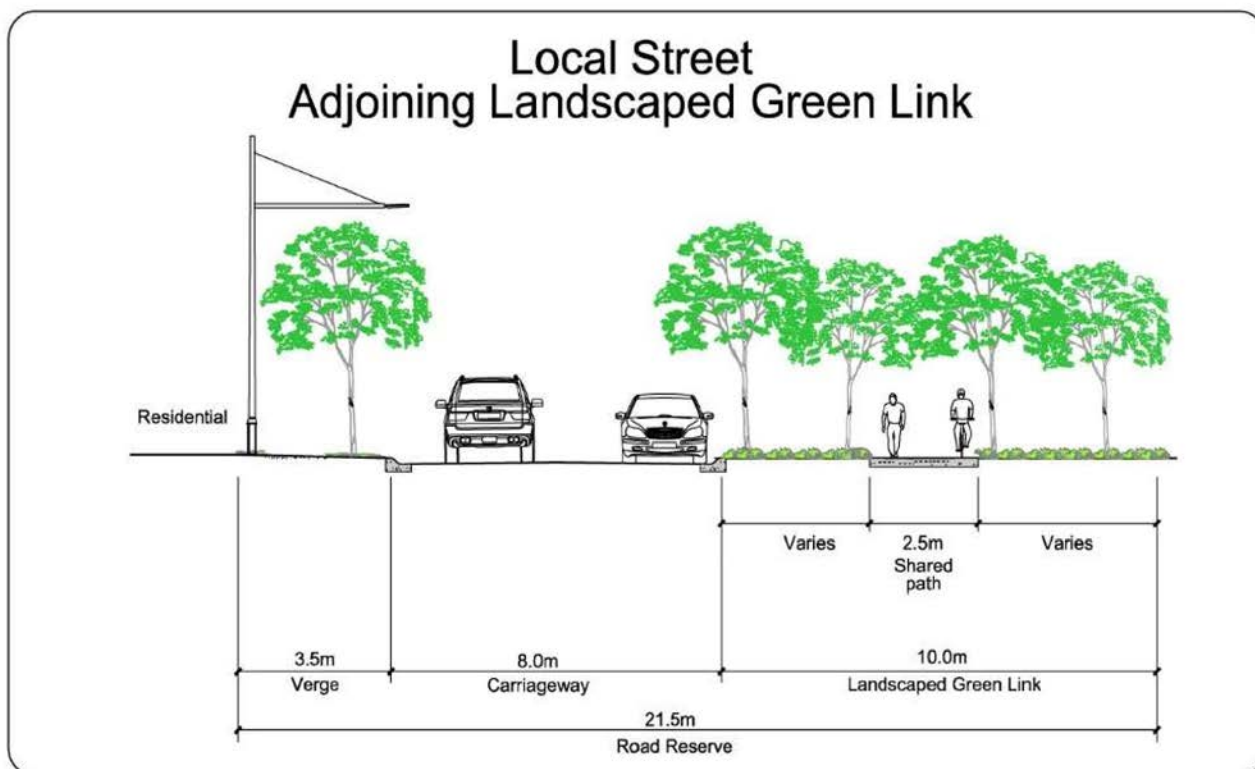
Part 6 MT GILEAD

Figure 5: Indicative Street Cross Sections



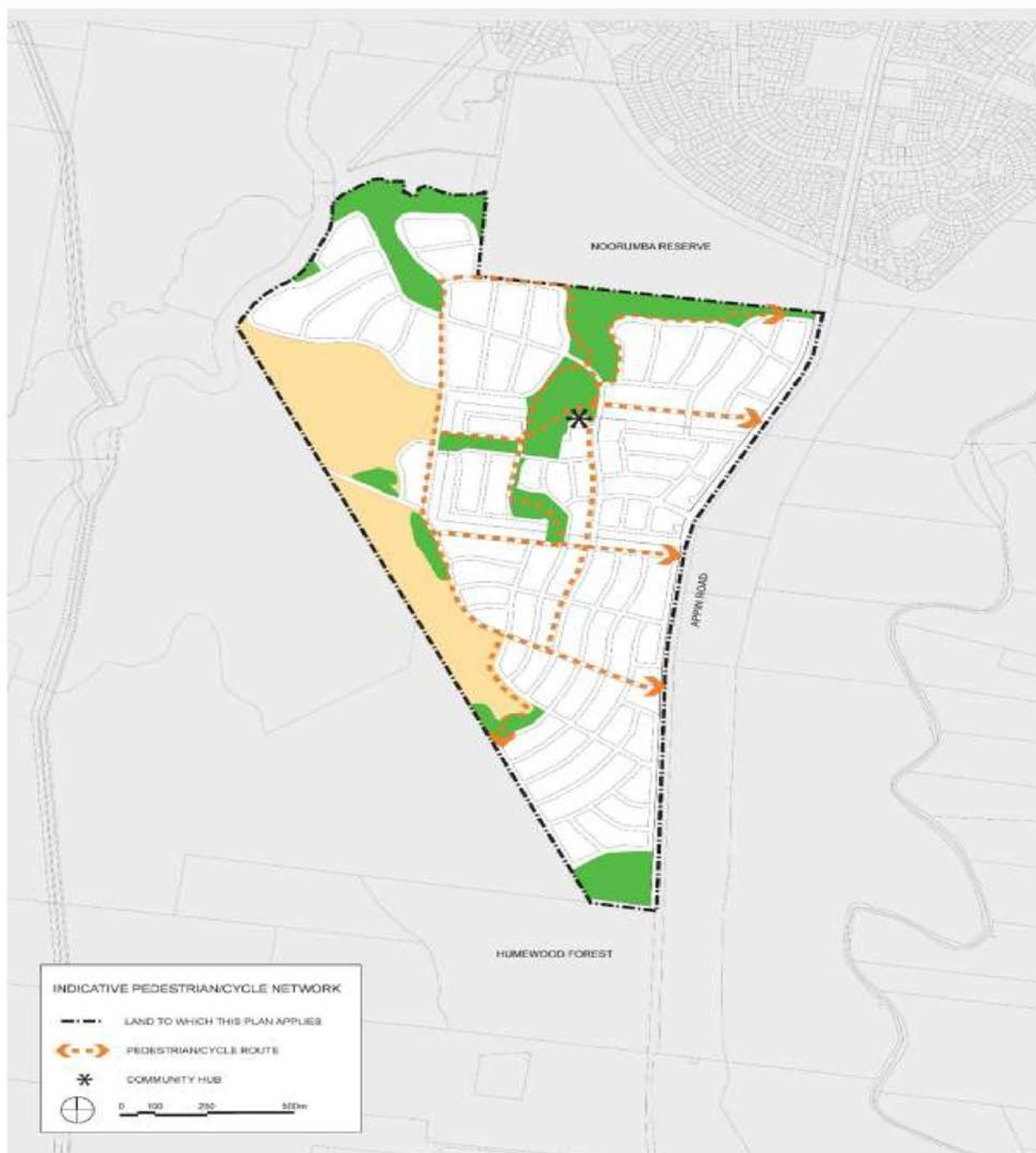
Part 6 MT GILEAD

Figure 5: Indicative Street Cross Sections



Part 6 MT GILEAD

Figure 6: Indicative Pedestrian/Cycle Network



Part 6 MT GILEAD

3.3. Public Open Space and Landscaping

Objectives

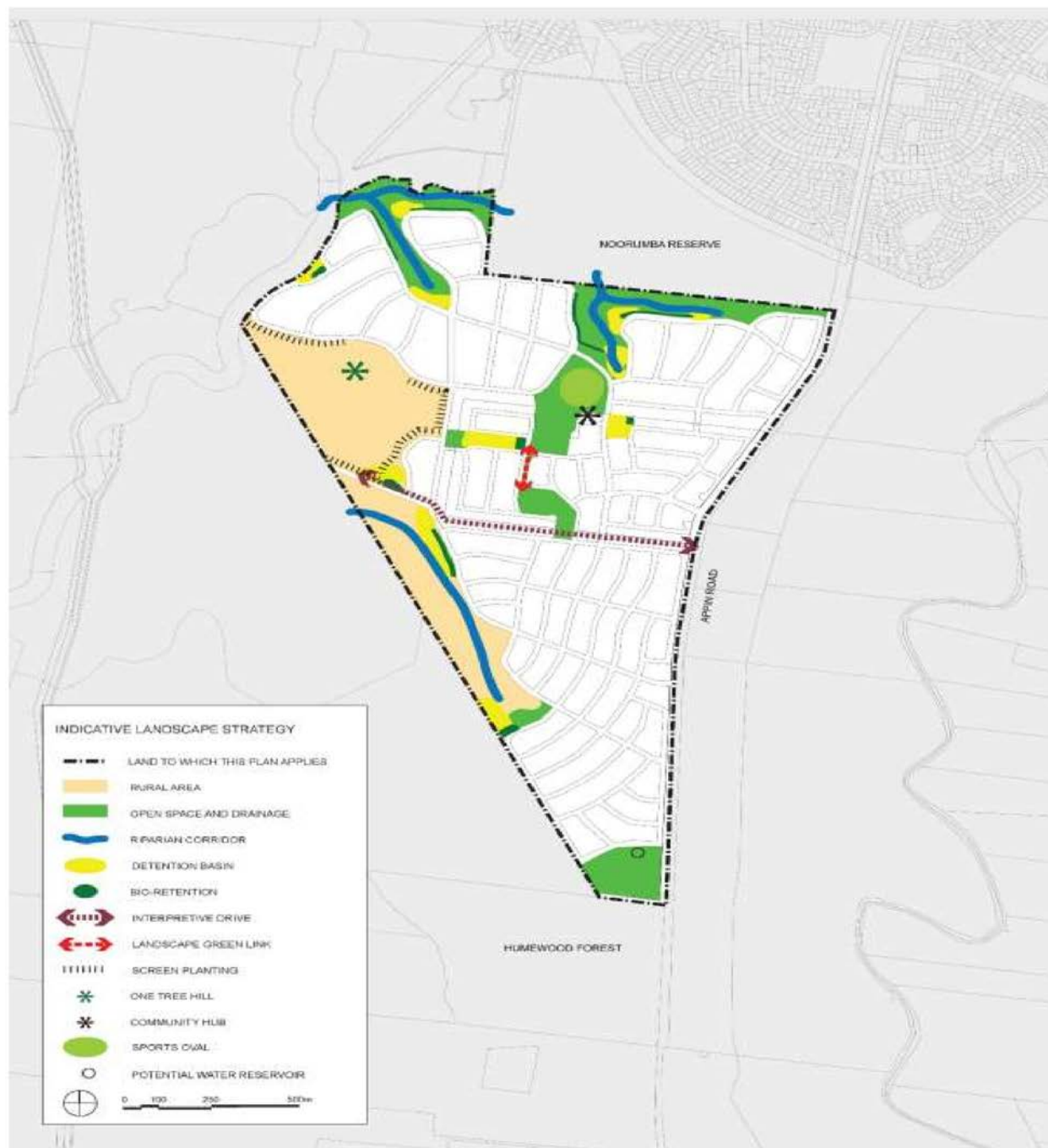
- provide safe and accessible open space areas for the enjoyment of the local population and promote local character
- provide open space which can be used by a range of users, linked with other activities and services
- conserve trees and other vegetation of ecological, aesthetic and cultural significance
- provide, enhance and protect existing watercourses and riparian corridors and improve habitat features
- promote riparian areas for the conservation and enhancement of riparian habitat and connectivity values, and for passive open space uses and activities where such uses will not degrade the riparian corridors
- Restore and conserve remnant bushland.

Controls

1. Landscaping and public open spaces are to be generally provided in accordance with Figure 7 Indicative Landscape Strategy.
 2. Public Open Space is to be linked using streets, pedestrian paths and cycle ways.
 3. Development is to front public open spaces to allow for casual surveillance and enhance safety.
 4. Riparian areas are to be protected and enhanced.
 5. Bushland to be conserved is to be identified in each development application for subdivision, and the application is to provide details of proposed regeneration and restoration.
 6. Significant trees are to be retained where possible. Trees proposed for removal are to be identified in each development application and the impact of their removal is to be assessed appropriately.
 7. Screen planting on the slopes of One Tree Hill as shown on Figure 7 Indicative Landscape Strategy should not be planted above the background skyline.
-

Part 6 MT GILEAD

Figure 7: Indicative Landscape Strategy



Part 6 MT GILEAD

3.4. Residential Subdivision

Objectives

- Provide a residential subdivision layout that utilises development areas efficiently and responds to the natural attributes of the site
- Establish a consistent residential character and sense of place
- Ensure that residential lots are sited to provide a high level of residential amenity in terms of solar access, views, outlook and proximity to open spaces
- Provide a range of densities, lot sizes and house types to foster a diverse community and interesting streetscapes
- Provide for a maximum of 65 lots less than 450sqm in area (but with a minimum area of 375sqm) in appropriate locations where they will not impact on the streetscape character of the wider Mt Gilead development.

Controls

1. Street layouts are to be an appropriate length and width to ensure that pedestrian connectivity, stormwater management and traffic safety objectives are achieved.
2. Subdivision layout is to deliver a legible and permeable street network that responds to the natural site topography, the location of existing significant trees and bushland, and solar access design principles.
3. Residential lots should be rectangular in geometry as far as possible.
4. The minimum lot width on any street frontage is 12.5m.
5. The maximum number of lots with a minimum area of 375sqm and maximum area of 450sqm is 65.
6. Lots less than 450sqm are to be located within 200m of key amenity attractors such as the bus route, community hub and open space areas.
7. Subdivision layouts must provide a variety of lot frontages and lot sizes within each street. Lots less than 450sqm must be dispersed throughout the subdivision and not be located in a manner where they form the dominant streetscape presentation.
8. The repetition of lot widths of 12.5m is to be avoided, with no more than 3 lots of this frontage to be adjacent to one another.

3.5. Residential Development

3.5.1. Front Setbacks

Objectives

- Provide a variety of front setbacks dependant on lot size
 - Create streets with a diverse and interesting character
 - Encourage articulation of the front facades of dwellings
 - Reduce the dominance of garages on the streetscape.
-

Part 6 MT GILEAD

Controls

1. Front setbacks are to be consistent with Table 2.

Table 2: Front setbacks

Lot Size	< 450sqm	>450sqm
Front setback	3.5m	4.5m
Articulation zone	2.5m	3.5m
Garage line	5.5m and at least 1m behind the façade line	1m minimum behind the façade line

2. To create an interesting and diverse streetscape, the following building elements are encouraged within the front setback articulation zone:
 - i. entry feature or portico
 - ii. awnings or other features over windows (excluding roller shutters)
 - iii. recessed or projecting architectural elements
 - iv. open verandas
 - v. a mix of building materials, finishes and colours.
3. The articulation zone is to occupy no more than 50% of the frontage, excluding any garage.

3.5.2. Side and rear setbacks

Objectives

- Protect the amenity of adjacent properties particularly in terms of privacy and overshadowing
- Use land efficiently.

Controls

1. Minimum side and rear setbacks are to be consistent with Table 3.
2. Upper storey setbacks are to ensure that neighbouring dwellings receive the minimum required solar access to habitable rooms and private open space.
3. Any continuous wall shall be no more than 10m in length. Walls over 10m long shall have a minimum offset of 300mm for a minimum of 2m. This does not apply

Table 3: Minimum side and rear setbacks

Lot Size	≤ 450sqm	>450sqm
Side setback – single storey	0.9m	0.9m
Side setback – double storey	0.9m	1.2m
Side setback - garage	0m	0.9m
Rear setback – ground level	3m	4m
Rear setback – upper level	6m	8m

Part 6 MT GILEAD

3.5.3. Corner lots

Objective

- Ensure that land is efficiently used at block ends
- Provide a strong visual identification of the street block by articulating both frontages
- Locate garages on secondary street frontages.

Controls

1. The minimum lot size on a corner lot is 450sqm.
2. To provide an attractive streetscape, dwellings on corner lots are to provide appropriate articulation to the facade on both street frontages.
3. Small windows to bathrooms, en-suites or the laundry are not to be visible from the secondary street frontage.
4. Where feasible, garages should be located on the secondary street frontage of corner lots.
5. Dwellings shall be set back at least 3m from the secondary street boundary. However, garages on secondary streets are to be set back at least 5.5m from the boundary.
6. Dwellings and landscaping shall be designed to minimize the amount of privacy/security fencing that faces roads.

3.5.4. Private Open Space

Objective

- Contribute to effective stormwater management, management of micro-climate impacts and energy efficiency
- Ensure a balance between built and landscaped elements in residential areas
- Provide high quality private open space within properties for relaxation and entertainment
- Provide useable private open space relative to the size of the property
- Provide private open space with high levels of amenity including privacy and direct sun access
- Ensure that dwellings are designed to minimise overshadowing of adjacent properties including private open space.

Controls

1. Private Open Space is to be provided at the following minimum rates:
 - i. Lots equal to or less than 450sqm: 15% minimum of the site area; and
 - ii. Lots above 450sqm: 20% minimum of the site area.

Part 6 MT GILEAD

2. An area of Principal Private Open Space (PPOS) is to be provided that is directly accessible from the main living area of a dwelling. It is to have a maximum gradient of 1:10 and be provided at the following minimum rates:
 - i. Lots equal to or less than 450sqm: 20sqm with minimum dimension of 3m
 - ii. Lots above 450sqm: 25sqm with minimum dimension of 5m.

Note: "Principal Private Open Space" means the portion of private open space which is conveniently accessible from a living zone of the dwelling.
3. For lots equal to or less than 450sqm, at least 2 hours of direct sunlight is to be received to 50% of the PPOS area of the proposed dwelling between 9am and 3pm on 21 June.
4. For lots above 450sqm, at least 3 hours of direct sunlight is to be received to 50% of the PPOS area of the proposed dwelling between 9am and 3pm on 21 June.
5. Direct sunlight to the PPOS of neighbouring dwellings is to be maintained in accordance with the above minimum requirements.

3.5.5. Fencing

Objective

- Ensure boundary fencing is of a high quality and does not detract from the streetscape.

Controls

1. A front fence to the primary street frontage is to be a maximum of 1.2m high and with a predominantly open character.
2. On corner lots, the front fence is to continue around the corner to the secondary street for a minimum of 30% of the lot length on this frontage.
3. A 1.8m side fence on a secondary street is to be:
 - i. a maximum of 50% of the lot length;
 - ii. include a gradual transition to the front fence that has continued along the secondary frontage; and
 - iii. of a similar look and character as the front fence.

Note: The provision of a front fence is not mandatory.

3.5.6. Land Adjacent to Appin Road

Objective

- Ensure reasonable standards of residential amenity and a high quality residential environment in the vicinity of Appin Road
- Ensure residential dwellings are not adversely impacted by traffic noise.

Controls

Part 6 MT GILEAD

- In addition to the provisions of clause 3.5 of Volume 1 development is to comply with *Development Near Rail Corridors and Busy roads – Interim Guideline (Department of Planning 2008)*.

Part 6 MT GILEAD

APPENDIX 1 INDICATIVE STREET TREE HIERARCHY



Type 5 - Typical Local St bordering open space



Melaleuca decora

Type 4 - Typical Local St



Elaeocarpus reticulatus

Type 3 - Appin Rd



Eucalyptus tereticornis

Type 2 - Collector/Distributor Roads



Pyrus capital

Type 1- Heritage Drive / Heritage Marker



Araucaria cunninghamii (to heritage gateway)



Melaleuca decora



Melaleuca decora



Corymbia maculata



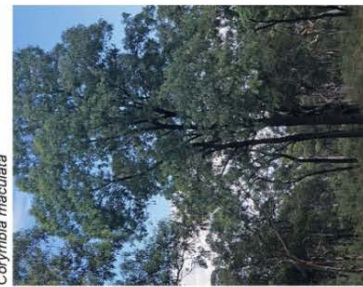
Pyrus calleryana



Jacaranda mimosifolia



Tristanopsis laurina



Eucalyptus crebra



Magnolia soulangeana



Melaleuca linearifolia

ATTACHMENT 4



14 November 2016

Jeff Lawrence
Director – Growth and Economy
Campbelltown City Council
Civic Square
91 Queen Street
Campbelltown, NSW, 2560

Re: Lendlease control of land for Mt Gilead planning proposal.

As requested, Lendlease wish to confirm our position and control over the land subject to the current planning proposal at Mt Gilead.

The current planning proposal covers part lot 3 DP 121887 owned by Mt Gilead Pty Ltd and Lot 61 DP 752042 owned by Anna and Stefan Dzwonnik.

Lendlease has entered into conditional agreements with both Mt Gilead Pty Ltd and Anna and Stefan Dzwonnik that shall result in Lendlease acquiring and developing this land upon satisfactory completion of necessary planning approvals including the rezoning of the land in accordance with the current planning proposal and entering satisfactory local and state infrastructure agreements.

Regarding the Mt Gilead Pty Ltd land, the landowners have engaged Old Mill Property to continue to secure the necessary planning approvals and the purchase agreement permits Lendlease to be a party to necessary planning agreements including Local Voluntary Planning Agreements and State Infrastructure Agreements.

Regarding the Dzwonnik land, Lendlease are responsible for securing the necessary planning approvals for this land and the purchase agreement permits Lendlease to be a party to necessary planning agreements including Local Voluntary Planning Agreements and State Infrastructure agreements.

Therefore Lendlease wish to confirm our interest and control over the land subject to the current planning proposal and our ability to be a party to necessary planning agreements required to obtain necessary planning approvals.

Lendlease look forward to the resolution of the current planning proposal.

Regards

SIGNATURE HAS BEEN REMOVED

Paul Thompson

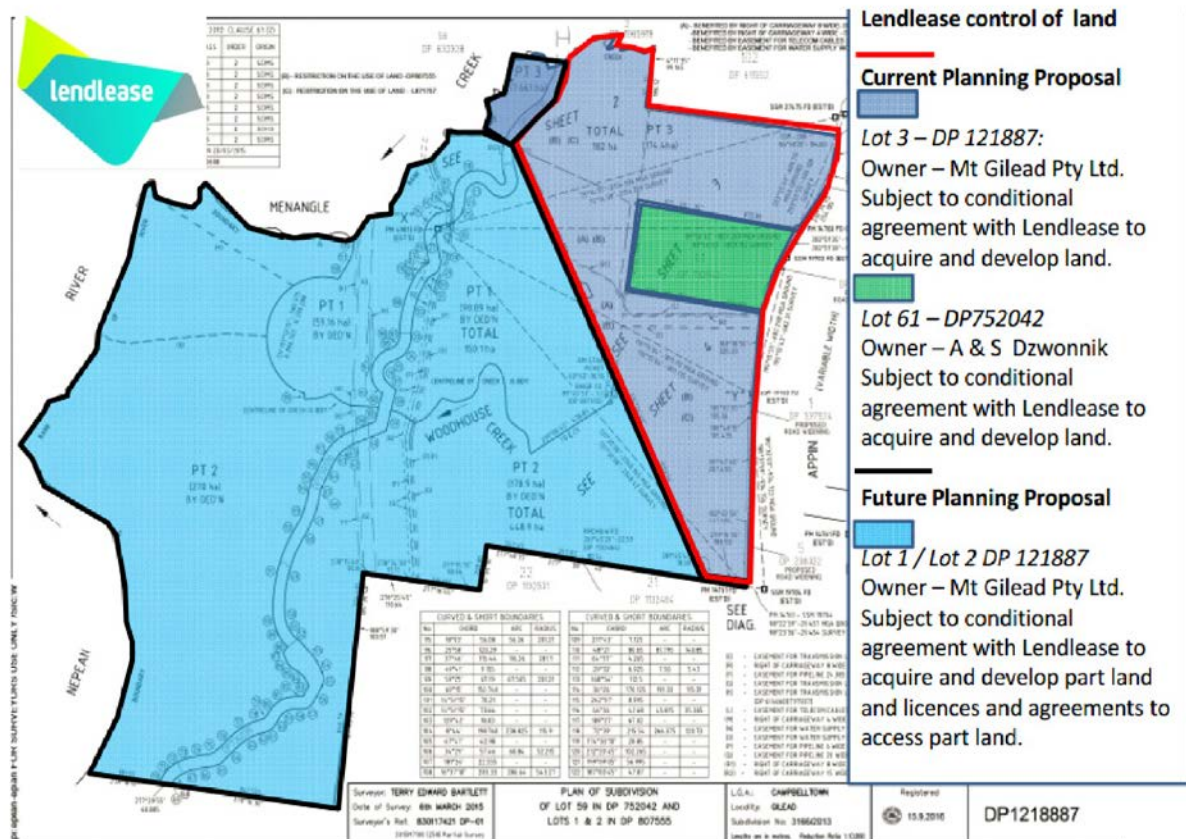
State Business Development Manager – Communities NSW.

Attachments:

A: Land Ownership plan: B: Dzwonnik letter regarding ability to enter agreements on behalf.

ref: G:\New Business\Project 31\Authorities\Campbelltown City Council\Land control letter\Jeff Lawrence letter re land control Nov 2016.docx

Attachment A:
Land ownership Plan:



Attachment B:
Authority to represent Dzwonnik land and enter planning agreements.

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition



25th August 2016

Anna and Stefan Dzwonnik

Re: 90 Appin Rd Mt Gilead. Acting for Landowner and Property

Dear Anna,

This letter is to acknowledge that in accordance with the agreement between ourselves that as landowner of 90 Appin Rd, Mt Gilead, (Lot 61 DP 752042) you consent to Lendlease acting on behalf of the landowner and property to,

- Engage with Government agencies and Utilities to pursue the necessary planning approvals and agreements required to achieve planning and environmental approvals.
- Enter planning and commercial agreements with necessary Government agencies and utilities required to achieve planning and environmental approvals and enable future development of the property.

For your information we understand we will be required to engage with (not limited to) the following agencies and utilities,

- Department of Planning and Environment
- Office of Environment and Heritage.
- Federal Department of Environment.
- Campbelltown City Council.
- Roads and Maritime Services.
- Sydney Water.
- Endeavour Electrical.
- Jemina gas

For your information during this engagement, Lendlease shall be represented by various key Lendlease staff (not limited to)

- Paul Thompson,
- Michael Gilligan,
- Ranisha Clarke,
- Mark Anderson.
- Cameron Beames.

This engagement will assist Lendlease in securing the necessary planning approvals and agreements in accordance with our agreement.

Lendlease may refer to this signed letter if required by the relevant agencies or utilities.

SIGNATURE HAS BEEN REMOVED

Paul Thompson

State Business Development Manager (NSW / ACT) Landowner
Lendlease.

SIGNATURE HAS BEEN REMOVED

ref:-G:\New Business\Project 31\Gilead expansion lands\Dzwonnik\Dzwonnik consent letter.ds

ATTACHMENT 5



10 November 2016

Lindy Deitz
General Manager
Campbelltown City Council
Civic Centre
91 Queen Street
Campbelltown NSW 2560

Dear Lindy,

Re: Mount Gilead Regional Infrastructure

Further to our meeting to discuss Lendlease's interests in the proposed Mount Gilead development, I would like to share the details of our offer to the NSW Department of Planning and Environment ("Department"), to contribute towards the funding the upgrading of the regional road network.

Lendlease is highly committed to actively assist in facilitating the provision of regional road infrastructure to support development in conjunction with and support of Greater Macarthur to the satisfaction of Campbelltown City Council and the Department.

The attached letter to the Department outlines the details for two works packages for the upgrading of the regional road network, with Lendlease offering to enter into an agreement to provide a contribution of 'works in kind' to the value of \$45m toward the design and construction of upgrades to the regional road network.

While Appin Road remains our key focus, Lendlease also believes that the provision of Spring Farm Link Road to connect Appin Road to the Hume Highway provides an opportunity for a superior community outcome, hence the offer for 2 options.

In anticipation of acceptance of Option 1 by the Department, Lendlease has commenced a tender process to award the detailed design of the upgrade works, in consultation with the Department and NSW Roads and Maritime Services. This design package is likely to cost approximately \$1m.

Option 1 includes the provision of the following works:

- Duplication of Appin Road from the Mount Gilead southern boundary to Fitzgibbon Lane, providing 2 additional lanes and median separating north bound traffic from south bound traffic.
- Upgrading of existing Appin Road intersections at St John's Road, Fitzgibbon Lane & Copperfield Drive
- The provision of 3 new intersections to service the Mount Gilead development.



Recent supplementary traffic modelling completed by Lendlease in collaboration with NSW Roads and Maritime Services, confirms that the package of works outlined as 'Option 1', will provide the required capacity for in excess of 2100 dwellings within the Mount Gilead development.

Please refer the attached letter to the Department for details regarding Lendlease's view of the specific scope of work and potential timing and staging.

Should you have any queries regarding Lendlease's offer to provide a significant contribution towards the provision of infrastructure please do not hesitate to contact me

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

Ranisha Clarke
Regional Development Manager, Lendlease Communities
Australia



28 July 2016

Gina Metcalfe
Senior Project Manager
NSW Department of Planning and Environment
23-33 Bridge Street
Sydney, NSW 2000

Dear Gina,

Regional Voluntary Planning Agreement – Mount Gilead

Further to our meeting Wednesday 27th July, please find attached the two works packages tabled by Lendlease.

Option 1 provides for the duplication of Appin Road from the Mount Gilead southern boundary to Fitzgibbon Lane, upgrading of Appin Road intersections at St John's Road, Fitzgibbon Lane & Copperfield Drive, and the provision of 3 new intersections to service the Mount Gilead development. Lendlease Engineering estimate the cost of these works at \$54 million, subject to the caveats described on the attached.

Option 2 delivers a superior community outcome by including the construction of Spring Farm Link Road (Stage 1) to provide 1 lane in each direction between Appin Road and Menangle Road. This increases the total of cost of works to \$94m, subject to the caveats described on the attached.

As discussed, Lendlease is prepared to increase its funding contribution toward these works to a maximum of \$45 million. This implies a funding shortfall of \$9 million for Option 1, and/or \$49 million for Option 2.

Accordingly, we seek advice from DPE, whether there is capacity to meet the funding shortfall for either Option from the Housing Acceleration Funding commitments announced in the recent NSW Budget.

Should this be the case, and DPE is able to confirm in principle support for a preferred Option, Lendlease would seek to progress drafting a formal VPA with DPE immediately. Concurrently, in good faith, we would also commit to the \$1m P50 detailed design works required to inform the final VPA.

Please note, the above proposals are on the basis that Lendlease Engineering would construct the agreed works (subject to appropriate independent scrutiny), and that Lendlease's funding contribution toward the works would be creditable against any future SIC.



Could you please confirm DPE's position on the above as a matter of priority, and advise how we best progress the final resolution of this matter.

Should you have any queries or require further briefings for your colleagues, please do not hesitate to contact me.

Yours sincerely

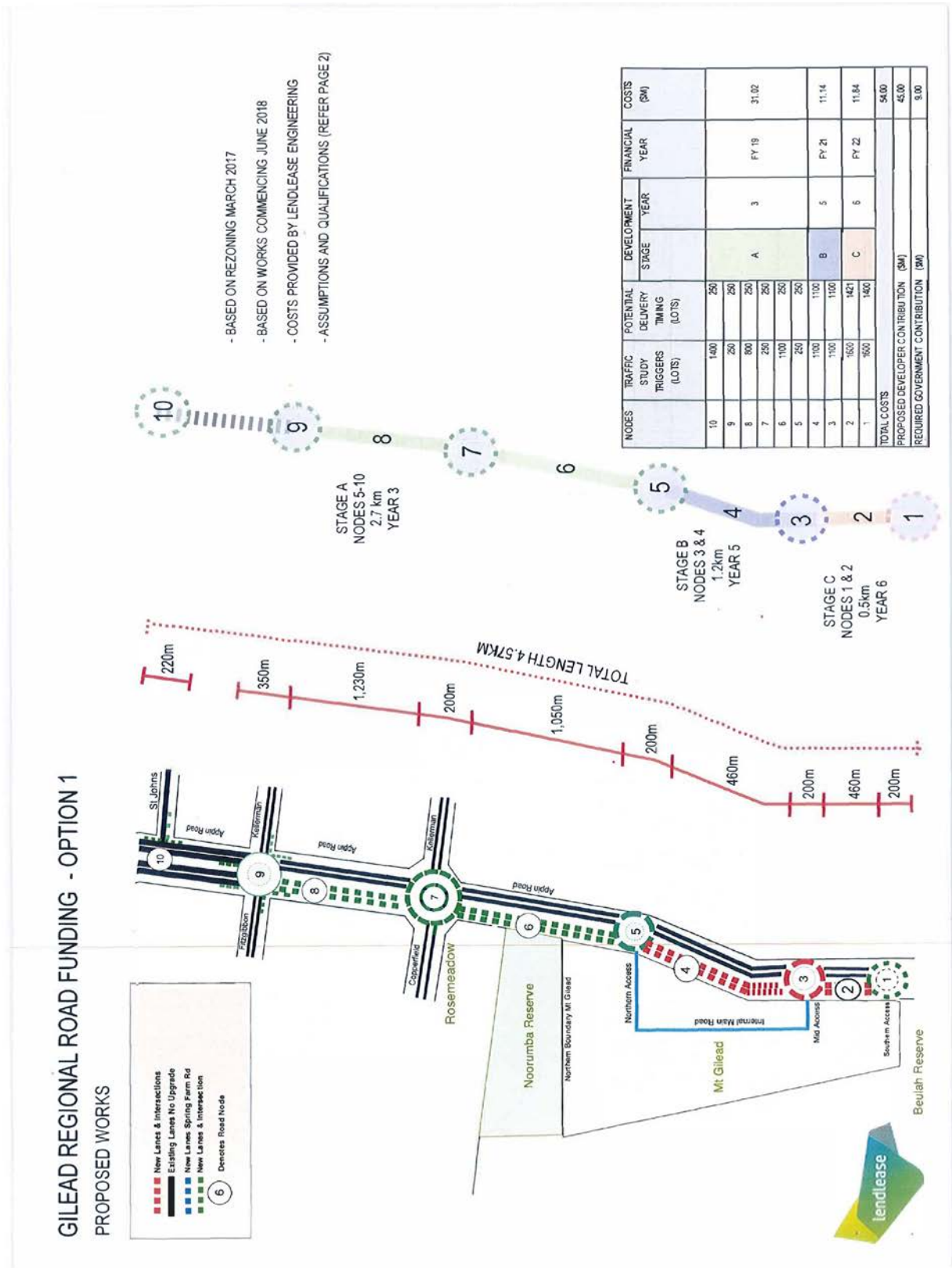
SIGNATURE HAS BEEN REMOVED

Ranisha Clarke

Regional Development Manager, Lendlease Communities
Australia

cc: Adrian Miller
Director Program Delivery, NSW Department of Planning and Environment

Attachments: Regional Road Funding Options



8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

ESTIMATED COSTS

NODES	DESCRIPTION	TRAFFIC STUDY TRIGGERS (LOTS)	POTENTIAL DELIVERY TIMING (LOTS)	COSTS (\$M)	DEVELOPMENT STAGE	FINANCIAL YEAR	COSTS (\$M)
10	EXISTING INTERSECTION	SIJOHNS / APPIN RD	1400	1.84			
9	EXISTING INTERSECTION	FITZGIBBON / APPIN RD	250	4.09			
8	MIDBLOCK	COPPERFIELD TO FITZGIBBON	800	11.44			
7	EXISTING INTERSECTION	COPPERFIELD / APPIN RD	250	3.31	A	FY 19	31.02
6	MIDBLOCK	NORTH INTERSECTION TO COPPERFIELD	1100	7.54			
5	NEW ENTRY INTERSECTION	NORTH INTERSECTION	250	3.00			
4	MIDBLOCK	NORTH ENTRY TO NORTH ENTRY	1100	8.03	B	FY 21	11.14
3	NEW ENTRY INTERSECTION	MID ENTRY	1100	3.11			
2	MIDBLOCK	SOUTHERN ENTRY TO MID ENTRY	1600	8.46			
1	NEW ENTRY INTERSECTION	SOUTHERN ENTRY	1600	3.38	C	FY 22	11.84
				APPIN ROAD COSTS*			54.00

* Above costs exclude structural overhead to existing lanes

Assumptions/Qualifications:

GENERAL

All construction works directly awarded to Lendlease
 No disadvantage clause to reconcile WIK costs to SIC obligation
 Review at P50 detailed design and costing
 Project Verifier jointly appointed

APPIN ROAD

- No upgrading of existing pavements required as a result of this development
- Total Length assumed to be 4.57km.
- JWP concept design and quantities used for the cost plan with following changes:
 - Building new dual lane in Northbound carriageway from Southern Access point to Fitzgibbon Lane
 - No clearing to the eastern side of existing carriageway (south bound).
 - No Allowance made for water quality management, OST tanks, GPT's, Basins, etc
 - No Allowance for relocation of any services.
 - Assumed the affected services to be protected only as shown on JWP drawings.
 - No allowance made for noise walls, retaining walls unless shown on JWP drawings.
 - No Allowance made for ITS.

FORECAST CASHFLOW - Based on potential delivery timing

FINANCIAL YEAR	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	TOTAL
DEVELOPMENT YEAR	1	2	3	4	5	6	7	8	9	
LOTS DEVELOPED			217	517	829	1134	1439	1661	1661	
ROAD STAGE DELIVERED			A		B	C				
ROAD COSTS	1.60	5.04	25.03	1.97	10.93	9.45	0.00	0.00	0.00	54.00
PROPOSED DEVELOPER CONTRIBUTION (\$M)	0.80	2.52	19.34	1.97	10.93	9.45	0.00	0.00	0.00	45.00
REQUIRED GOVERNMENT CONTRIBUTION (\$M)	0.80	2.52	5.68							9.00

Note - Assumes rezoning March 2017 and works commence June 2018

DEVELOPER CONTRIBUTION - TOTAL SIC CREDITABLE WORKS	45.00
WIK - ROAD DESIGN & CONSTRUCTION	3.45
LAND DEDICATION (APPIN ROAD) **	4.55
BIODIVERSITY CERTIFICATION OF URBAN RELEASE AREA	53.00
TOTAL DEVELOPER CONTRIBUTION VALUE (\$M)	

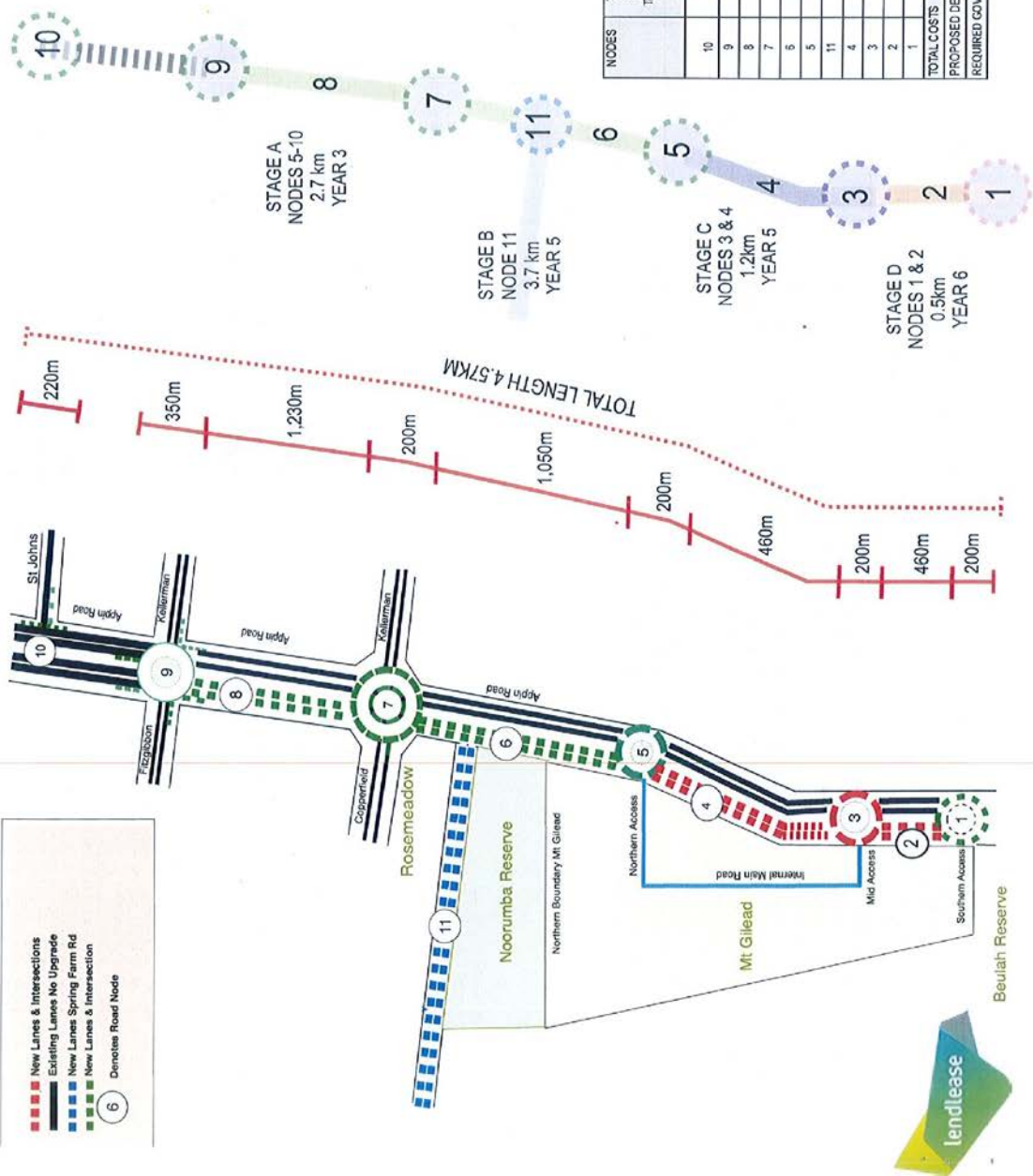
** Based on valuation



8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

GILEAD REGIONAL ROAD FUNDING - OPTION 1 - INCLUDING SPRING FARM LINK ROAD

PROPOSED WORKS



- BASED ON REZONING - MARCH 2017
- BASED ON WORKS COMMENCING - JUNE 2018
- COSTS PROVIDED BY LENDLEASE ENGINEERING
- ASSUMPTIONS AND QUALIFICATIONS (REFER PAGE 2)

NODES	TRAFFIC STUDY TRIGGERS (LOTS)	POTENTIAL DELIVERY TIMING (LOTS)	DEVELOPMENT STAGE	FINANCIAL YEAR	COSTS (\$M)
10	1400	250			
9	250	250			
8	900	250			
7	250	250			
5	1100	250			
5	250	250			
11		900	B	FY 21	40.00
4	1100	1100	C	FY 21	11.14
3	1100	1100	D	FY 22	11.84
2	1600	1421			
1	1600	1400			
TOTAL COSTS					94.00
PROPOSED DEVELOPER CONTRIBUTION (\$M)					45.00
REQUIRED GOVERNMENT CONTRIBUTION (\$M)					49.00

8.1 Draft Mt Gilead Planning Proposal - Outcome Of Public Exhibition

ESTIMATED COSTS									
NODES	DESCRIPTION	TRAFFIC STUDY TRIGGERS (LOTS)	POTENTIAL DELIVERY TIMING (LOTS)	COSTS (\$M)	DEVELOPMENT	FINANCIAL YEAR	COSTS (\$M)		
10	EXISTING INTERSECTION	1400	250	1.54	A	FY 19	31.02		
9	EXISTING INTERSECTION	250	250	4.03					
8	MIDBLOCK	800	250	11.44					
7	EXISTING INTERSECTION	250	250	3.31					
6	MIDBLOCK	1100	250	7.54	B	FY 21	40.00		
5	NEW ENTRY INTERSECTION	250	250	3.00					
11	SPRING FARM ROAD		900	40.00	C	FY 21	11.14		
4	MIDBLOCK	1100	1100	8.03					
3	NEW ENTRY INTERSECTION	1100	1100	3.11	D	FY 22	11.84		
2	MIDBLOCK	1600	1421	8.46					
1	NEW ENTRY INTERSECTION	1600	1400	3.38	SPRING FARM ROAD		40.00		
					APPIN ROAD #		54.00		
					TOTAL COSTS		54.00		

STAGE A
NODES 10-6
27.1km
YEAR 3

STAGE B
NODES 11-4
3.7km
YEAR 5

STAGE C
NODES 3-4
1.1km
YEAR 5

STAGE D
NODES 1 & 2
0.9km
YEAR 5

Assumptions/Qualifications:

GENERAL

All construction works directly awarded to Landlease

No disadvantage clause to reconcile WIK costs to SIC obligation

Review at P50 detailed design and costing

Project Verifier jointly appointed

APPIN ROAD

- No upgrading of existing pavements required as a result of this development
- Total length assumed to be 4.57km
- WJP concept design and quantities used for the cost plan with following changes:
 - Building new dual lane in Northbound carriageway from Southern Access point to Fitzgibbon Lane
 - No clearing to the eastern side of existing carriageway (south bound).
 - No Allowance made for water quality management, OST tanks, GP's, Basins, etc
 - No Allowance for relocation of any services.
- Assumed the affected services to be protected only as shown on WJP drawings.
- No allowance made for noise walls, retaining walls unless shown on WJP drawings.
- No Allowance made for ITS.

SPRING FARM ROAD

- Total length assumed to be 3.76km
- Allowance made to build 2 lanes (one each direction) including 1m of verge each side.
- Allowance for clearing and earthworks for the whole corridor (23.5m wide)
- No Allowance made for water quality management, OST tanks, GP's, Basins, etc
- No Pavement Drainage (transverse or longitudinal), pits, subsoil drainage allowed.
- Cross drainage (1 x 600 RCP) allowed every 500m
- Grass lined open drain allowed on one side of the road (parallel to the road)
- Bridge Allowed over gas line. No details provided. Allowed \$15M DC.
- No allowance made for services (Relocation, Protection, etc) street lighting and ITS
- No allowance made for fencing, noise walls, retaining walls, etc

FORECAST CASHFLOW - Based on potential delivery timing

FINANCIAL YEAR	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	TOTAL
DEVELOPMENT YEAR	1	2	3	4	5	6	7	8	9	
LOTS DEVELOPED	0	0	217	517	629	1134	1439	1661	1661	
ROAD STAGE DELIVERED			A		B C	D				
ROAD COSTS	2.10	5.54	29.90	21.47	25.55	5.45				54.00
PROPOSED DEVELOPER CONTRIBUTION (\$M)	1.05	2.77	14.95	10.73	12.78	2.72				45.00
REQUIRED GOVERNMENT CONTRIBUTION (\$M)	1.05	2.77	14.95	10.73	12.78	6.72				49.00

Note - Assumes rezoning March 2017 and works commence June 2018

DEVELOPER CONTRIBUTION - TOTAL SIC CREDITABLE WORKS

WIK - ROAD (DESIGN & CONSTRUCTION)

LAND DEDICATION (APPIN ROAD) **

BIODIVERSITY CERTIFICATION OF URBAN RELEASE AREA

TOTAL DEVELOPER CONTRIBUTION VALUE (\$M)

** Based on valuation

	45.00
	3.45
	4.55
	53.00

8.2 Development Services Statistics September 2016

Division

City Delivery

Reporting Officer

Acting Manager Development Services

Attachments

Development services application statistics for September 2016 (contained within this report)

Purpose

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

Report

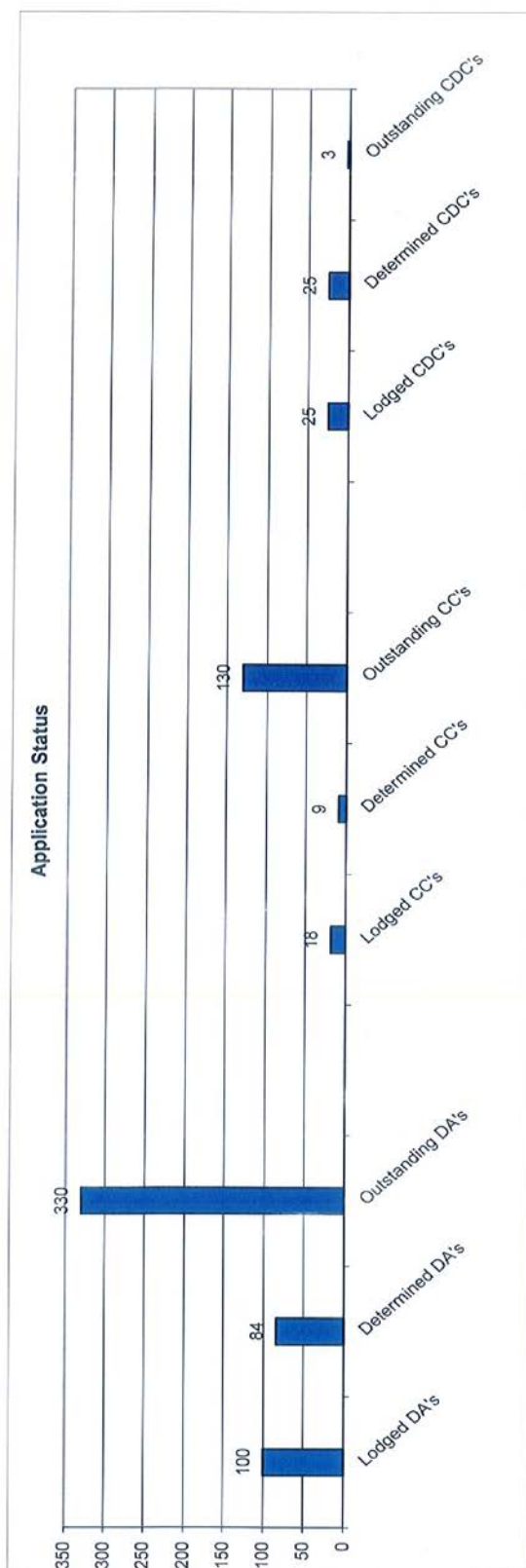
In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for September 2016 as they affect the Development Services section.

Officer's Recommendation

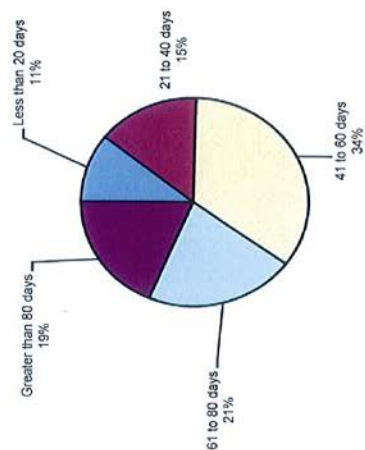
That the information be noted.

ATTACHMENT 1

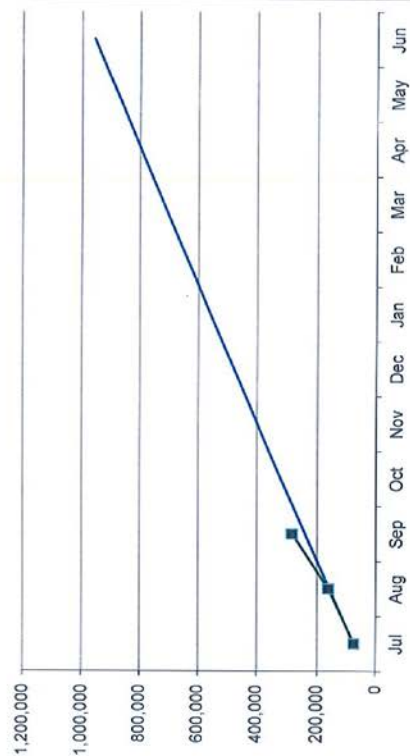
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – September 2016



Development Application Monthly Processing Times



Development Application Income 2016/2017



8.3 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

8.3 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

Division

City Development

Reporting Officer

Director City Development

Attachments

SEPP 1 variations approved for the period July to end September 2016 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 July 2016 to 30 September 2016 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

In accordance with the NSW Department of Planning and Environment's requirement for all SEPP 1 applications to be reported to Council, the attachment to this report provides details of all SEPP 1 applications that were determined within the period stated above.

Further to the above, a copy of the attachment to this report was included in the quarterly report to the Department of Planning and Environment and the information is also made available to the public under the SEPP 1 register on Council's website.

Officer's Recommendation

That the information be noted.

8.3 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

ATTACHMENT 1

Council DA reference number	Lot number	DP number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
1345/2016DA-Lot 383		DP 1188392	29	Feathertop Avenue	Minto	2566	2. Residential - Single new dwelling	CLEP 2015	R2 Low Density Residential	Clause 4.4	Compliance with the development standard is unreasonable or unnecessary in the circumstances, and, there are sufficient environmental planning grounds to justify contravening the development standard e.g. The CLEP 2015 control has less legal weight than the Minto Renewal DCP by virtue of the part 3A approval, and, the majority of the Minto Renewal DCP area has been completed in the absence of a FSR control, and, the proposed FSR is permissible as complying development.	9%	Council	11/09/2016

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

8.4 Demolition of two existing single storey buildings and construction of a mixed use residential commercial building containing 44 apartments at Nos. 15-17 King Street, Campbelltown

Division

Director City Development

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Elevations (contained within this report)
5. Landscape Plans (contained within this report)
6. Floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
7. Notification plan (distributed under separate cover - confidential - for privacy reasons this plans is not available to the public)

Purpose

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

This development application is required to be reported to Council due to the nature of the proposed development (residential flat building).

Property Description	Lots 12-13 DP 9197, Nos. 15-17 King Street, Campbelltown
Application No	3675/2015/DA-RA
Applicant	CIE Group Aus Pty Ltd
Owner	Mr Gary Robert McConchie and Mrs Tracy Anne McConchie and Mr Phillip Wayne Griffiths and Mrs Alison Margaret Griffiths
Provisions	State Environmental Planning Policy 65 – Design Quality of Residential Flat Development Apartment Design Guide (ADG) State Environmental Planning Policy (BASIX) 2004

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

	Campbelltown (Urban Area) Local Environmental Plan 2002
	Draft Campbelltown Local Environmental Plan 2014
Other provisions	Campbelltown (Sustainable City) Development Control Plan 2014
	Campbelltown 2025 - Looking Forward
Date Received	24 December 2015

Report

This application proposes the demolition of two existing single-storey buildings and construction of a mixed use residential and commercial building containing 44 apartments over nine levels, one ground floor commercial tenancy, basement car parking and strata subdivision. The proposed building contains a total of ten levels of habitable/occupiable space, and has the appearance of a ten storey building. However, due to definitional technicalities (which are discussed in detail within this report), the proposed building has 12 storeys.

The building would contain eight one-bedroom apartments, 35 two-bedroom apartments and one three-bedroom apartment. A total of 60 car parking spaces would be provided over two levels.

The subject site consists of two allotments with a total area of 1351sqm. Both of the allotments contain single storey weatherboard buildings, with one being used as a dwelling and the other being used for commercial purposes. The allotments are orientated in a north-easterly to south-westerly direction.

The site is adjoined by a vacant land to the northwest, a mixture of low and high density properties across King Street to the northeast, a two-storey multi-dwelling complex to the southwest, and a two-storey former commercial building that is currently used as a boarding house to the southeast.

The area is currently in transition from a low density residential and commercial area to a residential apartment and mixed use precinct.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

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 2025 include:

- urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- development and land use that matches environmental capacity and capability.

The development is consistent with desired outcomes within Campbelltown 2025 specifically in relation to providing a development that is functional and of a high quality design, and one that matches the environmental capacity and capability of the site.

2. Planning Provisions

2.1 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

SEPP 65 applies to the proposed residential flat building, and accordingly, the application has been assessed against this SEPP.

Part 4 of the SEPP states that a development application that relates to residential flat development must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Mr Geoff Bonus of Bonus + Associates.

Part 2 of the SEPP outlines nine design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The qualified designer Mr Geoff Bonus has provided such verification. An assessment of the application against the design principles by Mr Geoff Bonus is presented below:

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Principle One: Context and Neighbourhood Character	Response
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p>	<p>The current low-rise context of the site has been highlighted in the Campbelltown precinct land use and infrastructure analysis plan for redevelopment to high-rise mixed use/residential comprising up to 12 storeys. The king street site comprises 1351sqm with provision for internal amenity courtyard space and proposed through site links.</p>
<p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>As a satellite town located close to Sydney, Campbelltown is home to many young professional commuters. The proposal seeks to address this with appropriate apartment typologies.</p> <p>The proposal will contribute positively to the context by providing a high quality finish that will serve as a flagship for the overall vision of the future of Campbelltown. It will also encourage the future development of an activated street level, with through-site links creating a porous and engaging local context of benefit to the wider community.</p>
Principle Two: Built Form and Scale	Response
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The buildings scale was informed by the proposed future massing of the local area: our proposal forms a step down in height from the predominant tower on the corner. A podium provides appropriate street level massing for the mixed use levels, while the residential tower above is oriented along a northwest axis. A split-level crossover apartment typology provides excellent internal amenity, with living areas facing north east, and bedrooms contained on the south west side, facing an internal courtyard and ensures there are no overlooking/privacy issues with future developments.</p> <p>Recessed balconies and clever use of louvres provide shade and privacy for residents, and the split level nature of the tower is articulated through change of materials and design elements. This also serves to make the building appear more slender.</p>
Principle Three: Density	Response
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed development is consistent with the Campbelltown precinct land use and infrastructure analysis plan, which calls for buildings up to 12 storeys to be located close to the train station to maximise pedestrian activity.</p> <p>The number and typology of apartments in the proposal is consistent with the documents projected growth analysis.</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Principle Four : Sustainability	Response
<p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed design has given careful consideration to building orientation in order to maximise amenity. 90 per cent of the units are cross ventilated, and achieve excellent solar access - receiving direct sunlight from 9.00am to 12.00pm on June 22nd.</p> <p>The enclosed public garden area has been designed with 25 per cent deep soil zone for ground water recharge.</p> <p>The north eastern facade makes use of several design elements - including manually operated louvres - giving the residents control over the internal climate of each unit.</p>
Principle Five : Landscape	Response
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.</p>	<p>An extensive landscaping plan was commissioned to maximise the quality of the outdoor communal garden and rooftop terrace areas.</p> <p>Proposed through-site green links connect the proposal to the large number of existing parks and green spaces throughout the local area, as identified by the Campbelltown Land Use and Infrastructure Plan.</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Principle Six : Amenity	Response
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The split-level crossover configuration was chosen for the supreme amenity it grants to residents. 90 per cent of apartments have living areas which face north-east, are cross ventilated and achieve excellent solar access (minimum of 3 hours between 9.00am and 3.00pm on June 21).</p> <p>Between ground level terraces louvres are used to ensure privacy between units without restricting daylight. At upper levels, balconies are recesses and equipped with manually operated louvres to ensure privacy and shading. The depth of all units was informed by the need for daylighting throughout to ensure good amenity.</p>
Principle Seven : Safety	Response
<p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The design proposes the following security measures to control communal access around the proposal:</p> <p>The principle pedestrian entrance and covered car-park entrance will be significantly marked and have suitable lighting.</p> <p>Car parking is designed to minimise opportunities for alcoves.</p> <p>Direct access from the basement level car park to the residential levels is available, including disabled access.</p> <p>Ground level commercial use will contribute to passive surveillance of the public domain.</p> <p>Waste storage areas and plant areas will be appropriately controlled</p> <p>A 1.8m paling fence will surround the boundary, enclosing the building and communal garden space.</p> <p>Security cameras will be provided along the public domain where appropriate.</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Principle Eight : Housing Diversity and Social Interaction	Response
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposed apartment typologies are a response to the Campbelltown Land Use and Infrastructure Growth Analysis, and the projected future development of the overall site and wider context.</p> <p>A robust infrastructure already exists to support this scale and type of development, including excellent transport network and a variety of open spaces. The proposed rejuvenation of Queen Street to create an attractive urban place with active ground floor retail and outdoor dining, will be enhanced by out proposed porous street level commercial space with through-site links.</p> <p>Our proposed design includes three distinct types of communal space: an outdoor communal landscaped garden area, an indoor communal recreation space, and a partly covered rooftop garden and communal area. These varying types of communal area will ensure amenity for a broad range of people and will encourage social interaction between residents.</p> <p>The design provides for 10 per cent adaptable apartments.</p>
Principle Nine : Aesthetics	Response
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed building has been designed as a flagship for the proposed rejuvenation of the Campbelltown area. Careful consideration has been given to material finishes and articulation of facades to highlight this.</p> <p>A colonnade-like podium level has been carefully considered to link the site to King Street, and to give the proposal an active, well-proportioned and porous feel, complimented by through-site links.</p> <p>The upper level design articulates the split level internal arrangement with a carefully chosen palette of high quality materials and finishes providing a contemporary feel.</p> <p>The crossover apartment typology allows for all living areas to fact North East, and the design of the elevations speaks to this layout. Large balconies are shaded with manually operable louvres to create a varied and constantly changing façade, while a grid system encloses the space bringing unity to the façade and privacy to individual apartments. The South East Elevation expresses the more private nature of the rooms, with smaller windows and fewer balconies facing out on to the communal garden space.</p>

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Whilst the architect alludes to the Draft Glenfield to Macarthur Urban Renewal Corridor Strategy in his assessment above, this document has no statutory weight. Its role is to guide future development and infrastructure delivery along the Glenfield to Macarthur Urban Renewal Corridor over the next 20 years; however it has no immediate effect on development standards.

2.3 Apartment Design Guide

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). It should be noted that the ADG is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. An assessment of the application against the ADG prepared by Council is presented below. The proposal departs from some of the recommended standards, however these departures are considered to be justified on the basis that the objectives of the standards have been met.

Control	Required	Proposed	Compliance
Building depth	Use a range of appropriate maximum apartment depths of 12-18m from glass line	A maximum apartment depth of 18 metres is proposed.	Yes
Street setbacks	In mixed use buildings a zero setback is appropriate.	Zero setbacks are proposed for the first two levels. For levels above, 2.25m-3m setbacks are proposed.	Yes
	Street setbacks are to be consistent with existing/desired future setbacks.	Existing relatively new buildings on southern side of King Street have zero setbacks. The site has recently been zoned mixed use so zero setbacks are appropriate.	Yes
	Only one step in the built form as the height increases is desired.	Only one step in the built form as the height increases is proposed.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
Side setbacks	Zero side setbacks should be considered where the desired character is for a continuous street wall, such as in dense urban areas or main streets.	Zero side setbacks are proposed for the full depth of the building for the first two levels. For all of the other levels above, the majority of the building is setback 2.4 metres from the side boundaries, with the exception of the fire stairs, which have zero side setbacks. The form of the proposed building would be consistent with the emerging character of the mixed-use precinct on the south-western side of King Street, which contains several other buildings with zero side setbacks.	Yes
Visual Privacy	Separation between windows and balconies is required to ensure visual privacy is achieved. No separation is required between blank walls	The site adjoins a two-storey boarding house on its south-eastern side, which faces the subject site with a blank wall. The site adjoins vacant land on its north-western side. In addition, the proposed building's rear setback would be in excess of 15 metres. Accordingly, adequate visual privacy is achieved.	Yes
Deep soil zones	Minimum 15% of site area	Greater than 15 per cent of site area would be deep soil zone.	Yes
	Minimum width of 6 metres	Deep soil zones are wider than 6 metres.	Yes
Communal Open space	Communal open space has a minimum area equal to 25 per cent of the site.	42 per cent of the site area (at ground level) would be communal open space.	Yes
	Developments must achieve a minimum of 50% direct sunlight to the principal usable	Complies	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.		
	Communal open space should be consolidated into a well-designed, easily identified and usable area	Communal open space is consolidated into a well-designed, easily identified and usable area	Yes
	Communal open space should have a minimum dimension of 3 metres.	Complies	Yes
	Communal open space should be co-located with deep soil areas	Complies	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Communal open space has been provided at ground level - however rooftop communal open space is also proposed.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms	Adequate seating to be provided. Barbeque to be provided. Indoor recreation room proposed.	Yes Yes Yes
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	Adequate sun, shade and shelter would be provided.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: <ul style="list-style-type: none"> • bay windows • corner windows • balconies 	Communal open space and the public domain would be readily visible from habitable rooms and private open space areas while maintaining visual privacy.	Yes
Car and Bicycle Parking	<p>For development in the following location:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>Conveniently located and sufficient numbers of parking spaces should be provided for</p>	<p>The subject site is within 800 metres of a railway station.</p> <p>RMS Guide to Traffic Generating Developments parking rates for high density residential flat buildings in Metropolitan Regional Centres:</p> <p>0.4 spaces per 1 bedroom unit (8 x 0.4 = 3.2)</p> <p>0.7 spaces per 2 bedroom unit (35 x 0.7 = 24.5)</p> <p>1.2 spaces per 3 bedroom unit (1 X 1.2 = 1.2)</p> <p>1 space per 7 units for visitor parking (44/7 = 6.29)</p> <p>Total residential spaces required = 36</p> <p>Total residential spaces provided = 54</p> <p>Motorbike/scooter parking spaces provided.</p>	<p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p>	<p>Secure bicycle parking provided.</p> <p>The car park level protrudes slightly more than 1 metre above ground level, however the ground floor level has been set by the flood level provided by Technical Services.</p>	<p>Yes</p> <p>Satisfactory</p>
Site access	<p>Car park entries should be located behind the building line</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout</p> <p>Car park entry and access should be located on secondary streets or lanes where available</p> <p>Access point locations should avoid headlight glare to habitable rooms</p>	<p>Car park entry would be behind building line.</p> <p>Vehicular entry would be at the lowest point of the site.</p> <p>No secondary streets available.</p> <p>No headlight glare would result from vehicles entering the basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Apartment layout	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Kitchens should not be located as part of the</p>	<p>Complies</p> <p>No kitchens would form part of the main</p>	<p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	main circulation space in larger apartments (such as hallway or entry space)	circulation space within an apartment.	
	A window should be visible from any point in a habitable room	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Complies	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies	Yes
	Access to bedrooms, bathrooms and laundries is separated from living areas	Complies	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>minimising direct openings between living and service areas</p> <p>All bedrooms allow a minimum length of 1.5m for robes</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high</p>	<p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
Apartment mix	<p>A variety of apartment types is to be provided. The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups 	A mixture of apartment sizes has been provided.	Yes
Minimum Apartment Sizes	<p>Studio – 35sqm 1 bedroom – 50sqm 2 bedroom – 70sqm 3 bedroom – 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each</p>	<p>Apartment sizes comply</p> <p>An extra 5sqm has been provided where apartments include a second bathroom.</p> <p>No apartments would have a fourth bedroom</p>	<p>Yes</p> <p>Yes</p> <p>NA</p>
Balcony size, Depth and Configuration	<p>Studios – 4sqm 1 bedroom - 8sqm 2 bedroom – 10sqm 3+ bedroom – 12sqm</p>	All proposed balconies satisfy the minimum size criteria	Yes

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Control	Required	Proposed	Compliance
	<p>Depth: 1 bedroom - 2m 2 bedroom – 2m 3+ bedroom – 2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1 metre</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3 metres.</p> <p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space</p> <p>Private open spaces and balconies predominantly face north, east or west</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</p>	<p>All proposed balconies satisfy the minimum width criteria</p> <p>Complies</p> <p>All podium level apartments comply with this criteria.</p> <p>Balconies and private open space areas would be located adjacent to living areas, kitchens or dining rooms.</p> <p>Private open spaces and balconies face north, east or west where possible.</p> <p>All balconies comply in this regard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Ceiling heights	<p>2.7 metres minimum for apartments</p> <p>3.3 metres minimum for commercial component</p>	<p>2.7 metres</p> <p>4.2 metres</p>	<p>Yes</p> <p>Yes</p>
Ground floor apartments	Balconies and courtyard apartments should have direct street access	There are no ground floor apartments, as the commercial level of the mixed use building occupies the ground level.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
Internal Access	Entry from circulation core to maximum of eight units	Entry to five units from circulation core	Yes
	Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.	Complies	Yes
Storage	1-bed unit – 6m ³ 2-bed unit – 8m ³ 3-bed unit – 10m ³	All proposed units have sufficient storage	Yes
	At least 50 per cent of the required storage is to be located within the apartment	At least 50 per cent of the required storage is within the apartment	Yes
	Storage is accessible from either circulation or living areas	Storage is accessible from circulation or living areas	Yes
Solar access	Living rooms and private open spaces of at least 70 per cent of apartments in a building shall receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid winter in the Sydney Metropolitan Area	Living rooms – 34 of 44 (77 per cent) – Complies.	Yes
		Private open spaces – 32 of 40 (80 per cent) – Complies.	Yes
	A maximum of 15 per cent of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid winter	All units would receive some solar access between 9.00am and 3.00pm.	Yes
	To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes	All apartments that achieve the required 2 hours of solar access would also comply with this provision.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	The design maximises north aspect and the number of single aspect south facing apartments is minimised	41 per cent of units (18 of 44) are single aspect with south-facing aspect, however all would receive some solar access.	Yes
	Single aspect, single storey apartments should have a northerly or easterly aspect	Only 10 per cent of units (4 of 40) are single aspect with south-facing aspect, however all would receive some solar access.	Yes
	Living areas are best located to the north and service areas to the south and west of apartments	Satisfactory	Yes
	To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows 	Satisfactory	Yes
	A number of the following design features are used: <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly 	Satisfactory	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>west facing windows</p> <ul style="list-style-type: none"> operable shading to allow adjustment and choice high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20 per cent (reflective films are avoided) <p>Overshadowing of neighbouring properties is minimised during mid-winter - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access</p>	The multi-dwelling complex to the rear of the site in Broughton Street would continue to receive an adequate level of solar access.	Yes
Natural ventilation	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</p> <p>Depths of habitable rooms support natural ventilation</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> adjustable windows with large effective 	<p>Satisfactory</p> <p>Satisfactory</p> <p>Complies</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>openable areas</p> <ul style="list-style-type: none"> • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors 		
	Apartment depths are limited to maximise ventilation and airflow	Satisfactory	Yes
	<p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells 	Satisfactory	Yes
	At least 60 per cent of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if	84 per cent of apartments (37 of 44) would be naturally cross-ventilated.	Yes

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Control	Required	Proposed	Compliance
	<p>any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side)</p>	<p>No proposed apartment would exceed 18 metres in width.</p> <p>The proposed building includes dual aspect apartments and corner apartments, and limits the depth of single-aspect apartments.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Facades	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements 	Satisfactory	Yes

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Control	Required	Proposed	Compliance
	Building services should be integrated within the overall facade	Satisfactory	Yes
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings 	Satisfactory	Yes
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights	Satisfactory	Yes
	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	Satisfactory	Yes
	Building entries should be clearly defined	Satisfactory	Yes
	Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	Satisfactory	Yes

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Control	Required	Proposed	Compliance
	The apartment layout should be expressed externally through facade features such as party walls and floor slabs	Satisfactory	Yes
Roof Design	Roof design relates to the street. Design solutions may include: <ul style="list-style-type: none"> • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings 	Special roof feature proposed.	Yes
	Roof treatments should be integrated with the building design. Design solutions may include: <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated 	Special roof feature proposed.	Yes
	Habitable roof space should be provided with good levels of amenity. Design solutions may include: <ul style="list-style-type: none"> • penthouse apartments • dormer or clerestory windows • openable skylights 	No habitable roof space proposed.	NA
	Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may	Roof design does not prevent solar access.	Yes

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Control	Required	Proposed	Compliance
	include: <ul style="list-style-type: none"> the roof lifts to the north eaves and overhangs shade walls and windows from summer sun 		
Universal Design	Developments achieve a benchmark of 20 per cent of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	100 per cent of apartments would achieve compliance with the Liveable Housing Guideline's silver level universal design features	Yes
Energy Efficiency	<p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> the use of smart glass or other technologies on north and west elevations thermal mass in the floors and walls of north facing rooms is maximised polished concrete floors, tiles or timber rather than carpet insulated roofs, walls and floors and seals on window and door openings overhangs and shading devices such as awnings, blinds and screens <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> rooms with similar usage are grouped together natural cross ventilation for apartments is optimised 	<p>Dryers would be provided.</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>

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Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 		
Water Management and Conservation	Rainwater should be collected, stored and reused on site	Rainwater tank to be provided.	Yes
Mixed Use	<p>Development shall address the street</p> <p>Active frontages shall be provided</p> <p>Blank walls at the ground level shall be avoided</p> <p>Residential entries shall be separated from commercial entries and directly accessible from the street.</p> <p>Commercial service areas shall be separated from residential components</p> <p>Residential car parking and communal facilities are separated or secured.</p> <p>Security at entries and safe pedestrian routes are to be provided.</p> <p>Concealment opportunities are to be avoided.</p>	<p>Development addresses the street</p> <p>An active frontage is provided</p> <p>No blank walls at ground level</p> <p>Residential entries would be separated from commercial entries and directly accessible from the street (from ramp due to level change due to flooding).</p> <p>Commercial service areas shall be separated from residential components</p> <p>Residential car parking facilities would be separated and secured from commercial spaces. Condition to be imposed for secure entry to residential lobby.</p> <p>Security at entries and safe pedestrian routes would be provided.</p> <p>Concealment opportunities are avoided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Awnings	Awnings should be located along streets with high pedestrian activity and active frontages	An awning is proposed to be provided along the site's frontage.	Yes

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2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a residential flat building and commercial premises, and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

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

A further objective of the zone is to encourage a high quality standard of development, which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

Consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone. The proposed development is consistent with all zone objectives listed above, and therefore Council is able to approve the application should it deem appropriate to do so.

2.5 Draft Campbelltown Local Environmental Plan 2014

The application was lodged after the commencement of the exhibition of the draft Campbelltown Local Environmental Plan 2014 (CLEP 2014) on 12 June 2014. Accordingly, under Section 79C(1)(a)(ii), the provisions of the draft Plan must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the Plan is presented below:

Zoning

The draft zoning of the subject property under the draft CLEP 2014 is B4 – Mixed Use. Residential flat buildings, commercial premises and shop top housing are permissible within the B4 zone.

The objectives of the B4 zone are as follows:

- to provide a mixture of compatible land uses.
 - to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - to encourage the timely renewal and revitalisation of centres that are undergoing growth or change.
-

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- to create vibrant, active and safe communities and economically sustainable employment centres.
- to provide a focal point for commercial investment, employment opportunities and centre-based living.
- to encourage the development of mixed-use buildings that accommodate a range of uses, including residential uses, and that have high residential amenity and active street frontages.
- to facilitate diverse and vibrant centres and neighbourhoods.
- to achieve an accessible, attractive and safe public domain.

The proposed development satisfies these objectives.

Height of Buildings

- a. to nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area
- b. to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities
- c. to provide for built form that is compatible with the hierarchy and role of centres
- d. to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

Under the draft CLEP 2014, which was applicable at the time of lodgment of the application, the maximum building height applying to the subject site was 26 metres. The gazetted CLEP 2015 ultimately set a maximum building height of 32 metres for the site. The proposed residential flat building would have a height of 36.51 metres and therefore does not comply with the draft provision.

However, despite failing to comply with the draft CLEP 2014 (and the CLEP 2015 which has been gazetted but does not apply to this application), it would be unreasonable to strictly apply the draft CLEP 2014's building height, given that the maximum building height prevailing at the time of the lodgment of the application was 10 storeys under the SCDP 2014. Accordingly, it is not considered unreasonable for the maximum building height standard applicable under the draft CLEP 2014 to be given little to no weight in the assessment of this proposal.

Height restrictions for certain residential accommodation

A dwelling that is either contained within a residential flat building or that forms part of shop-top housing shall not be higher than two storeys. All of the apartments within the proposed building would be single storey, and the proposed development therefore satisfies this provision.

Mixed use development in Zone B3 and Zone B4

1. The objective of this clause is to promote employment opportunities and mixed use development in Zone B3 Commercial Core and Zone B4 Mixed Use.
-

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

The building would contain a shop at street level and would therefore promote employment opportunities within the B4 Mixed Use zone.

2. This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use.

The subject site has a zoning of B4 Mixed Use under the CLEP 2015.

3. Development consent must not be granted to the erection of a building that will contain a residential component, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that:

- a. the building will have an active street frontage after its erection or change of use, and

The building would contain a shop at street level and would therefore have an active street frontage as defined by the definition below.

- b. the ground floor will only accommodate non-residential land uses, and

The ground floor proposes a fairly large commercial tenancy, which would have a street frontage of the majority of the width of the site that would not be taken up by the driveway and basement entry. A portion of the ground floor would be used for residential storage and a resident's recreation room. However, the storage area would be located behind the basement entry in a location that would not be suitable for use as a commercial tenancy, and the recreation room should be located on the ground floor to allow connectivity with the communal open space area. In this regard, as the proposed commercial tenancy would be large in size with a wide street frontage, and takes up as much of the ground floor that could reasonably be expected, the proposed development's configuration is considered to be satisfactory.

- c. if the land is in Zone B3 Commercial Core—the building will have at least one additional level of floor space, immediately above the required non-residential ground floor, that is also set aside for non-residential land uses.

The subject site is not within Zone B3 Commercial Core.

4. Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

- a. entrances and lobbies (including as part of mixed use development),
- b. access for fire services,
- c. vehicular access.

An entrance/lobby, access for fire services and vehicular access are provided at ground level.

5. In this clause:

active street frontage, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

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non-residential land uses includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking.

Preservation of trees or vegetation

There are no trees on the site.

Design Excellence

1. The objective of this clause is to deliver the highest standard of architectural and urban design, as part of the built environment.
2. This clause applies to development involving the construction of a new building or external alterations to an existing building in the B4 Mixed Use zone.

Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved
- b. whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain
- c. whether the proposed development detrimentally impacts on view corridors
- d. how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses,
 - (iii) heritage issues and streetscape constraints,
 - (iv) bulk, massing and modulation of buildings,
 - (v) street frontage heights,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (ix) impact on, and any proposed improvements to, the public domain,
 - (x) the interface with the public domain,
 - (xi) the quality and integration of landscape design.

The proposed residential flat building has been assessed against the above matters and it is considered that the proposal adequately addresses the test for design excellence and therefore, is considered to exhibit excellence in design.

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2.6 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 has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met. A 5000 litre rainwater tank is proposed to be provided, which complies with the requirements of the DCP, based on the roof size of the proposed building.

Landscaping – A landscape plan has been prepared by a landscape architect, incorporating species from the Campbelltown Native Gardening Guide. The application provides an adequate amount of landscaping within the communal open space at the rear of the site and at the street and podium levels.

Cut, Fill and Floor Levels – Any excavation within the zone of influence of any other structure requires a dilapidation report demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure. A condition requiring a dilapidation report to be obtained has been recommended.

Stormwater – The application was referred to Council's Development Engineer, and conditions of consent were provided. Council's Technical Services section also reviewed the proposal from a flooding and traffic perspective, and conditions of consent were provided.

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 does not comply with this standard, as the edges of the proposed basement would abut the property boundaries. However, such a configuration is considered to be appropriate in a dense mixed use context, where eventually the adjoining site is likely to have a basement car park abutting its property boundary. In a high density residential context the risk of retaining wall failure (particularly for a basement car park) is considered to be very low.

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. A satisfactory amount of external lighting is proposed.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Waste Management – Each residential level of the proposed residential apartment building would contain a garbage room and a garbage chute, which leads to a compactor in a garbage room within the basement. The garbage room also contains a storage area for bins, which is sufficiently sized to accommodate the required number of bins. A vehicle would be used by a building manager to transport the bins to the street for presentation and collection and then back into the bin storage room within the basement. ‘No parking’ restrictions would need to be implemented along the full frontage of the site for bin collection night, to allow the development’s bins to be collected easily by Council’s garbage trucks. Council’s Manager of Waste and Recycling Services has reviewed the waste management aspects of the application and found the application to be satisfactory.

Part 5 – Residential Apartment Buildings and Mixed-Use Development

Control	Required	Proposed	Compliance
Height	Ten storeys	Predominantly ten stories, however due to the basement protruding more than 1 metre above natural ground level (to satisfy the minimum flood levels) and a rooftop storage room, the proposed building technically has 12 storeys.	No, due to the protruding basement and rooftop storage area
Building Design	Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land.	No heritage items on land or surrounding land. Built character consistent with existing mixed use development in relation to setbacks.	Yes
	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:	Complies	Yes
	i) incorporation of appropriate facade treatments that helps the development to	Complies	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	properly address the relevant street frontages, key vistas and to add visual interest to the skyline;		
	ii) incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building;	Complies	Yes
	iii) variation in the planes of exterior walls in depth and/or direction;	Complies	Yes
	iv) variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements;	All elevations would be articulated	Yes
	v) articulation of all building's facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used;	Complies	Yes
	vi) utilisation of landscaping and architectural detailing at the ground level; and	Complies	Yes
	vii) avoidance of blank walls at the	Complies	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	ground and lower levels.		
	Building design shall demonstrate to Council's satisfaction that the development will:	Complies	Yes
	i) facilitate casual surveillance of and active interaction with the street;	Complies	Yes
	ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building; and	Complies	Yes
	iii) maximise cross flow ventilation, therefore minimising the need for air conditioning.	Complies	Yes
	e) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.	Complies	Yes
	f) Building materials shall be high quality, durable and low maintenance.	Complies	Yes
Site Services	Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and	To be addressed by conditions of consent.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	stormwater drainage) All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development. All communication dishes, antennae and the like shall be located to minimise visual prominence. An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	Roof-mounted equipment would be integrated into the roof design. No communication dishes and antennae proposed. External lighting plan provided and considered to be satisfactory.	Yes Yes Yes
Minimum Area/Width	Site 1,200sqm site area 30 metre width	1359sqm 33.59 metres	Yes Yes
Setbacks	Zero setback from street boundary for commercial component 6 metres from any other boundary for any residential component	0 metres for ground floor. 2.25 to 3 metres for upper floors. 0 metres to side boundaries	No No
Design Requirements	A minimum of 5 per cent of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s).	18 per cent of units are one bedroom apartments (8 of 44).	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>A minimum of 10 per cent of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s)</p> <p>The floor space occupied by each dwelling within a residential apartment building shall no be less than:</p> <p>i) 40sqm in the case of a studio apartment; ii) 60sqm in the case of a one bedroom apartment; iii) 90sqm in the case of a two bedroom apartment; iv) 125sqm in case of a three bedroom apartment or more</p> <p>A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential building</p> <p>All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space.</p> <p>A maximum of 50 dwellings shall be</p>	<p>20 per cent of units would be adaptable dwellings</p> <p>No studios proposed.</p> <p>ADG requires only 50sqm for one bedroom apartment. ADG requires only 70sqm for two bedroom apartments. ADG requires only 90sqm for three bedroom apartments.</p> <p>A maximum of 5 dwellings would be accessed from a common area.</p> <p>A lift would provide access from the basement to all levels of the building.</p> <p>All 44 dwellings would be accessed</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>accessible from a single common lift.</p> <p>Access to lifts shall be direct and well illuminated.</p> <p>A minimum of 25 per cent of the required open space area, or 15 per cent of the total site area, whichever is the greater, shall be available for deep soil planting.</p>	<p>from a single lift.</p> <p>Satisfactory</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
Car Parking and Access	<p>All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended)</p> <p>The minimum dimensions of any parking space shall be 2.5 x 5.5 metres.</p> <p>The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.</p> <p>For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.</p> <p>Where existing, vehicular entry points</p>	<p>All car parking and access for vehicles, including disabled access spaces, are in accordance with AS2890 parts 1 and 2 (as amended)</p> <p>Some spaces are 2.4 x 5.4 metres</p> <p>Satisfactory</p> <p>Less than 75 dwellings proposed, however traffic report provided. Proposal would not change level of service at nearby intersections.</p> <p>No rear or side streets available</p>	<p>Yes</p> <p>No, but complies with AS2890.1, which is the Australian Standard applicable to residential off-street parking.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	shall be located at the rear or side streets.		
	Development containing three or more storeys shall provide all required car parking at basement level.	All parking to be provided at basement level	Yes
	Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every four dwellings (or part thereof); and ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	This application is not required to comply with Council's car parking standards. As the site is within 800 metres of a train station, RMS minimum car parking standards apply. These standards require a minimum of 36 parking spaces to be provided. The proposed development would provide 50 residential parking spaces.	NA
	No required car parking space shall be in a stacked configuration.	No stacked car parking spaces proposed	Yes
	Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property.	Space for eight bicycles required. Eight bicycle spaces provided.	Yes
	Adequate on-site parking, loading and unloading of all delivery/service vehicles	Dedicated loading bay for van provided.	Yes
Solar Access	Buildings shall be orientated and sited	Building has been oriented and sited to	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>to maximise northern sunlight to internal living and open spaces.</p> <p>A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3.0 metres), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.</p>	<p>maximise sunlight to living areas and private open space.</p> <p>A compliant area of the private open space of each of the adjoining multi-dwelling units would receive three hours of continuous direct solar access on 21 June.</p>	Yes
Balconies and Ground Level Courtyards	<p>Apartments shall be provided with a private courtyard and/or balcony.</p> <p>Courtyards/balconies shall be:</p> <p>i) not less than 8sqm in area and have a minimum depth of 2.0 metres;</p> <p>ii) clearly defined and screened for private use;</p> <p>iii) oriented to achieve comfortable year round use; and</p> <p>iv) accessible from a main living area of the apartment.</p>	<p>All apartments have a courtyard or balcony</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Privacy	<p>Ground level apartments, incorporating a courtyard shall be provided with a privacy screen.</p>	<p>Podium level apartments' courtyards have fences between them</p>	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9.0 metres of the proposed window or balcony.</p> <p>Notwithstanding 5.4.7(b) a window of a habitable room may be permitted only where it:</p> <ul style="list-style-type: none"> i) is offset by 2.0 metres to limit views between windows, or ii) has a sill height 1.7 metres above the floor level; or iii) is splayed to avoid direct views between windows; or iv) has a fixed translucent glazing in any part of the window within 1.7 metres of the floor level; or v) is otherwise appropriately screened. <p>Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p>	<p>Satisfactory. There would be no overlooking of adjoining dwellings.</p>	<p>Yes</p>
Communal	Each residential	Recreation room	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
Recreation Facilities	apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:	provided	
	i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and	50sqm recreation room provided for 40 apartments. Satisfactory.	Yes
	ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).	50sqm bbq/outdoor dining area to be provided within the communal open space area at the rear of the site	Yes
	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Complies	Yes
	All communal recreational facilities shall be provided on the same land as the residential apartment building.	Complies	Yes
	Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	Roof top communal open space is proposed to be provided on the roof, and is in addition to the required communal open space at ground level.	Yes
	All required communal and recreational facilities are required to be constructed prior to	This will be required as it is shown on the plans	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	the issue of an interim occupation certificate for any residential units within a staged development.		
Waste Management	<p>All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000 litre bulk bin/12 dwellings or part thereof.</p> <p>All buildings shall be provided with dry recyclable bins at the rate of a 240 litre bin /three dwellings / fortnight for dry recyclable.</p>	<p>Council's Waste Section has advised that the capacity of the proposed waste storage room would be satisfactory.</p>	Yes
	<p>All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants.</p>	<p>Household garbage chute on each level provided</p>	Yes
	<p>All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level.</p>	<p>Each floor has a waste room with storage space for a waste bin.</p>	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	Garbage chutes shall not be located adjacent to habitable rooms in each apartment.	Complies	Yes
	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.	Garbage chutes feed into a compactor	Yes
	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.	Condition of consent to comply	Yes
	The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors.	Complies	Yes
	The storage room shall:		
	i) be located behind the primary and secondary building alignment;	Complies	Yes
	ii) have a non slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary);	Condition of consent to comply	Yes

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Control	Required	Proposed	Compliance
	iii) be graded and drained to a Sydney Water approved drainage fitting;	Condition of consent to comply	Yes
	iv) have coving at all wall and floor intersections;	Condition of consent to comply	Yes
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;	Condition of consent to comply	Yes
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and	Condition of consent to comply	Yes
	vii) have a self-closing door openable from within the room.	Condition of consent to comply	Yes
	Bin storage rooms shall be ventilated by:	Condition of consent to comply	Yes
	i) a mechanical exhaust ventilation system; or		
	ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.		
	c) Exterior doors of communal bin		

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Control	Required	Proposed	Compliance
	<p>storage rooms shall be:</p> <p>i) consistent with the overall design of the building;</p> <p>ii) located away from the frontage of the building; and</p> <p>iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door.</p> <p>All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.</p> <p>Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required.</p> <p>Signage on the use of the waste management system shall be displayed in all bin storage rooms.</p> <p>Any mechanical compaction device within the building shall comply with the following requirements:</p>	<p>Condition of consent to comply</p> <p>Complies</p> <p>Condition of consent to comply</p> <p>Condition of consent to comply</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>i) maximum compaction rate of 2:1;</p> <p>ii) designed to accommodate general household garbage only and</p> <p>iii) not be used to compact recyclables.</p> <p>Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel-Back' service or a 1,000 litre bulk bin on-site collection service.</p> <p>A Wheel-Out Wheel-Back service shall meet the following requirements:</p> <p>i) bins shall be no larger than 240 litre capacity;</p> <p>ii) the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H; and</p> <p>iii) the maximum distance between the collection point and the bin storage area shall not exceed 25 metres.</p>	<p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>NA</p>
Roof Terraces	<p>Consideration will only be given to the provision of a roof top terrace as part of the communal open space, subject to appropriate landscaping treatment and recreation facilities</p>	<p>The proposed development incorporates a rooftop terrace but does not rely upon it to comply with the communal open space requirements. The proposal is considered to</p>	<p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	being provided; and satisfying the respective provisions of the RFDC.	provide adequate landscaping and privacy.	
Mixed Use Development	Development shall address the street	The commercial component of the development addresses the street	Yes
	Active frontages shall be provided	The commercial component of the development would have an active frontage	Yes
	Blank walls at the ground level shall be avoided	No large blank walls are proposed at ground level	Yes
	Residential entries shall be separated from commercial entries and directly accessible from the street.	Separate entries are proposed for the commercial and residential components.	Yes
	Commercial service areas shall be separated from residential components	Complies	Yes
	Residential car parking and communal facilities are separated or secured.	Residential car parking facilities would be separated and secured.	Yes
	Security at entries and safe pedestrian routes are to be provided.	Satisfactory	Yes
	Concealment opportunities are to be avoided.	Satisfactory	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Building Height (Number of storeys)

Under the SCDP 2014 (the relevant policy for building heights at the time the development application was lodged), a maximum building height of 10 storeys is applicable to the subject site. The application proposes 10 levels of commercial/residential floor space, however, there are two technical variations to the 10 storey maximum building height, such that the building technically has a height of 12 storeys. In this regard, the upper basement level protrudes greater than 1 metre above natural ground level at some parts of the site, due to the need for the ground floor to achieve a certain level to avoid flooding, and as such, the upper basement level is technically classified as a storey. In addition, the proposed rooftop area contains a plant room and storage room, however the definition of a storey under the SCDP 2014 only excludes a plant/meter room but not a general storage area. The rooftop area is therefore technically classified as a storey. In this regard, the proposed building could be seen to have twelve stories in total. However, both of these matters are considered to be technical variations to the maximum building height, and it is emphasised that the habitable/usable residential and commercial floor space spans ten levels, not twelve. The elements of the proposed building that cause it to not comply with the applicable number of storeys are visually imperceptible and do not add to the bulk and scale of the building. In this regard, the height of the building is considered to be satisfactory.

Front and side setbacks

The mixed-use section of Council's SCDP 2014 states that the commercial component of mixed use buildings shall be setback a minimum of zero metres from the street boundary, and 6 metres from any other boundary for any residential component of the building. The proposed development would have a zero setback to the front and side boundaries for both the commercial and residential components of the building, and therefore fails to comply with these standards. Its rear setback would be well in excess of 6 metres.

Despite failing to comply with the applicable front and side setback standards, the proposed building would be consistent with the established character of relatively recently constructed mixed use and commercial buildings on the south-western side of King Street, which abut the front and side boundaries of the allotments upon which they are constructed. The south-western side of King Street is located within the B4 Mixed Use zone that was recently established by the draft CLEP 2014 and the gazetted CLEP 2015. This zone is envisaged to be (and is presently characterised by) highly urbanised environments, containing buildings that interact directly with the street. The Apartment Design Guidelines state that a residential flat building's setbacks should be consistent with the existing and future desired setbacks within the site's immediate locality, and in this regard, the proposed development would satisfy this objective. The proposed setbacks would be inappropriate for the R4 – High Density Residential zone, where significant separation between residential buildings is desired, however for the B4 – Mixed Use zone, the creation of a continuous boundary-to-boundary built form is considered to be appropriate and not inconsistent with the future desired character of the area. In this case, a zero side setback would also facilitate the opportunity for the building to be extended onto the adjoining site (19 King Street) if the opportunity arises in the future, or at least for the same or a similar built form to be provided on the adjoining site. In this regard, the proposed building's setbacks are considered to be acceptable.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Part 6 – Commercial Development

Control	Required	Proposed	Compliance
Car Parking	1 car parking space per 25sqm of gross floor area for ground floor commercial floor space (10 based on 243sqm)	A minimum of 10 car parking spaces will be required to be allocated to the commercial tenancy, which are separated from the residential parking spaces	Yes
	No car parking spaces shall be designed in a stacked configuration.	No stacked car parking spaces are proposed.	Yes
	The required percentage of disabled car parking spaces within retail / commercial development shall be: - one car space per development; plus - one for every 20 car parking spaces	A recommended condition of consent requires the provision of an accessible car parking space for the commercial component of the development.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
Loading	Commercial development shall be designed to accommodate all related vehicle movements on site such that:		
	- all vehicles shall enter and exit the site in a forward direction.	All vehicles will be able to enter and exit the site in a forward direction.	Yes
	- the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;	The area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas	Yes
	- cause minimal interference to the flow of traffic within the surrounding road network; and	The development would not cause interference to the flow of surrounding traffic.	Yes
	- safe and convenient access is provided for pedestrians.	Safe and convenient access is to provided for pedestrians.	Yes
	Loading bays shall be separated from parking and pedestrian access.	Loading bays are separated from parking and pedestrian access.	Yes
	All loading and unloading shall take place wholly within the site.	All loading and unloading will take place wholly within the site.	Yes
	No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	No loading or unloading is required to be carried out across parking spaces, landscaped areas pedestrian aisles or roadways.	Yes
	Parking and loading bays shall be provided and clearly identified on site.	Parking and loading bays are clearly identified on site.	Yes

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	<p>Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p> <p>Each new commercial building/ unit having a leasable floor area between 200 square metres and 1500 square metres shall provide a loading area to allow for a medium rigid vehicle to manoeuvre on site.</p> <p>Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.</p> <p>Each site shall have a:</p> <ul style="list-style-type: none"> - maximum of one ingress and one egress for heavy vehicles (combined or separated); and - each site may have an additional ingress/egress for cars (and other light vehicles). 	<p>Manoeuvring areas would not conflict with car parking.</p> <p>A loading area has been provided for a van only.</p> <p>The proposed loading area would not be visible from any public place.</p> <p>One vehicle entrance would be provided, which would serve both the residential and commercial components of the development. Heavy vehicles would not be required to enter the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Control	Required	Proposed	Compliance
	Commercial development shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	A recommended condition of consent to be imposed requires the development to comply with these requirements.	Yes

Size of loading area

The SCDCP requires that a commercial premises between 200sqm and 1500sqm in size make provision for a loading area that is large enough to accommodate a medium rigid vehicle. However, in this case, the proposed commercial tenancy would contain space for the loading and unloading of a small van.

It is considered that the types of businesses that are likely to occupy a commercial premises within a mixed-use building would have less of a reliance on medium rigid vehicles and are unlikely to require loading space for such a vehicle. These businesses include office-type businesses, medical centres, cafes, etc. Whilst a standalone commercial building of between 200sqm and 1500sqm in size would have a greater need to be serviced by a medium rigid vehicle, the proposed commercial tenancy (and its expected use types) is unlikely to need such a facility. In this regard, the proposed loading arrangements are considered to be satisfactory.

3. Planning Assessment

Isolation of Adjoining Site

The adjoining allotment to the southeast of the site (No. 19 King Street) does not satisfy the size and frontage requirements to be developed as a residential apartment building on its own, and has no prospect of being amalgamated with properties on its other side, since it adjoins a road reservation on its other side. As such, No. 19 King Street would become isolated by the proposed development. This allotment contains a commercial-type building that has recently commenced use as a boarding house.

In respect to the isolation of a site, there have been a number of Land and Environment Court appeals which have considered such an issue and as a result a Planning Principle has been established in the Land and Environment Court. This Planning Principle was established as a consequence of the Land and Environment Court matter of Grech versus Auburn Council.

The Planning Principle established the following three main planning considerations relating to the isolation of land through redevelopment. These considerations are listed below, as well as how the application has responded to these considerations.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

The applicant has submitted evidence to demonstrate that an offer to purchase the property in question has been made. A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report. Council's Manager Property Services reviewed the valuation report and advised that the offer amount is reasonable.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report. The owner of the property did not accept the offer. Council's Manager Property Services reviewed the valuation report and advised that the offer amount is reasonable.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the EP&A Act.

The applicant has submitted evidence to demonstrate that an offer to purchase the property in question has been made. A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report. Council's Manager Property Services reviewed the valuation report and advised that the offer amount is reasonable.

In addition to the above, detailed concept plans have been provided demonstrating how the isolated site could be developed as a mixed use commercial/residential apartment building on its own. Further, the design of the proposed building is conducive to being extended onto 19 King Street if the opportunity arises in the future, or at least maintaining the same or similar design or built form. Therefore, whilst the owner's refusal to accept the developer's offer to purchase the site will result in the isolation of the site, this isolation is not contrary to the Planning Principle established by the Land and Environment Court.

4. Public Participation

The application was publicly exhibited and notified to surrounding property owners. Submissions were received from the residents of two properties, raising the following issues:

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Issue

The proposed residential flat building would overlook the multi-dwelling complex to the rear of the site and reduce residents' privacy.

Comment

The nearest proposed balconies to the site's property boundary with the adjoining multi-dwelling complex would be 16 metres from the boundary. The SCDCP only requires treatment to balconies or windows that are within 9 metres of adjoining dwellings or private open space areas. In this regard, the proposed separation distance is considered to be sufficient to avoid significant overlooking and impacts upon the neighbours' privacy.

Issue

The proposed residential flat building would overshadow the courtyards of the multi-dwelling complex to the rear of the site and reduce the likelihood that children would play outside.

Comment

Hourly shadow diagrams have been submitted with the application, which show that the proposed residential flat building would overshadow the adjoining multi-dwelling complex up until 12.00pm during mid-Winter when the sun is at its lowest point in the sky. After 12.00pm each day, the adjoining multi-dwelling complex would not be overshadowed and would receive direct solar access for the remainder of the day. In this regard, the level of solar access that would be received by the adjoining multi-dwelling complex is compliant with the SCDCP and is considered to be satisfactory.

Issue

Soil from the development site would end up in the adjoining multi-dwelling complex due to the different ground levels between the two sites.

Comment

The application does not indicate that the proposed communal open space area at the rear of the site would be at a higher level than the natural ground level of the adjoining multi-dwelling complex. If there is any minor difference in ground levels between the two properties, a retaining wall can be constructed, and any such retaining wall would be required to be a minimum of 0.45 metres away from the boundary, in accordance with the SCDCP. A condition to this effect has been included within the recommended conditions of consent. In this regard, there would be no reason for soil from the subject site to pass into the adjoining property.

Issue

The proposed residential flat building would reduce the water pressure in the locality and overload the sewer.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Comment

As part of the development, the applicant would be required to obtain approval from Sydney Water for connection of the development to the reticulated water and sewerage systems. During this process, Sydney Water would ensure that the developer upgrades the water and sewerage systems to cater for the new development in a way that does not affect the provision of water and sewerage services to other properties.

Issue

The increase in the number of vehicles as a result of the proposed residential flat building would contribute to noise and air pollution.

Comment

The subject site and the surrounding sites are all zoned either B4 – Mixed Use or R4 – High Density, within which incremental increases in noise and traffic would be expected over time as the locality is developed with multi-storey buildings. Whilst this point of view is understood, it is not a valid reason for refusal of the application, having regard to the zoning of the subject and surrounding sites.

Issue

The fence between the subject site and the adjoining multi-dwelling complex is in a state of disrepair and should be replaced with a new fence with a height of at least 2.5 metres at the full cost of the developer.

Comment

Council's approach to fencing for multi-residential developments is that new boundary fencing is to be provided along the full length of all side and rear boundaries at full cost to the developer. Such fencing would typically have a height of 1.8 metres, however this is a matter to be determined by consultation between adjoining land owners, pursuant to the provisions of the *Dividing Fences Act*. Accordingly, a recommended condition of consent would enforce these provisions.

Issue

The proposed residential flat building may affect the television reception of dwellings within the adjoining multi-dwelling complex. Any antenna upgrades or repositioning required in this regard should be paid for by the developer.

Comment

This matter is one that is not typically addressed through the planning system. In this regard, it would be difficult to determine whether or exactly how much the construction of one building affects the television reception of surrounding dwellings, as other factors may affect the quality of reception received by residents. In this regard, requiring the developer to pay for upgrades or repositioning of antennas is not considered to be reasonable.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Issue

The application does not clarify where and how garbage would be stored. Kerbside collection of bins may cause traffic congestion.

Comment

Each residential level of the proposed residential apartment building would contain a garbage room and a garbage chute, which leads to a compactor in a garbage room within the basement. The garbage room also contains a storage area for bins, which is sufficiently sized to accommodate the required number of bins. A vehicle would be used by a building manager to transport the bins to the street for presentation and collection and then back into the bin storage room within the basement. No parking restrictions would need to be implemented along the full frontage of the site for bin collection night, to allow the development's bins to be collected easily by Council's garbage trucks. Council's Manager of Waste and Recycling Services has reviewed the waste management aspects of the application and found the application to be satisfactory. In this regard, waste management and collection would not cause traffic congestion or issues for other residents.

Issue

The proposed residential flat building would not have sufficient car parking, and it would be undesirable if residents were to park in the rear open space area of the development.

Comment

The proposed residential flat building would have more car parking spaces than is required under the Apartment Design Guidelines for a site within 800 metres of a railway station. In this regard, Council cannot insist that the development provide additional car parking. In addition, the proposed open space area at the rear of the development would be physically inaccessible by vehicles.

Issue

The proposed residential flat building would have insufficient storage, and it would be undesirable if residents were to store items in the rear open space area of the development.

Comment

The proposed residential flat building is fully compliant with the storage provisions of the Apartment Design Guidelines, which specify a certain storage size for each apartment based on its number of bedrooms. The ADG also requires that a minimum of 50 per cent of the storage allocated to each apartment be located within the apartment itself, and the proposed development is fully compliant in this regard.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

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 not inconsistent with the objectives and desired outcomes of the relevant planning legislation.

The application is fully compliant with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and the associated Apartment Design Guide, as well as the Campbelltown (Urban Area) Local Environmental Plan 2002. The application is mostly compliant with the draft Campbelltown Local Environmental Plan 2014 and Campbelltown Sustainable City DCP 2014. Where the proposal departs from these standards, the objectives of the standards are considered to have been met. Accordingly, the application is recommended for approval.

Officer's Recommendation

That development application 3675/2015/DA-RA for the demolition of existing structures and construction of a mixed use residential and commercial building containing 44 apartments, one ground floor commercial tenancy, basement car parking and strata subdivision at Nos. 15-17 King Street Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

ATTACHMENT 1

Recommended Conditions of Consent GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan/ Document No.	Version/ Revision	Prepared by	Date
15-258 SW1-SW3	B	Woolacotts	1 September 2016
74-15.00, 74-15.01, 74-15.10, 74-15.11 and 74-15.12	E	Distinctive Living Design	12 September 2016
2636-13SP Sheets 1 to 14		Daw & Walton Consulting Surveyors	9 September 2016
DA100 (finishes only)	B	Bonus + Associates	16 September 2016
DA101-115 inclusive	D	Bonus + Associates	9 September 2016
DA116	C	Bonus + Associates	9 September 2016
DA119	C	Bonus + Associates	9 September 2016

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- An accessible car parking space shall be provided for the commercial component of the development. This parking space shall be on basement level 1.
 - The basement plans and strata plan shall be amended to show that 10 car parking spaces will be allocated to the commercial component of the development.
-

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- The storage areas for the commercial and residential components of the development are required to be separated. In this regard, the strata plan shall be amended so that it does not allocate residential storage space to the commercial tenancy, and separate storage space shall be made available within the commercial tenancy.
- All internal access between the residential lobby and the commercial tenancy shall be eliminated.
- A space shall be made available within the basement level 2A for the parking/manoeuvring of a vehicle that will be used for the transportation of garbage bins to and from the street for presentation and collection.
- The intercom/car reader shown on the ground floor plan shall be relocated further into the building so that vehicles do not overhang the footpath while using it. In this regard, a B99 vehicle is required to be wholly located within the site's property boundaries when stopped to use the intercom/card reader.
- Provision shall be made within one of the two approved landscaped outdoor seating areas in the communal open space area for barbeque facilities to be provided. The barbeque/outdoor dining area shall have a minimum area of 50sqm.
- The landscape plan shall be amended so that it is consistent with the ground and floor plans in terms of the building/floor layout and the provision of a concrete footpath along the site's frontage from the property boundary to the kerb.

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.
-

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

5. Notification of *Home Building Act 1989* Requirements

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

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

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

6. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

The street trees shall be of a species that grows a narrow canopy (to allow maximum space for garbage bin presentation to the street) and can be pruned between ground level and 5 metres above ground level (to provide side-lift collection vehicles with adequate height clearance during bin servicing). In this regard, advice shall be sought from a landscape architect as to appropriate tree species.

7. External Finishes

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

8. Garbage Room, Waste and Recycling Bin Storage

- a. The garbage storage room identified on the approved plans shall:
-

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- i. be fully enclosed and shall be provided with a non-slip concrete floor, with concrete or cement rendered walls coved to the floor.
 - ii. have coving at all wall and floor intersections.
 - iii. be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned.
 - iv. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - v. have a self-closing door openable from within the room.
 - vi. be constructed in such a manner to prevent the entry of vermin.
 - vii. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
 - viii. be vented to the external air by natural or artificial means.
 - ix. have signage on the use of the waste management system displayed internally.
- b. The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.
 - c. Bins shall be transported to the street for collection and back into the basement for storage using a vehicle. Bins shall not be transported to the street and back via the lift and lobby.
 - d. 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.
 - e. A maximum of 15 bins shall be presented to the street for collection at any one time, unless otherwise directed by Council's Director City Development.

9. Fencing

Fencing shall be erected on the site's side and rear boundaries behind the front building alignment at the sole cost of the developer. Colorbond style metal fences that face a public space are not permitted. The height of the fences shall be a minimum of 1.8 metres from the highest point of the finished ground level of the communal open space area, and shall be selected in consultation with the adjoining land owners, pursuant to the provisions of the *Dividing Fences Act*.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

10. 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.

11. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standards AS 2890.1, AS 2890.2 and AS 2890.6 (as amended).

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

12. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

13. Use of Building - Separate Approval Required

Separate approval is required for the use of the premises prior to the occupation of the building.

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. Security

The residential lobby area shall not be publicly accessible, and shall not be accessible to customers or staff of the commercial tenancy. A security system shall be implemented that limits access to the residential lobby to residents only.

A security system shall also be provided in association with the approved roller door preventing public access to basement levels 1A, 2 and 2A.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

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. Flood Level Controls

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The floor level control which affects this site is RL 72.95 metres AHD.

19. 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).

20. Power Pole Relocation

The existing power pole that conflicts with the proposed vehicular crossing shall be relocated clear of the proposed vehicular crossing including wings with approval from the relevant service authority. All the works shall be carried out in accordance with the requirements specified by the service authority and the Council. The works shall be completed to the satisfaction of the service authority and Council and at the developer's expense.

21. Retaining Wall - General

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

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

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 on or off site.

22. Car Parking Spaces

Sixty car parking spaces shall be designed, constructed and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

23. 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.

24. 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.

25. Security

- a. Residents shall have access to the residential car park via a remote unit attached permanently to all authorised residents' vehicles.
 - b. Letterboxes shall be positioned so that they can only be opened from a controlled electronically accessible private space.
 - c. Public and private space shall be delineated using signage.
 - d. The car park shall have white or light coloured painted ceilings, and shall have CCTV installed.
 - e. All walls shall be designed to limit graffiti and allow for its easy removal.
 - f. The basement car park shall have signage advising residents and visitors to take their valuables with them.
-

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- g. After hours public access to the commercial and visitor car parking area (within the level 1 basement) shall be controlled remotely via an intercom system within each apartment.

26. Retaining Walls

Should any retaining walls be required at the rear of the site due to difference in ground levels between the subject site and the adjoining multi-dwelling complex, any such retaining walls shall be located a minimum of 0.45 metres from the property boundary. Any space between the retaining wall and the property boundary shall be at the same ground level as the adjoining property, and shall be fully landscaped.

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. Design Quality Certification

Prior to the issue of a construction certificate, a qualified designer shall provide a statement to the principal certifying authority, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

Should the construction certificate plans involve any changes to the facades of the building, consent shall be sought from Council.

29. 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.

In addition, written confirmation from the relevant electricity provider shall be provided, consenting to the proposed relocation of the power pole.

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

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

30. Geotechnical Report

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

In addition to the above, geotechnical report shall outline the actions to be taken to address the site specific salinity issues.

31. 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.

32. Traffic Committee

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

This includes the requirements for:

- No Parking' signs along the frontage of the development to King Street to restrict vehicle parking during garbage and recycling collection times on a weekly basis. The restrictions shall not allow for vehicle parking along the kerbside along the front property boundary during the day of bin collection;

33. Construction Traffic/Pedestrian Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council for approval, separate Construction Traffic/Pedestrian Management Plans (CTMP's) for the demolition, excavation and construction stages of the development.

The CTMP's shall include, but not be limited to, the following details;

- a) The staging and timing of the construction works.
 - b) Perimeter fencing and hoarding requirements.
 - c) Locations of temporary vehicular entry points to the site.
 - d) Provisions for pedestrian traffic and any diversions that are proposed.
 - e) Hoisting arrangements for cranes, travel towers or lift operations.
 - f) The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements.
 - g) Work zone, Road Occupancy and Standing Plant application requirements, if proposed.
 - h) Traffic control associated with road occupancy and standing plant.
 - i) Waste collection areas.
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8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

In preparing the CTMP's, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with Work Cover Authority requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMP's during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

34. Traffic Control Plans

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

35. Stormwater Management Plan (Development)

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

Floor levels of the proposed building shall be RL 72.95m AHD minimum.

Stormwater shall be conveyed from the site to the nearest Council stormwater system in King Street via a minimum of 375mm diameter reinforcement concrete pipe. All the details of the proposed works in the road reserve shall be submitted with relevant fees to Council for approval.

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

36. Basement Carpark

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of the Campbelltown City Council Engineering Design Guide for Development (as amended).

37. Pumpout System

A backflow prevention device shall be installed into the pumpout system proposed for the basement carpark.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

38. Dilapidation Report

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

39. Work on Public Land

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

40. New Concrete Footpath

The verge area to the front of the site shall be concreted from the rear of the kerb through to the property boundary for the full site frontage on King Street. The existing footpath shall be removed as part of these works and a new footpath shall be constructed in accordance with the requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

Detailed plans shall be submitted to Council and written approval of the works obtained from Council prior to issue of a construction certificate. All inspections of works on public lands are to be carried out by a Council Development Engineer.

41. Clearance to Services

The proposed vehicular crossing shall be located clear of the existing services located on the road reserve to the distances recommended in the Council specifications.

42. 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:

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- 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 Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

43. 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.

44. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
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8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

45. 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.

46. 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.

47. 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.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

48. 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.

49. 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.

50. Vehicular Access during Construction

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

51. 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.
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8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- 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.

52. 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.

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.

53. 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.

54. Erosion and Sediment Control

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

Note: On the spot penalties up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

55. 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.

56. 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.

57. 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.

58. 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.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

59. 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.

60. 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.

61. Floor Level

The floor level of all habitable areas shall be at RL 72.95m AHD minimum.

All regraded areas shall be free draining with a minimum grade of 2 per cent falling away from the building. Regraded areas shall not direct flows into adjoining lots.

62. 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.

63. 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.

64. 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) and 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.
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8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

65. Kerb and Gutter

The applicant shall re-construct all damaged kerb and gutter, adjacent to the site, in King Street. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

66. Footpath

Prior to the principal certifying authority issuing an occupation certificate, the footpath adjoining the subject site shall be constructed in accordance with the approved plans. All the works shall be complied with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP (as amended) and Campbelltown City Council Engineering Design Guide for Development (as amended) to the satisfaction of Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels. The footpath shall extend up to the property boundary.

67. Industrial/Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Industrial/Commercial Vehicle Crossing Specification and the Campbelltown City Council Engineering Design Guide for Development (as amended).

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

68. 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.

69. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended). All concrete area in footpath associated with redundant vehicle crossings shall be removed and reinstated with turf.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

70. 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.

71. Design Quality Certification

Prior to the issue of an occupation certificate, a qualified designer shall provide the principal certifying authority with a statement verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

Should any changes to the facades of the building be required during construction, consent shall be sought from Council.

72. 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.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

73. 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.

74. 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).

75. 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.

76. 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.

77. Line Marking/Sign Posting Documentation (development)

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council, for the Local Traffic Committee's records, two copies of the work as executed plans for the line marking / sign posting, undertaken in relation to the development. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.

78. 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.

79. 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.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

80. Consolidation of Allotment

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

81. Street Trees

Prior to the issue of an occupation certificate, the applicant shall liaise with Council's Technical Services section regarding the species and specifications for the street trees along King Street, and the trees shall be installed in accordance with the approved plans at the full cost of the applicant.

82. Awning - Public Liability Insurance

A copy of valid public liability insurance cover for the value of \$20,000,000 (twenty million dollars) or as adjusted by Council, indemnifying Council from all and any claims arising from an incident caused or associated with the awning over public land or operations/activities carried out within the public domain in accordance with the approved use shall be sent to Council's Property Services Section prior to the issue of an occupation certificate.

In addition, a copy of such insurance shall be sent annually to Council's Property Services Section within seven days of the commencement of the period of insurance, or insurance renewal.

The applicant shall maintain public liability risk insurance, indemnifying Council as a result of any public liability action within the area between the front property boundary of the premises and the kerb line of the street for the full frontage of the shop premises and which notes Council's respective rights and interest. This policy is to be kept current at all times and a copy shall be provided to Council annually.

The value of the public liability insurance cover will be reviewed by Council on an annual basis and where Council deem it necessary to vary the amount of cover required, any subsequent policy taken out will need to be of an equal or greater amount to that set by Council following its review. In this regard, prior to the applicant applying for an annual renewal of the public liability insurance cover, the applicant is to contact the Council's Property Services Section to confirm the current value of the public liability insurance cover required.

83. Structural Engineering Certificate - Awning

Prior to the principal certifying authority issuing an occupation certificate, a certificate shall be obtained from a practising structural engineer certifying that the awning over public land has been erected in compliance with the approved drawings and is structurally adequate.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

In addition, every ten years the applicant shall provide an updated certificate from a practising structural engineer certifying that the awning is compliant with industry standards and is structurally adequate.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision 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 a subdivision certificate.

84. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, a final occupation certificate is required to be issued for all buildings on the land.

85. Visitor Car Parking Spaces

The visitor car parking spaces shall be shown as common property on the strata plan and shall not be separately allocated to any apartments, leased, sold or otherwise.

86. Service Authorities

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from Sydney Water, Integral Energy and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

ADVISORY NOTES

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

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

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
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8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

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

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

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. Buried Waste

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 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 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. Strata Linen Plan and Copies

Should Council be nominated as the principal certifying authority for the strata subdivision, an original linen plan, administration sheet and if required an original 88B Instrument together with four copies of each shall be submitted to Council prior to the release of the strata subdivision certificate.

Note the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) SSI Regulation 2012.

Advice 10. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans for each lot of the subdivision including any residue lots.

8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown

Advice 11. 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 12. 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 13. 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 14. 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.

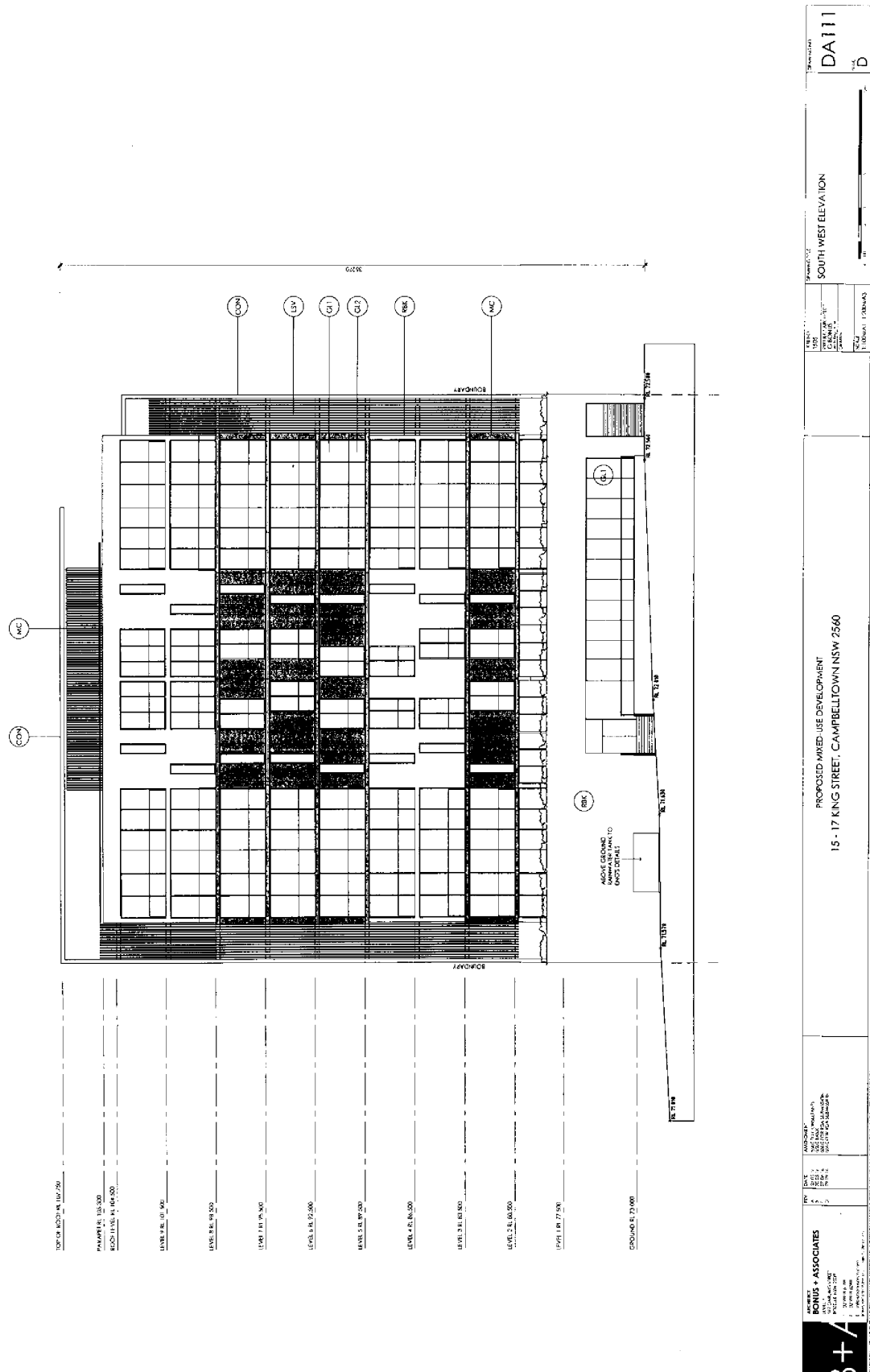
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

ATTACHMENT 2

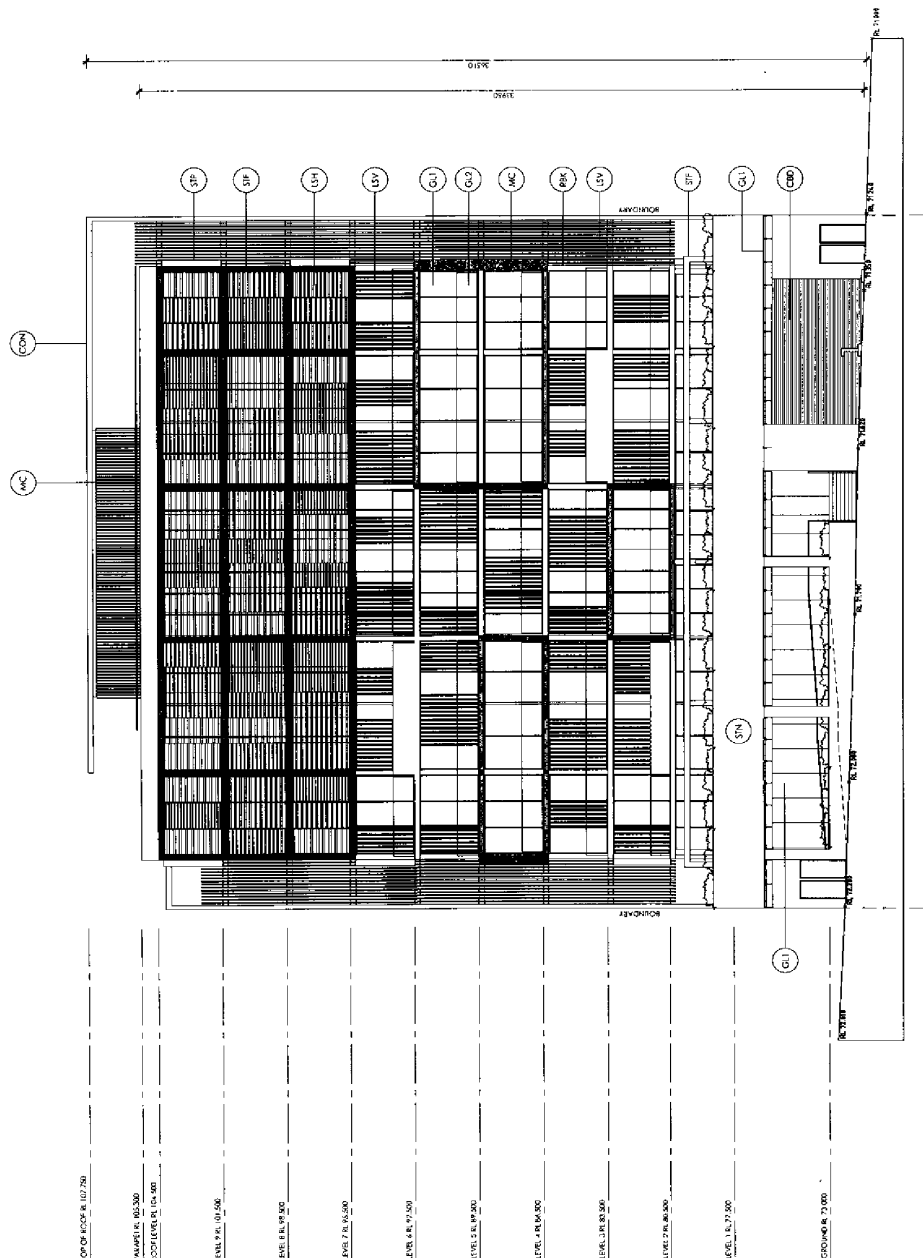


8.4 Demolition Of Two Existing Single Storey Buildings And Construction Of A Mixed Use Residential Commercial Building Containing 44 Apartments At Nos. 15-17 King Street, Campbelltown



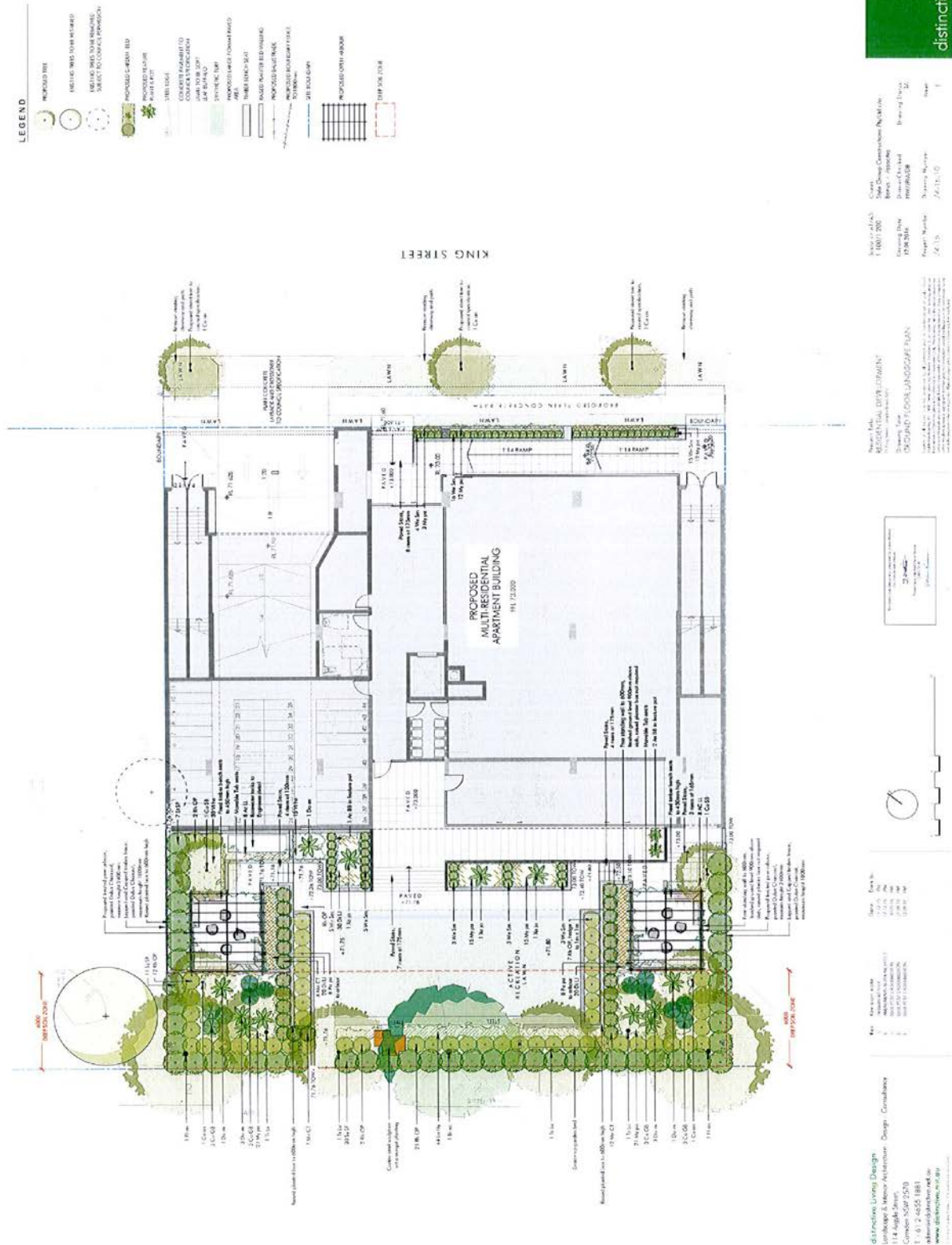
EXTERNAL FINISHES SCHEDULE

CCN	PRECAST CONCRETE PAINT FINISH IN COLOUR OFF WHITE
CNP	COLORBOND PERFORATED ZEEB; ANODISED ALUMINIUM IN COLOUR CHARCOAL
CL1	ALUMINIUM FRAMED CLADDING ANODISED ALUMINIUM IN COLOUR CHARCOAL AND CLEAR GLASS
CL2	FRAMED GLASS BALUSTRADE CLEAR GLASS
CLV	LOUVER SCREEN, VERTICAL ADJUSTABLE LOUVERS IN ANODISED ALUMINIUM IN COLOUR CHARCOAL
LSH	LOUVER SCREEN, HORIZONTAL ADJUSTABLE LOUVERS IN ANODISED ALUMINIUM IN COLOUR CHARCOAL
MC	METAL CLADDING PREFINISHED ALUMINIUM IN COLOUR CHARCOAL
RBK	BRICKS 3 LOCKWALL PAINT FINISH IN COLOUR OFF WHITE
STF	STEEL FRAME PAINT FINISH IN COLOUR CHARCOAL
STP	STEEL PLATE PAINT FINISH IN COLOUR CHARCOAL
STC	STONE CLADDING COLOUR LIGHT GREY BROWN



10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388

ATTACHMENT 5



8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

8.5 Alterations to existing dwelling for use as a boarding house containing nine boarding rooms at No.21 Allman Street, Campbelltown

Division

City Development Division

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Ground floor plan (distributed under separate cover - confidential - for privacy reasons this plans is not available to the public)
5. First floor plan (distributed under separate cover - confidential - for privacy reasons this plans is not available to the public)
6. Elevations (contained within this report)
7. Notification map (contained within this report)
8. Plan of Management (contained within this report)

Purpose

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

This development application is required to be reported to Council due to the nature of the proposed development (boarding house).

Property Description	Lot A DP 401947 21 Allman Street, CAMPBELLTOWN
Application No	2750/2015/DA-BH
Applicant	Mr Samir Abdul Majid Alzaidi
Owner	Mr Samir Abdul Majid Alzaidi
Provisions	State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	1 October 2015

Report

A development application was lodged with Council on 1 October 2015 for alterations to an existing dwelling at 21 Allman Street Campbelltown for use as a boarding house containing nine boarding rooms. The site is located on the south-western side of Allman Street, and currently contains a two-storey dwelling, in-ground swimming pool and a freestanding garage. The site has an area of 1043sqm and is rectangular in shape and it is adjoined on all sides by single dwellings. Across Allman Street is a two storey multi-dwelling complex. Further north along Allman Street towards Moore-Oxley Bypass a two-storey multi-dwelling development is currently being constructed. Since October 2015 when the application was lodged, Council's planning staff have been working with the applicant to achieve a layout and configuration that is now considered satisfactory in terms of functionality and occupant amenity.

The proposed boarding house would contain nine boarding rooms with the size of the proposed boarding rooms varying between 12sqm and 16sqm. Based on the sizes of the rooms, the boarding house would have a capacity of 12 persons. One communal kitchen and two communal bathrooms would be provided. Two laundry areas would be provided on the ground floor. Two communal living areas are also proposed. The proposed boarding house would have two car parking spaces (one accessible car parking space within an existing garage and one in the existing driveway) and bicycle/motorcycle parking under an existing awning.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes.

The strategic direction relevant to this application is:

- creating education, employment and entrepreneurial opportunities
- development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development, and its built form would be sympathetic to the characteristics of the site and surrounding development.

2. Planning Provisions

1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below:

Clause 26 - Land to which division applies (division of SEPP relating to boarding houses)

This division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

The subject site is located within the 2(b) - Residential B Zone that applied at the time of the lodgement of the application, which is equivalent to the R2 Low Density Residential zone. The R2 Low Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

Clause 27 - Development to which division applies

- (1) this division applies to development, on land to which this division applies, for the purposes of boarding houses
- (2) despite subclause (1), this division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area
- (3) despite subclause (1), this division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.

This application proposes the construction of a boarding house, and the site is within an accessible area as defined by the SEPP. In this regard, the site is located within 400 metres walking distance of a bus stop on the 874 bus route, which operates the prescribed number of services under the definition of accessible area. The definition of walking distance also requires public footpaths between the site and the bus stop. In this regard, public footpaths are available between the site and the nearest bus stop, and therefore the subject site is within an accessible area. As such, this section of the SEPP applies to the subject development application.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application on these grounds. An assessment of the proposal against these standards is outlined below:

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land

Comment: The maximum floor space ratio for a dwelling house (which is permissible on the land) is 0.55:1. Therefore the maximum floor space ratio applicable to the development is 0.55:1. The proposed development has a floor space ratio of 0.23:1 and is therefore compliant with this subclause.

- (b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land

Comment: This subclause is not applicable, as residential accommodation is permitted on the land.

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land:

- (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less
(ii) 20 per cent of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

Comment: The land is within the 2b - Residential B zone, within which residential flat buildings are not permitted, and therefore no floor space ratio bonus is applicable.

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

- (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.

Comment: The maximum building height specified under the draft Campbelltown Local Environmental Plan 2014 is 8.5 metres. The highest point of the existing dwelling is 8.3 metres above ground level, and the proposal does not involve

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

increasing the height of the building. The application complies with the applicable maximum building height.

(b) landscaped area

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

Comment: The existing landscaping within the front yard of the dwelling is proposed to be retained. The landscaping is consistent with the amount of landscaping within surrounding dwellings in the immediate locality. A condition of consent is recommended, requiring the existing landscaping to be maintained, and a landscape plan to be provided to Council for endorsement prior to the issue of a construction certificate that shows the existing landscaping being retained and embellished.

(c) solar access

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

Comment: The proposed boarding house would have one communal living room on each level of the building. Both of these communal living rooms would receive at least three hours of direct sunlight between 9.00am and 3.00pm (the first floor communal living room would rely on a skylight to receive compliant solar access, however only one communal living room requires compliant solar access).

(d) private open space

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

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,

Comment: An area of private open space of 50sqm and with a width of 5 metres is available adjacent to the in-ground swimming pool. The swimming pool itself would also contribute towards private open space. There is also a large grassed area to the rear of the property that provides an additional 60sqm that can be utilised as private open space area, even though it is largely disconnected from the building. The proposed private open space is therefore satisfactory.

Based on the capacity of the proposed boarding house (12 lodgers), a boarding house manager is not required.

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

(e) parking

if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room
- (iii) in the case of any development—not more than one parking space is provided for each person employed in connection with the development and who is resident on site.

Comment: The subject site is located within an accessible area as defined by the SEPP, and therefore requires at least .2 parking spaces per boarding room. The proposed boarding house has nine rooms, and therefore requires two car parking spaces. The proposed boarding house would provide two car parking spaces (with capacity for additional spaces in a compliant configuration), and therefore complies with this standard.

(f) accommodation size

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

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
- (ii) 16 square metres in any other case.

Comment: Six of the proposed boarding rooms have a gross floor area of between 12sqm and 16sqm and these boarding rooms are to accommodate a single lodger, whilst the remaining three rooms would have a gross floor area of at least 16sqm, and these boarding rooms could accommodate two lodgers.

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

Comment: The proposed boarding house would not have private kitchen and bathroom facilities in each boarding room, however it would provide a communal kitchen and bathroom on the ground floor as well as a communal bathroom on the first floor.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

Comment: The proposal complies with all of the standards contained in subclauses (1) and (2).

Clause 30 - Standards for boarding houses

- (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:
-

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

- (a) if a boarding house has five or more boarding rooms, at least one communal living room will be provided

Comment: The proposed boarding house has nine boarding rooms, and proposes to provide two communal living rooms. One is located on the ground floor and one is located on the first floor.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres

Comment: None of the proposed boarding rooms have a gross floor area (excluding private kitchens or bathrooms) of more than 25sqm.

- (c) no boarding room will be occupied by more than two adult lodgers

Comment: A condition of consent will be imposed requiring compliance with this sub-clause.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger

Comment: The proposed boarding house would not have private kitchen and bathroom facilities in each boarding room, however it would provide a communal kitchen and bathroom on the ground floor as well as a communal bathroom on the first floor.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager

Comment: There are six single rooms and three double rooms proposed, which have the capacity to accommodate 12 lodgers. As such, a boarding house manager is not required.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use

Comment: The proposed boarding house is not on land zoned primarily for commercial purposes.

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

Comment: Two bicycle spaces and two motorcycle spaces are required. Two motorcycle spaces and two bicycle spaces would be provided.

Clause 30A - Character of local area

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

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

- building height – The maximum building height specified under the draft Campbelltown Local Environmental Plan 2014 is 8.5 metres. The highest point of the existing dwelling is 8.3 metres above ground level, and the proposal does not involve increasing the height of the building. The application therefore complies with the applicable maximum building height.
 - building bulk and scale/site coverage – The size of the building as measured by its floor space ratio is compliant with the provisions of the Affordable Rental Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve. The existing building contains several indentations and vertical/horizontal offsets (building articulation), which reduce the perceived bulk of the building. Notwithstanding this, the size of the building is not proposed to be increased under this application.
 - under the Campbelltown (Sustainable City) Development Control Plan 2014, there is no site coverage ratio for residential buildings, however the site coverage of the existing building is comparable to that of surrounding dwellings.
 - in this regard, the bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and future character of the local area.
 - setbacks – The setbacks of the proposed boarding house are generally consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2014 for single dwellings, and are also consistent with those of adjoining and surrounding dwellings. In this regard, the proposed boarding house has a front setback of 8.8 metres, side setbacks of 2.5 metres and 1 metre, and a rear setback of 28 metres, which allows adequate spatial relief between the proposed boarding house and adjoining buildings, adequate spatial relief between the proposed boarding house and the streets, and adequate room for landscaping within the setback areas. It should be noted that the first floor side setback to the northern side boundary is 1 metre, whilst the SCDCP 2014 requires a 1.5 metre setback. In this regard however, the building is existing, and its impact upon the adjoining property would not be made greater by the proposed conversion of the dwelling to a boarding house, given that the existing window in this location is not proposed to be amended.
-

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

- architectural style/materials – The alterations proposed to the existing dwelling in order to convert it into a boarding house would be very minor, and would not detract from the building's architectural appeal. In comparison to surrounding dwellings, the existing dwelling has a superior architectural design, and contributes positively to the streetscape. The proposed boarding house is therefore considered compatible with the surrounding streetscape in terms of its architectural style/materials.
- Landscaping/Fencing – The existing landscaping within the front yard of the dwelling is proposed to be retained. The landscaping is consistent with the amount of landscaping within surrounding dwellings in the immediate locality. A condition of consent is recommended, requiring the existing landscaping to be maintained, and a landscape plan to be provided to Council for endorsement prior to the issue of a construction certificate that shows the existing landscaping being retained and embellished.

In terms of fencing, the existing dwelling contains a small front fence of approximately 1 metre in height, which complements the architectural design and character of the dwelling as well as adjoining and surrounding front fences.

1.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) Residential B under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as boarding-house and is permissible with Council's development consent within the zone. Under the CLEP 2002, a boarding house is defined as:

a house let in lodgings or a hostel, but does not include a motel

The proposal is consistent with several zone objectives, particularly:

- a) to make general provision for land to be used for housing and associated purposes, and
 - b) to permit the development of a range of housing types, and
 - c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities, and
 - d) to allow the carrying out of a reasonable range of activities from dwellings, where such activities are not likely to adversely affect the amenity of the locality, and
 - e) to allow development which:
 - i) is compatible with residential use, and
 - ii) is capable of visual integration with the surrounding buildings, and
-

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

- iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone, and
- iv) does not place demands on services beyond the level reasonably required for residential use.

A further objective of this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development. The proposed development is consistent with the objectives of the zone.

1.3 Draft Campbelltown Local Environmental Plan 2014

The application was lodged after the commencement of the exhibition of the draft Campbelltown Local Environmental Plan 2014 on 12 June 2014. Accordingly, under Section 79C(1)(a)(ii), the provisions of the draft plan must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the plan is presented below:

Zoning

The draft zoning of the subject property under the draft CLEP 2014 is R2 – Low Density Residential. Boarding houses are permissible within the R2 zone.

The objectives of the R2 zone are as follows:

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement.

The proposed development satisfies these objectives.

Height of Buildings

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities
- (c) to provide for built form that is compatible with the hierarchy and role of centres
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

Under the draft CLEP 2014, the maximum building height applying to the subject site is 8.5 metres. The proposed boarding house would have a maximum height of 8.3 metres, and would therefore comply with the draft standard.

Preservation of trees or vegetation

The application does not propose to remove any vegetation from the site, and therefore complies with this clause.

2.3 Campbelltown (Sustainable City) Development Control Plan 2014

It should be noted that at the time of lodgement, the Sustainable City DCP (SCDCP) did not contain specific provisions relating to boarding houses, however the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Sustainable building design – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, under the SCDCP, a 3000 litre rainwater tank is required to be provided, based on the size of the roof area proposed. Accordingly, a condition of consent is recommended, requiring the installation of a rainwater tank, behind the building line, connected to supply water for the flushing of toilets and for the washing machines.

Landscaping – The existing landscaping within the front yard of the dwelling is proposed to be retained. The landscaping is consistent with the amount of landscaping within surrounding dwellings in the immediate locality. A condition of consent is recommended, requiring the existing landscaping to be maintained and a landscape plan to be provided to Council for endorsement prior to the issue of a construction certificate that shows the existing landscaping being retained and embellished.

Flora and fauna – The subject site has no significant existing vegetation. It also does not propose to remove or affect any existing vegetation.

Waste management – The application was referred to Council's Waste Officer. The proposed boarding house would require three general waste bins, three recycling bins and one organics waste bin (a total of seven bins). The plans indicate that the bins are to be stored within the side setback area, however this space is of insufficient width to allow for the manoeuvring of bins. Accordingly, a condition of consent is recommended that requires all bins to be stored within a bin storage room, to be located in an alternative location within the backyard that is not visible from any public area and does not impact upon the amenity of boarding house residents or neighbours. The location of the bin storage room is to be to the satisfaction of Council.

In addition, another recommended condition of consent requires all bins to be presented to the street and collected by a building manager.

Stormwater – The existing dwelling drains to the kerb in Allman Street. The application does not propose to change this or significantly increase the amount of stormwater runoff.

3. Planning Assessment

- The width of the driveway between the existing dwelling and the southern boundary of the site, which leads from the street to the rear of the allotment where the car parking area would be, is 2.5 metres wide. Pursuant to Australian Standard AS2890.1:2004 – Off Street Car Parking, due to the low-traffic volume environment of the site, a B85 vehicle can be used to assess the carriageway width requirements. In this regard, a B85 vehicle can traverse a 2.5 metre driveway with a 300mm manoeuvring clearance on both sides of the vehicle. Two-way vehicular access would not be required in such a low-traffic environment. In this regard, the width of the driveway would not warrant refusal of the application. A condition of consent is recommended that would require the applicant to obtain engineering certification for the driveway and car parking areas prior to the issue of a construction certificate.
- Pursuant to Clause 93 of the EP&A Regulation 2000, as a change of building use is proposed, Council is required to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use. In this regard, a Building Code of Australia assessment report was submitted with the application, and was referred to Council's Building Certification Unit. Council's BCU advised that the proposal is satisfactory, and have recommended a condition requiring the upgrade of the building in accordance with the recommendations of the BCA report.
- A Plan of Management (POM) has been submitted in respect of the proposed boarding house, which covers the issues of:
 - 24-hour contact details of owner
 - measures to control noise and amenity impacts
 - safety and security measures
 - management practices to prevent night-time use of common open space areas
 - professional cleaning and vermin control arrangements

Should the application be approved, the POM would form part of the development consent and would have to be complied with at all times.

4. Public Participation

The application was publicly exhibited and notified to surrounding property owners. No submissions were received.

5. Conclusion

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

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Campbelltown (Urban Area) Local Environmental Plan 2002 and the draft Campbelltown Local Environmental Plan 2014 which applied at the time of the lodgement of the application. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2014 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings specified therein. The external fabric of the building is not proposed to be altered, and as such, the building is considered to remain in keeping with the character of the local area. Accordingly the application is recommended for approval.

Officer's Recommendation

That development application 2750/2015/DA-BH for the alterations to existing dwelling for use as a boarding house containing nine boarding rooms at 21 Allman Street Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.

ATTACHMENT 1

Recommended Conditions of Consent

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.	Version/ Revision	Prepared by	Date
AR-1 Sheets 1 to 9	N	NK Architect	12 October 2016

Association Documentation:

Boarding House Plan of Management at 21 Allman Street Campbelltown, prepared by Nam Truong (Revision A).

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to Council's Manager Development Services for approval, prior to the issuing of a Construction Certificate:

- a landscape plan shall be submitted to Council, which shows the maintenance of all existing landscaping within the front yard of the boarding house, and the embellishment with additional landscaping. All species of plants and trees shall be selected from the Campbelltown Native Gardening Guide.
 - a rainwater tank with a minimum capacity of 3000 litres shall be installed in a location that is not visible from the street. The rainwater tank shall supply water for all toilets and washing machines within the boarding house.
 - the ground floor bathroom shall be provided with either a shower or a bath.
 - the boarding house shall have two laundry tubs, two clothes dryers, and two fixed clotheslines.
-

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

- the plans shall incorporate the construction of a bin storage room within the rear yard of the boarding house, in a location that is not visible from any public area and does not impact upon the amenity of boarding house residents. The bin storage room shall be covered, contain a hose connection, have an impervious floor that is connected to the sewer and incorporate design and construction that complement the boarding house. The design and location of the bin storage room shall be to the satisfaction of Council.

3. Boarding House Management

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.

a. 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

b. Registration

The boarding house must be registered with The Office of Fair Trading and Campbelltown City Council. The boarding house must be operated in accordance with and lodgers must adhere to the Boarding House Plan of Management which forms a part of this consent.

c. Occupancy

The building is to contain a maximum of 12 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
1	1
2	2
3	1
4	1
5	1
6	2
7	1
8	1
9	2

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.

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case) (*Public Health Regulation 2012*).

d. 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.

The Boarding House Plan of Management shall be made available at all times and a copy located within the communal living area.

e. 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.

f. 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).

g. Lighting and Ventilation

Adequate light and ventilation must be maintained in the premises.

h. 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.

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

i. Waste

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.

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. 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.

6. Notification of *Home Building Act 1989* Requirements

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

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

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

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.

7. 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.

8. 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.

9. Swimming Pool

The operation of the swimming pool shall comply with the following requirements:

- a. The pool shall not be filled with water nor be permitted to retain water until all required safety fencing has been erected in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and Australian Standard 1926 and a compliance certificate issued for such by the principal certifying authority.
- b. Filter backwash waters shall be discharged to the sewer mains of Sydney Water in accordance with Sydney Water's requirements. Where Sydney Water sewer mains are not available in rural areas, the backwash waters shall be discharged into a 5 metre absorption trench constructed within the confines of the property to the satisfaction of the principal certifying authority.
- c. A C.P.R. information resuscitation poster authorised by the Life Saving Association is to be displayed within the pool area. Such a poster may be obtained from Council for a prescribed fee.

Noise emissions from the filtration equipment must be maintained such that it does not cause a nuisance to adjoining residents.

10. Garbage Room

The garbage storage room required by condition 2 of this consent shall:

- a. be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
-

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

- b. the floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. have a hose cock provided within the room.
- d. shall be vented to the external air by natural or artificial means.

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. 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.

13. Lighting

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

14. 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.

15. Car Parking Spaces

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, 2 and 6 (as amended).

16. 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.

The bins shall be stored within the waste storage room at all times other than for collection time.

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

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

17. 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.

18. 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.

19. Certification of Driveway

Engineering certification shall be obtained in respect of the driveway and car parking areas, prior to the issue of a construction certificate, certifying compliance with the relevant Australian Standards.

20. Utility Servicing Provisions

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

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

21. Waste Management Plan

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

22. Building Upgrade

In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building shall be brought into conformity with the Building Code of Australia (BCA).

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

In this regard, the buildings shall be upgraded in accordance with the recommendations of the Building Code of Australia (BCA) Compliance Report by CDC Private Certifiers dated 8th July 2016.

Details demonstrating compliance with this report and the BCA shall be submitted as part of a Construction Certificate Application.

23. Telecommunications Infrastructure

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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.

24. 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.

25. 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.

26. Toilet on Construction Site

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

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.

27. 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.

28. 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.

29. 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.

30. 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.

31. Construction Work Hours

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

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

32. Erosion and Sediment Control

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

Note: On the spot penalties up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

33. Work Zones

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

34. 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.

35. 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.

36. 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.

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

37. 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.

38. 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.

39. 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.

40. Lot/House Numbers

Prior to the principal certifying authority issuing an occupation certificate the house number shall be stencilled onto the kerb with black numbers 75mm high on a white background using approved pavement marking grade paint.

41. 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:

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

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

Advice 2. Tree Preservation Order

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

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

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. 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 7. 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 8. 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 9. 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 10. 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.

Advice 11. Swimming Pool Owner's Responsibility

- a. A securely fenced pool is no substitute for responsible adult supervision. When children are in or around a swimming pool they should always be responsibly supervised.
- b. Since October 2013 Swimming pool owners are required, under the provisions of the *Swimming Pool Act*, to register their swimming pools online on the NSW Swimming Pools Register.

A penalty (currently \$220) may apply to owners who fail to register their pool.

For further information visit the Department of Local Government website www.dlg.nsw.gov.au or Campbelltown City Council website www.campbelltown.nsw.gov.au.

- c. As from 29 April 2016, owners of properties with a swimming pool are required under the relevant provisions of the *Swimming Pools Act* to:
 - If selling a property - obtain either a valid Certificate of Compliance, Certificate of Non-Compliance or Occupation Certificate (as applicable) prior to sale of their property; or
 - If leasing a property - obtain a valid Certificate of Compliance or Occupation Certificate (as applicable) prior to lease of their property.

For further information visit the Department of Local Government website www.dlg.nsw.gov.au or Campbelltown City Council website www.campbelltown.nsw.gov.au.

END OF CONDITIONS

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

ATTACHMENT 2



8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

ATTACHMENT 3

[illegible]

[illegible]

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

ATTACHMENT 7



Properties notified



Site location – No. 21 Allman Street, Campbelltown

ATTACHMENT 8

PLAN OF MANAGEMENT FOR BOARDING HOUSE PLAN OF MANAGEMENT AT 21 ALLMAN ST CAMPBELLTOWN



PREPARED

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8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

1.0 Background

This Plan of Management (POM) has been prepared for the applicant to ensure that boarding house provides an acceptable level of amenity for neighbouring properties and for all boarders within the boarding house.

The POM is a statement of commitments that will form part of the development consent when granted by Council. The POM will be bound by the conditions of consent thus it will be the responsibility of the operator now and in the future to comply with the requirements.

The primary objectives of the POM are as follows:

- a. to minimise unreasonable disturbance to boarders and adjoining residents.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- d. to ensure a person is readily contactable to assist in the ongoing implementation of this Management Plan.
- e. to ensure that this Management Plan is enforceable.
- f. to make provision for this plan to be amended from time to time with the approval of the Council in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.
- g. to ensure the use will be controlled by the POM and the Boarding House Rules.
- h. to give effect to the occupancy principles under the Boarding House Act

2.0 Commitments

1. The boarding house is not to be Strata subdivided and there are to be no Residential Tenancy Act agreements in place for lodgers.
2. It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan as well as all conditions of development consent granted by Campbelltown Council.
3. A copy of this plan is to be retained on Council's Development Application, Construction Certificate and Property File.
4. The boarding house shall be restricted to 9 boarding rooms and a maximum of 12 lodgers. Only rooms larger than 16sqm are to accommodate 2 lodgers max being rooms 2,6 and 9.
5. At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.
6. 24 hours contact details of Owner/ operator: 0450061130

3.0 Accommodation Registration

1. A hard copy of this plan is to be provided to each new boarder upon arrival. Failure to adhere to this plan and the house rules will result in termination of the Occupancy Agreement.
2. Each boarder is to be registered by the owner/operator and a copy of the plan is to be signed by the boarder.
3. An accommodation register will be maintained providing details of all occupants, length of stay and payment details.
4. Each boarder is to sign an Occupancy Agreement and House Rules Agreement and the minimum term can be 3 months, 6 months or 12 months.
A copy of the Occupancy Agreement and House Rules Agreement will be given to the boarder

4.0 Information to be Kept by Management

1. Upon arrival lodgers are issued with an information sheet providing general information about the premises and a document entitled "House Rules". Upon signing the Occupancy Agreement, each boarder will be provided with a printed copy of the publication Factsheet 14: Lodgers and Lodgers. A duplicate copy of the relevant publications will be signed by the
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8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

boarder as acknowledgment that they have received the publications and is to be kept with the Occupancy Agreement held by the boarding house operator to verify that the materials have been issued. The factsheet will be updated every 12 months and where not available similar information will be provided.

5.0 Lodger Identification

1. The owner/operator requires photo ID (eg: typically either passport or driver's licence). Where the person is an Australian and does not hold a drivers licence then alternative ID which may not hold a photo can be accepted.
2. The owner/operator will maintain a register of lodgers, including the lodgers name and any contact details.

6.0 Managers Responsibilities

1. The owner/operator shall be familiar with and aware of his or her responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001 and the Innkeepers Act.
2. The owner/operator shall be responsible for keeping all common areas in an excellent state of cleanliness.

7.0 Visitors

Visitors to the premises are only permitted between 9am and 9pm. Greater occupancy than those registered will result in termination of the occupancy agreement. Any boarder inviting visitors to the premises must accept full responsibility for them and their behaviour.

8.0 Complaints

1. The owner/operator is responsible for recording any complaints, including complaints from lodgers, in a complaints register which is to be available to surrounding neighbours and Council upon request. The register shall record details of complaints and document how and when any complaints are dealt with.
2. The owner/operator will be available, either in person or by phone during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours contact number is 0450061130. Contact details are to be displayed at the entrance to the boarding house.
3. There will be a register of all complaints. The register will contain
 - a. Complaint date and time
 - b. Name of person/police/council making the complaint
 - c. Contact details
 - d. Nature of the complaint
 - e. Action taken (by whom and when)
 - f. Outcome and/or further action required

All complaints shall be initially addressed by owner/operator within 24 hours of notification. The Complaints Register is to be made available to Police and Council upon request.

4. In the event of a dispute with an external party, the owner/operator will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration. In the event of a dispute between lodgers, the owner/operator will attempt to negotiate a resolution between the two lodgers. If the dispute cannot be resolved, then the owner/operator will make a determination regarding the dispute, and the resolution will be binding on the lodgers.

9.0 Ongoing Maintenance

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

1. Pest control by a professional contractor shall be carried out at least once a year.
2. The external presentation of the premises is to be maintained to a high standard with all rendered surfaces to be cleaned and painted as necessary.

10.0 Waste Management

1. All lodgers shall be responsible for disposing of their waste to the garbage room and are to utilise the general waste, paper/cardboard and bottle/can recycling provisions.
2. The owner/operator shall be responsible for taking the bins to and from the street on collection day.
3. A floor waste and hose cock is to be provided in the garbage room to ensure that the room is kept in a high state of cleanliness.

11.0 House Cleaning

1. The common areas, communal room and communal courtyard are to be professionally cleaned by a contractor at least once per week.

12.0 Room Furnishing

1. Furnished rooms will be fully furnished and no boarder occupying furnished rooms may bring their own furniture to the premises. Each furnished room shall be provided with:
 - a. Single bed including base, mattress and mattress protector;
 - b. Small Wardrobe;
 - c. Small Mirror;
 - d. Suitable lighting including night light;
 - e. Waste receptacles including recyclables;
 - f. Curtains/blinds or other privacy device.
2. The boarder shall advise the owner/operator of any broken furniture or faulty services within each room or laundry. The Owner/operator shall be responsible for replacement of furniture as required.
3. Each boarder shall permit the Owner/operator access as required to check cleanliness, condition of furniture and maintenance of services (fridge, cooktop and oven). The Owner/operator must give each boarder at least 1 day's notice of an inspection.

13 Laundry Facilities

1. The laundry will include the required provision of energy efficient washer and dryers and requisite number of tubs. Access to the laundry will be secure and available to residents only.

14 Public Liability Insurance

1. The owners will maintain a public liability cover of \$10 million.

15.0 Energy Efficiency

1. Any replacement of fixtures or appliances are to be in accordance with the energy ratings as per Australian standard.

16.0 Fire Safety

1. A copy of the annual fire safety compliance statement shall be displayed in a prominent location. Essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000
 2. Mattresses, curtains and furniture will be of materials that resist the spread of fire, and limit the generation of smoke and heat.
 3. An evacuation plan must be clearly displayed in each room and common room. A floor
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8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room

4. The owner/operator contact phone number must be clearly displayed at the entrance of the premises whilst also being available in each room. Other emergency contact details (police, fire ambulance) as well as utility information (gas, electricity, plumbing) are to also be clearly visible in each room.

5. Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire safety consultant. Annual certification required of any of the equipment is overseen by the owners.

17.0 Safety and Security

1. A swipe card or key will be issued to all lodgers with no additional cards or keys to be issued to visitors.

2. Any boarder failing to observe the rules and any cases of serious misconduct will be dealt with by the owner/operator who may require a boarder to leave the premises. Examples of serious misconduct include, but are not limited to drug or alcohol abuse, sexual, racial or religious harassment, theft or violence. Lodgers are to advise the Owner/operator if another boarder is performing illegal acts on the property. The Owner/operator shall call the Police in such instance.

18.0 OHS Requirements

1. The Owner/operator must be aware of his responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001, and the Innkeepers Act.

2. The WorkCover website lists the OHS Act and Regulations and other helpful information – visit www.workcover.nsw.gov.au for boarding houses NSW

19. HOUSE RULES

1. No alcohol is permitted to be consumed in the communal room or in the communal open space.

2. No unauthorised drugs are permitted on the premises. No party policy

3. No live or amplified music is permitted in the communal open space area nor is music to be audible beyond individual rooms.

4. The communal open space area is not to be used between 9pm and 7am the following day.

5. No glassware is permitted in the communal open space area.

6. The premises are non-smoking. This includes within each room, courtyard and communal open space area.

7. In the event of lost keys or swipe cards, replacement will be at the cost of the boarder.

8. Rubbish is to be placed in the bins provided. There shall be no littering.

9. Occupants to keep their room and bathroom clean at all times, and make their room available for inspection by the Owner/operator once a week.

10. No parties are permitted on the premises unless attended by the occupants only, and only subject to the prior approval of the Owner/operator who may impose conditions at his absolute discretion.

11. The Owner/operator at his absolute discretion may ask any person to vacate the communal areas.

12. No more than 12 lodgers on the premises. No more than 1 boarder per room except for room 2,6 and 9.

13. No guests or invitees are permitted to remain on the premises between the hours of 9 pm and 9 am, unless prior approval is obtained by the owner/operator.

14. No clothes, washing, towels, surfboards or other items are to be placed on any window.

15. No pets are permitted on the premises at any time or by any visitor.

8.5 Alterations To Existing Dwelling For Use As A Boarding House Containing Nine Boarding Rooms At No.21 Allman Street, Campbelltown

20.0 Additional Acoustic Controls

The following on going management controls are to apply:

The outdoor communal area cease use after 10:00 pm on a daily basis and that this forms part of the house rules. Additional house rules/ management procedures required to address potential noise emission from the lodgers include the following items:

- Consideration must be shown to other lodgers and neighbouring premises by keeping the noise to a minimum. Television and radio volumes must be kept low. No excessive noise is permitted in the communal areas.
- All rooms are for residential purposes only and must not be used of any other purpose and house rules have a NO PARTY POLICY.
- Lodgers are not permitted to keep any animals.
- Any problem or complains must be reported to the manager immediately to ensure timely response and resolution.
- Lodgers are not to interfere with the reasonable peace, comfort or privacy of neighbours, or other lodgers or any other person lawfully on the premises. Nor to cause or permit any nuisance with will destroy the harmony of the house.
- The manager reserves the right to evict any lodger instantly who fails to abide by the House Rules and such action is enforceable at law.
- The external areas should not to be used for gathering after 10:00 pm. It is noted that unlike industrial noise, the determination of noise emitted from boarding houses (or any private residence) is not assessable against any established quantitative criteria. Instead, the emitted noise of the boarding house, be it from within the building or from the external communal areas, is enforceable under the same noise emission conditions applicable to the general community. Thus, it is unreasonable and inappropriate to assess potential noise emissions from the site in a conventional calculative method.

Communal areas will be further passively controlled by signage and actively managed by the manager of the boarding house who will monitor and ensure that residents are made aware of the house rules and behave in a reasonable and considerate manner. The manager will be required to make at least two visits to the site per week on a random basis to ensure there are no parties or other persons in the building. At least one of the inspections is to occur after 10.00pm to ensure external areas not being used.

8.6 Legal Status Report

Division

City Development

Reporting Officer

Manager City Standards and Compliance

Attachments

City Development Division Monthly Legal Matters Status and Costs Summary (contained within this report)

Purpose

To update Council on the current status of the City Development Division's legal matters.

Report

This report contains total costs to date for each matter and details relating to the status of the Division's current legal matters for the 2016-2017 period as they relate to:

- The Land and Environment Court
- The Supreme Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of matters is also included.

Officer's Recommendation

That the information be noted.

ATTACHMENT 1

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 28/10/2016)	3
Total completed Class 1 DA appeal matters (as at 28/10/2016)	1
Costs from 1 July 2016 for Class 1 DA appeal matters:	\$28,947.19

1 (a)	JD One Enterprise Pty Ltd
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Issue:	An appeal against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking.
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Property:	Lot 50 DP 1028174, Campbellfield/Redfern's Cottage, 20 Lind Street, MINTO
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Property Owner:	JD One Enterprise Pty Ltd
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Council File:	Development Application No: 2952/2014/DA-C
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Court Application:	Filed on 14 April, 2016 - File No. 10351 of 2016
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Applicant:	JD One Enterprise Pty Ltd
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Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
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Total Costs to date:	\$17,338.82
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Status:	Ongoing - proceedings listed for further callover on 16 December 2016.
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Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking on land known as Campbellfield/Redfern's Cottage, 20 Lind Street, Minto.</p>
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The proceedings were before the Court for first callover on 12 May 2016. The Registrar made certain directions and adjourned the proceedings to 9 August 2016 for conciliation conference to commence onsite at 9:30 AM. Following the conciliation conference the Commissioner made certain directions and adjourned the proceedings to 9 September for telephone callover.

At the callover on 9 September 2016 the Commissioner made certain directions for the applicant to submit amended plans to Council and for Council to respond. The proceedings were further adjourned to 26 September for telephone callover and case management reporting.

At the telephone callover on 26 September 2016 the Commissioner made certain directions and adjourned the proceedings to 25 October 2016 for further telephone callover.

At the telephone callover on 25 October 2016, the Commissioner made direction that the applicant provide amended plans by 28 October 2016 and that the proceedings be listed before the Registrar on 8 November 2016 for callover and case management reporting.

Matter was before the Registrar on 8 November 2016 where certain procedural directions were given and the proceedings adjourned to 16 December 2016 for further callover.

1 (b)

Gwydir Holdings Pty Ltd

Issue: An appeal against Council's deemed refusal of development application No. 3552/2015/DA-BH that sought consent for the demolition of existing structures, removal of a tree, construction of a new generation boarding house with car parking.

Property: Lot 18A, DP 389816, 38 Parliament Road, MACQUARIE FIELDS

Property Owner: Gwydir Holdings Pty Ltd

Council File: Development Application No: 3552/2015/DA-BH

Court Application: Filed on 14 July, 2016 - File No. 16/213119

Applicant: Gwydir Holdings Pty Ltd

Costs Estimate: \$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Total Costs to date: \$6,956.37

Status: Ongoing – proceedings listed for continuation of the conciliation conference on 11 November 2016.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 3552/2015/DA-BH that sought consent for the demolition of existing structures, removal of a tree, construction of a new generation boarding house with car parking on land at 38 Parliament Road, Macquarie Fields.

The proceedings were listed before the Court for first callover on 10 August 2016, where the Registrar made certain directions regarding exchange of information between the parties and adjourned the proceedings to 28 October 2016 for section 34 conciliation conference.

At the Section 34 conference on 28 October 2016 the Commissioner heard from three objectors to the development before the parties convened for private conciliation session. The conciliation conference remains ongoing. The Commissioner made direction that the applicant provide revised plans and documents to Council by 1 November 2016; that Council consider the revised plans and documents by 8 November 2016; the proceedings be adjourned to 11 November for continuation, unless a signed conciliation agreement is filed with the Court beforehand.

1 (c)

Samir ALZAIDI

Issue: Appeal against Council's refusal of development application No. 1088/2015/DA-BH that sought consent for demolition of existing structure and construction of 19 room boarding house establishment.

Property: Lot 913, DP 28119, 33 Colonial Street, Campbelltown

Property Owner: Mr Samir Abdul Majid Alzaidi

Council File: Development Application No: 1088/2015/DA-BH

Court Application: Filed on 7 October 2016 - File No. 16/299387

Applicant: Samir Alzaidi

Costs Estimate: \$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Total Costs to date: Nil

Status: New Matter – proceedings listed for Conciliation Conference on 2 February 2017.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1088/2015/DA-BH that sought consent for demolition of existing structure and construction of 19 room boarding house establishment.

The proceedings were before the Court for first callover on 4 November 2016. The Registrar made certain procedural directions and adjourned the proceedings for section 34 Conciliation Conference commencing at 9.30am on site on 2 February 2017.

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

Total ongoing Class 1 and 2 appeal matters (as at 28/10/2016)	0
Total completed Class 1 and 2 appeal matters (as at 28/10/2016)	0
Costs from 1 July 2016 for Class 1 & 2 appeal matters:	\$0.00

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

Total ongoing Class 4 matters before the Court (as at 28/10/2016)	0
Total completed Class 4 matters (as at 28/10/2016)	0
Costs from 1 July 2016 for Class 4 matters	\$0.00

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

Total ongoing Class 5 matters before the Court (as at 28/10/2016)	0
Total completed Class 5 matters (as at 28/10/2016)	0
Costs from 1 July 2016 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 28/10/2016)	0
Total completed Class 6 matters (as at 28/10/2016)	0
Costs from 1 July 2016 for Class 6 matters	\$0.00

6. Supreme Court of NSW – Appeals and Civil Enforcement in respect of Council's regulatory enforcement activities

Total ongoing matters (as at 28/10/2016)	1
Total completed (as at 28/10/2016)	0
Costs from 1 July 2016 for this matter	\$4,954.71

6 (a) Rosetta PRESTIA

Issue: Fence obstruction on residential land burdened by easement for right of carriageway for waste and recycling service vehicles and other vehicles.

Property: Lot 98, DP 270660, 35 Eleanor Drive, Glenfield NSW

Property Owner: Mrs Rosetta Prestia

Court Application: Possible Court action pending.

Costs Estimate: \$15,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Total Costs to date: \$4,954.71

Status: Ongoing – discussions with property owner's legal representative remain active.

Progress: Council's attention was drawn to a fence erected within the easement for right of carriageway burdening Lot 98, DP 270660, 35 Eleanor Drive, Glenfield NSW. Initial discussions with the property for the removal of the obstruction failed to reach a resolution, as an issue concerning the validity of the easement arose. Accordingly the matter was referred to Council's solicitor.

Inquiries with the NSW Land and Property Information Service have now established the validity of the easement and the property owner has agreed to remove the obstructing fence by 3 November 2016.

Inspection on 7 November revealed the fence had not been removed. Council's solicitor has written to the solicitor for the property owner seeking an explanation as to why the fence has not been removed and advising Council's intention to seek Court Orders should the fence not be removed by 13 November 2016.

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence imposed
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Total ongoing matters (as at 28/10/2016)	0
Total completed (as at 28/10/2016)	0
Costs contribution from 1 July 2016 for this matter	\$0.00

8. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 28/10/2016)	5
Total completed Local Court Matters (as at 28/10/2016)	16
Costs from 1 July 2016 for Local Court Matters	\$1,180.50

File No:	LP21/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
Act:	<i>Road Rules 2014</i>

Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
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Status:	Completed – Proved without conviction/penalty
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Progress:	The matter was before the Court for first mention on 16 August 2016 where the defendant entered a not guilty plea. The proceedings have been adjourned to 10 October 2016 for hearing.
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The matter was before the Court for hearing on 10 October 2016 where the defendant maintained their not guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No:	LP25/16 – Penalty Notice Court Election
Offence:	Development without development consent (secondary dwelling)
Act:	<i>Environmental Planning & Assessment Act 1979</i>

Total Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer, external solicitor being instructed.
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Status:	Ongoing – listed for hearing 18 November 2016
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Progress:	The matter was before the Court for first mention on 16 August 2016 where the defendant entered a not guilty plea. The proceedings have been adjourned to 18 November 2016 for hearing.
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File No:	LP28/16 – Penalty Notice Court Election
Offence:	Not comply with Order (overgrown/untidy land)
Act:	<i>Local Government Act 1993</i>
Total Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer, external solicitor being instructed.
Status:	Ongoing – listed for hearing 12 December 2016
Progress:	The matter was before the Court for first mention on 4 October 2016 where the defendant entered a not guilty plea. The proceedings have been adjourned to 12 December 2016 for hearing.

File No:	LP29/16 – Penalty Notice Court Election
Offence:	Dog not under effective control in public place
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – Proved without conviction/penalty
Progress:	The matter was before the Court for first mention on 4 October 2016 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No: LP30/16 – Penalty Notice Court Election
Offence: Disobey no-stopping sign (school zone)
Act: *Road Rules 2014*

Total Costs to date: \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

Status: Completed – proved without conviction/penalty

Progress: The matter was before the Court first mention on 4 October 2016 where the defendant did not enter a plea and sought an adjournment to seek legal advice. The Registrar adjourned the proceedings to 25 October for plea/mention.

Matter was before the Court for plea mention on 25 October 2016 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No: LP31/16 – Penalty Notice Court Election
Offence: Companion Animal (Cat) not registered
Act: *Companion Animals Act 1998*

Total Costs to date: \$0.00 – Matter being dealt with by Council’s Legal and Policy Officer, external solicitor to be instructed.

Status: Ongoing – listed for hearing on 18 January 2017

Progress: The matter was before the Court for first mention on 1 November 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 18 January 2016 for hearing.

File No: LP32/16 – Penalty Notice Court Election
Offence: Dog not under effective control in public place
Act: *Companion Animals Act 1998*

Total Costs to date: \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

Status: Completed – withdrawn and dismissed

Progress: The matter was before the Court for first mention on 8 November 2016, where Council, by consent, withdrew the proceedings. Further representations revealed that the defendant was not the person in charge of the dog at the time of

the offence, accordingly it was necessary to withdraw the proceedings.

9. Matters referred to Council's solicitor for advice

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 28/10/2016)
Costs from 1 July 2016 for advice matters

6
\$19,126.10

10. Legal Costs Summary

The following summary lists the City Development Division's net legal costs for the 2016/2017 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$28,947.19	\$8,000.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$0.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Supreme Court hearing and appeal matters	\$4,954.71	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$1,180.50	\$0.00
Matters referred to Council's solicitor for legal advice	\$19,126.10	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$718.24	\$0.00
Costs Sub-Total	\$54,926.74	\$8,000.00
Overall Net Costs Total (GST exclusive)	\$46,926.74	

8.7 Contribution towards staff Christmas functions

Division

City Governance

Reporting Officer

Director City Governance

Attachments

Nil

Report

It has been normal practice for Council to contribute to the cost of the Staff Christmas functions. In previous years Council has contributed \$4400 to both the Indoor and Outdoor Staff Christmas Parties. It is proposed that Council make a donation of \$2200 to each of the functions.

Officer's Recommendation

That Council make a contribution total of \$4400 for the Indoor and Outdoor Staff Christmas Functions.

8.8 Walkway Closure Application - Mantalini Street and Copperfield Reserve, Ambarvale

Division

City Governance

Reporting Officer

Manager Property Services

Attachments

Locality Plan (contained within this report)

Purpose

To seek Council approval for the closure of the walkway situated between 12 and 14 Mantalini Street and Copperfield Reserve, Ambarvale.

Report

Council has received a request from an adjoining owner for the closure of the walkway located between 12 and 14 Mantalini Street and Copperfield Reserve, Ambarvale. Information relating to the walkway closure application process and associated fees has been provided to all owners adjoining the walkway.

Council's walkway closure application fee has been received and one of the two adjoining owners has confirmed their willingness to purchase the walkway land and advised of their acceptance of the terms, conditions and fees associated with such process.

In accordance with Councils adopted procedures a trial closure of the subject walkway was conducted for a period of three weeks from 5 September to 23 September 2016. Council advertised the proposed closure in the local newspapers, posted notices of the subject walkway, forwarded letters to utility authorities, local bus companies, local police and 43 residents surrounding the subject walkway seeking written submissions.

During the trial closure period Council received no letters of support however one objection was received from Jemena Gas Networks (NSW) Ltd as they have a pre-existing gas main located in the area. In order to remove their objection Jemena requires an easement to be created over the subject land with a condition that no dwellings or buildings be constructed over the easement and that access from the land is available to the pipelines at all times.

Councils Infrastructure section has indicated that the subject walkway does not serve as an overland floodway for the local catchment however there is a piped drainage system located within the walkway which will require an easement for drainage in favour of Council.

Summary

It should be noted that no correspondence was received from the local bus companies. The local police indicated that they had received no reports of antisocial behaviour however they received numerous trail bike complaints in this area where walkways are utilised by local riders to escape detection by police.

It should be noted that the resident who requested the closure and indicated they would purchase the walkway land owns the properties on either side of the walkway. Should Council approve the closure of the walkway this portion of land would significantly increase the resident's land holdings. In this respect the resident has been advised that should the closure be approved a market valuation will be undertaken giving consideration to the fact that the combined land area could have development potential, although there would be drainage and gas easements over the walkway land.

It is understood that the owner of 14 Mantalini Street will purchase the entire portion of the walkway land, should Council resolve to close the walkway.

Officer's Recommendation

1. That Council support the closure of the walkway connecting 12 and 14 Mantalini Street and Copperfield Reserve, Ambarvale.
 2. That all persons having written to Council be advised of Council's decision.
 3. That the applicant wishing to purchase the subject walkway be advised that a drainage easement and easement in favour of Jemena Gas Networks (NSW) Ltd will be required over the full width of the walkway.
 4. That an application be made to Department Primary Industry, Crown Lands for approval to close the subject walkway.
 5. That following approval from Crown Lands and upon closure of the walkway, the land be classified as operational land in accordance with Section 31(2) of the *Local Government Act 1991*, as amended.
 6. That subject to Department Primary Industry, Crown Lands' approval to close the subject walkway, that Council approve the sale and creation of any necessary easements to allow the transfer of the walkway land.
 7. That all documentation associated with the proposed walkway closure be executed under the Common Seal of Council, if required.
-

ATTACHMENT 1



8.9 Investments and Revenue Report - October 2016

Division

City Governance

Reporting Officer

Executive Manager Corporate Services and Governance

Attachments

1. Investment portfolio performance for the month of October 2016 (contained within this report)
2. Monthly Rates Summary (contained within this report)
3. Rates Statistics (contained within this report)
4. Debtors summary to 31 October 2016 (contained within this report)
5. Ageing of sundry debts to 31 October 2016 (contained within this report)

Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of October 2016.

Report

Investment Portfolio

Council's Investment Portfolio as at 31 October 2016 stood at approximately \$191m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions. Any funds placed with institutions that have a BBB long term rating have maturity lengths in the short term of up to 12 months, effectively A-2 rated, in accordance with Council's investment policy.

The return on Council's investments is tracking above budget expectations with the supplemental income being received from the recent sale of Council land and continues to outperform the benchmark of the AusBond bank bill index.

The official cash rate has remained steady, with no movement since August 2016 at its present level of 1.50%.

Regular liaison with Council's external financial advisor in assessing any new investment products offered assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio.

Rates

Rates and Charges levied for the month ending 31 October 2016 totalled \$101,092,374 representing 100.6% of the estimated budget for the year.

Rates and Charges collected to the end of October totalled \$36,386,647. In percentage terms this amount represents 35.5% of all rates and charges due to be paid. In comparison, the amount collected in the same period last year was 36%.

The November quarterly instalment notices were issued during the month to 49,334 ratepayers, an increase of 204 on those issued last year. Information on the Festival of Fisher's Ghost was included as a banner on the instalment notice.

Debt recovery action during the month involved the issue of 205 Statements of Claim to ratepayers who had either failed to maintain arrangements or had not responded to previous correspondence. In addition, 6 Writs of Execution were served on delinquent payers previously served with a Statement of Claim.

Ratepayers who have purchased property since the annual notices were issued are sent a 'Notice to New Owner' letter. This letter advises ratepayers the annual amount levied and any balance unpaid since settlement occurred. During October, 25 of these notices were sent to ratepayers.

Sundry Debtors

Debts outstanding to Council as at 31 October 2016 are \$1,652,524 reflecting an increase of \$494,881 since September 2016. During the month, 1,369 invoices were raised totalling \$1,420,295. The majority of these are paid within a 30 day period. Those that are not paid within the 30 day period are reflected in the ageing report as attachment 5. Debts exceeding 90 days of age totalled \$148,288 as at October 2016.

Debt recovery action is undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 14 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

During the month, 30 accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue two letters of demand for hall hire and leisure centre court hire, Judgment was obtained on one account for unpaid licence fees, three accounts escalated to Writ two for unpaid licence fees and one for hall hire.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

Officer's Recommendation

That the information be noted.

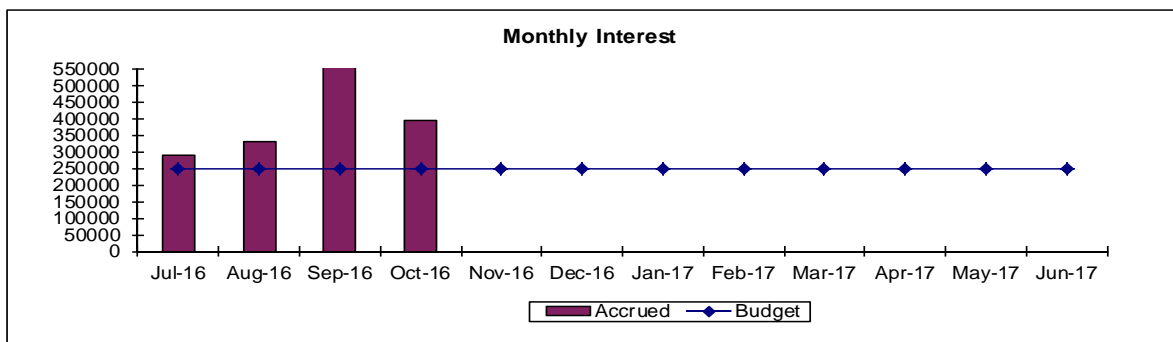
ATTACHMENT 1

CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO

October 2016

Benchmark AusBond Bank Bill Index
Portfolio Balance \$191,500,677.37

Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.15%	1.75%
Portfolio - Direct Investments	0.24%	2.82%
<i>Performance to Benchmark</i>	+ 0.09%	+ 1.06%
Short Term Call Account	0.18%	2.08%
Managed Funds	0.17%	2.04%



Year to Date Performance

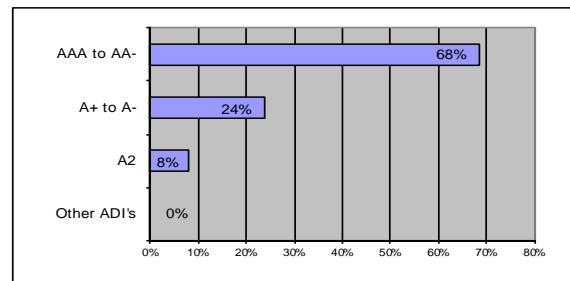
Credit Exposure (S&P Long Term Rating)

Rolling 12 Month Period

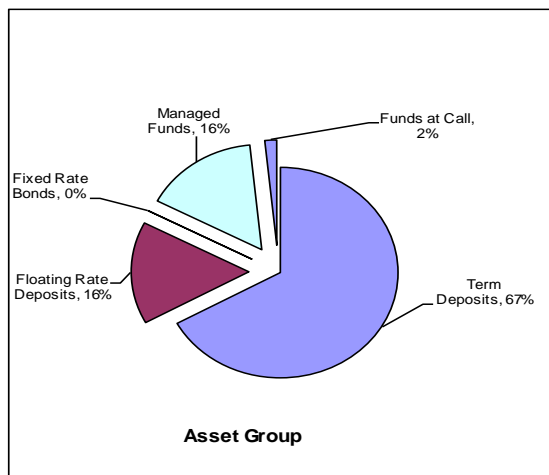
3.06% Council Managed Funds
2.12% Benchmark

Interest Budget to Actual

Avg Original Budget to Period \$994,933
Actual Accrued to Period \$1,584,926



Portfolio Diversity



			%
Funds at Call	\$ 3,130,000.22	AA-	2%
NSW Treasury	\$ 32,878,706.89	AA+	17%
National Australia Bank	\$ 58,575,139.50	AA-	31%
Westpac Bank	\$ 3,052,520.55	AA-	2%
Commonwealth Bank	\$ 25,000,000.00	AA-	13%
Bank Western Australia	\$ 8,409,830.50	AA-	4%
AMP Bank	\$ 5,000,000.00	A+	3%
Suncorp Metway	\$ 23,373,915.60	A+	12%
ING Bank	\$ 3,000,000.00	A	2%
Rural Bank	\$ 2,000,000.00	A-	1%
Bank of Queensland	\$ 12,029,980.31	A-	6%
Peoples Choice CU	\$ 1,000,000.00	A2	1%
MyState Bank	\$ 5,000,000.00	A2	3%
Credit Union Aust	\$ 4,000,000.00	A2	2%
Heritage Bank	\$ 2,000,000.00	A2	1%
ME Bank	\$ 3,050,583.80	A2	2%
	\$ 191,500,677.37		100%

ATTACHMENT 2

RATES SUMMARY

STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2016	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,170,990.65	57,457,387.14	1,402,904.40	301,159.31	58,526,632.70	20,000,117.69	38,526,515.01	293,107.91	38,819,622.55
BUSINESS	257,250.55	17,973,078.31		32,845.67	18,263,174.53	7,145,525.83	11,117,648.70		11,117,648.70
BUSINESS - IND	95.13	0.00		0.00	95.13	2.21	92.92		92.92
FARMLAND	0.00	585,372.08	879.71	1,394.48	585,886.85	159,607.86	426,278.99	151,646.70	577,925.69
MINING	0.00	24,186.96		0.00	24,186.96	24,186.96	0.00		0.00
LOAN	67,957.99	113.44		312.37	68,383.80	2,440.64	65,943.16	17,709.67	83,652.83
INFRASTRUCTURE	202,204.59	5,763,821.55		2,919.21	5,968,945.35	2,066,272.18	3,902,673.17	25,827.56	3,928,500.73
TOTAL	\$2,698,498.91	\$81,803,959.48	\$1,403,784.11	\$338,631.04	\$83,437,305.32	\$29,398,153.37	\$54,039,151.95	\$488,291.84	\$54,527,443.42
GARBAGE	658,148.44	18,816,884.45	825,186.06	11,959.53	18,661,806.36	6,494,420.34	12,167,386.02		12,167,386.02
STORMWATER	45,533.08	1,320,652.45		159.32	1,366,344.85	494,073.21	872,271.64		872,271.64
GRAND TOTAL	\$3,402,180.43	\$101,941,496.38	\$2,228,970.17	\$350,749.89	\$103,465,456.53	\$36,386,646.92	\$67,078,809.61	\$488,291.84	\$67,567,101.08

Total from Rates Financial Transaction Summary	67,190,654.50
Overpayments	-376,446.58
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	672,197.88
Rate accounts greater than 12 months less than 18 months in arrears	149,469.92
Rate accounts greater than 18 months in arrears	30,688.49
TOTAL rates and charges under instruction with Council's agents	\$852,356.29

RATES STATISTICS

[illegible]

ATTACHMENT 4

DEBTORS SUMMARY 1 October 2016 to 31 October 2016

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/09/2016	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/10/2016	% DEBT RATIO
Corporate Administration	243,252	14,884	194,961	63,175	29.49%
Abandoned Items	1,068	0	0	1,068	0.35%
Education and Care Services	18,710	0	0	18,710	0.98%
Community Bus	89	0	0	89	0.01%
Sportsground and Field Hire	100,395	13,488	57,842	56,040	5.46%
Government and other Grants	217,954	911,295	181,370	947,879	12.87%
Public Hall Hire	38,862	36,135	39,267	35,730	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	50,847	135,920	134,805	51,961	5.63%
Healthy Lifestyles	17,420	34,358	44,516	7,262	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	100,248	16,705	39,763	77,190	1.85%
Pool Hire	17,385	3,713	15,953	5,145	0.39%
Private Works	4,219	0	450	3,769	0.52%
Road and Footpath Restoration	167,673	9,613	18,401	158,885	28.17%
Shop and Office Rentals	28,881	48,997	45,831	32,047	2.17%
Various Sundry Items	79,727	144,967	42,683	182,011	6.42%
Waste Collection Services	109,242	50,220	109,572	49,890	6.17%
	1,157,643	1,420,295	925,414	1,652,524	100%

ATTACHMENT 5

AGEING OF SUNDRY DEBTOR ACCOUNTS -31 October 2016

Description	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due
Corporate Administration	10,156	34,992	4,579	13,449	63,175
Abandoned Items	0	0	0	1,068	1,068
Education and Care Services	18,710	0	0	0	18,710
Community Bus	89	0	0	0	89
Sportsground and Field Hire	5,979	21,973	17,182	10,907	56,041
Government and other Grants	911,295	0	0	36,584	947,879
Public Hall Hire	12,035	8,399	3,274	12,021	35,730
Health Services	0	0	0	350	350
Land and Building Rentals	51,961	0	0	0	51,961
Healthy Lifestyles	3,170	2,831	351	910	7,262
Licence Fees	12,962	28,549	4,995	30,684	77,190
Pool Hire	3,902	444	280	518	5,145
Private Works	1,189	0	0	2,580	3,769
Road and Footpath Restoration	3,355	153,457	0	2,072	158,885
Shop and Office Rentals	26,883	2,472	25	2,667	32,047
Various Sundry Items	119,602	13,572	14,360	34,477	182,011
Waste Collection Services	49,890	0	0	0	49,890
	1,192,501	266,689	45,046	148,288	1,652,524
					306,497

Previous Month 90+ days	15,903
	1,068
	0
	0
	13,809
	203,454
	12,647
	350
	15
	1,011
	29,570
	187
	3,030
	2,072
	1
	23,381
	0
	306,497

8.10 Quarterly Budget Review Statement as at 30 September 2016

Division

City Governance

Reporting Officer

Executive Manager Corporate Services and Governance

Attachments

Quarterly Budget Review Statement for the period 1 July 2016 to 30 September 2016
(contained within this report)

Purpose

A quarterly financial review has been conducted on the original income and expenditure estimates presented in the 2016-2017 budget. The adjustments relating to the review of the original budget allocations are presented for Council's consideration.

Introduction

The current planning and reporting framework for NSW Local Government has a greater focus on financial sustainability. In an effort to achieve consistency in reporting between councils, the Office of Local Government introduced a set of minimum requirements and predefined templates to assist councils in meeting their legislative obligations. Collectively, these documents are known as the quarterly budget review statement (QBRS). The latest QBRS under the reporting framework is attached.

Report

In accordance with Clause 203 of the *Local Government (General) Regulations 2005*, the Responsible Accounting Officer is required to prepare a quarterly budget review of income and expenditure estimates and submit a report to Council. The QBRS must also include an opinion of the Responsible Accounting Officer concerning the financial position of Council. This report provides an overview of the results of the financial review for the quarter ended 30 September 2016.

In June 2016, Council adopted a balanced budget for 2016-2017. There is no proposed change to the budget result in this review.

The recommended movements relating to income and expenditure are summarised in the attachment and details of significant items greater than \$20,000 are listed in the body of this report for Council's consideration.

The following items are detailed with corresponding adjustments recommended following the completion of the quarterly financial review:

Executive Services - \$39,500 decrease in expenditure

Due to the retirement of staff and current vacant positions within the Executive Services section it is anticipated that there will be a salary saving in this budget allocation. It is proposed that part of these savings be utilised to fund other expenditure required within the section.

Councillor Support - \$35,000 increase in expenditure

As is customary with the election of a new Council each Councillor is furnished with new electronic equipment (for Council purposes), if required. This allocation will enable the purchase of the required equipment.

Sanitary Waste Management- \$30,000 increase in expenditure

During the current review period several of the pumps at the Sanitary Waste Centre failed and were in need of repairs or replacement. This additional cost will be offset by an increase in the income received from effluent disposal at the centre.

On Line Resources - \$28,500 decrease in income

In previous years the Library service has received a contribution from the Western Sydney University (WSU) which has been forwarded onto a training company as sponsorship for the Campbelltown Library's "Your Tutor" licence. The WSU contribution to this program is being maintained however "Your Tutor" will now be invoicing WSU directly rather than through Council. A corresponding reduction in expenditure is to be made to offset this decrease in income.

Tree Inspection Fee - \$30,000 decrease in income

Due to a change in the regulations which inform when a tree inspection is required before a tree can be removed, the number of tree inspections performed by Council staff has decreased resulting in this decrease in expected income. The decrease in income will be offset by a corresponding reduction in the Tree Care budget.

Raby Sporting Fields - \$28,000 decrease in income

In the previous financial year the Campbelltown/Camden Cricket Club requested Council to maintain the Raby Sporting Fields at a higher level of service. To offset the additional costs to Council, the Club made a contribution. When setting the budget for this financial year it was assumed that this arrangement would continue. The Club has since advised that they don't wish to continue with the arrangement. A corresponding decrease in the expenditure budget will be made to offset this decrease in income.

Land Sales - \$64,650,000 increase in income and expenditure

As reported to Council previously, Council has sold a parcel of land within the LGA. The budget for the sale was not included in the original budget workings as the timing of the sale was unknown at the time. This adjustment to the budget allows for the proceeds of the sale and the various legal and advertising costs that were incurred. The net of the proceeds has been restricted in the Development Reserve.

Financial Assistance Grant - \$400,700 decrease in income

In a previous report to Council it was advised that the amount of funding allocated to Council from the NSW Local Government Grants Commission was \$400,700 less than was anticipated when the original budget was prepared. This adjustment actions the recommendation from Council and will be funded from the growth in rates income.

Rates-General Purpose Revenue - \$448,700 increase in income

The actual rates levied at the start of this financial year were greater than the amount that was calculated when the original budget was prepared. This has occurred due to changed circumstances such as additional ratepayers in the Local Government Area, new supplementary rate levies issued as a result of the subdivision of land parcels etc. This has generated additional rating income. These additional funds have been utilised to primarily offset the loss of income from the reduction in the Financial Assistance Grant.

Summary

As reported to Council in previous years, the financial objective has been to budget a surplus to improve Council's liquidity ratio. The liquidity ratio has improved to a satisfactory level and as such, a balanced budget is proposed for the 2016-2017 financial year.

As per the Responsible Accounting Officer's statement, the 2016-2017 results continue to support Council's sound financial position in the short to medium term. During 2016-2017, Council will further refine its financial strategy in line with the development of the 10 year Long Term Financial Plan, required by the Integrated Planning and Reporting Framework and determine the most appropriate and financially responsible action for future periods.

Officer's Recommendation

That the adjustments recommended in the Quarterly Budget Review Statement be adopted.

ATTACHMENT 1

Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/07/16 to 30/09/16

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005: as at 30 September 2016.

It is my opinion that the Quarterly Budget Review Statement for Campbelltown City Council for the quarter ended 30/09/16 indicates that Council's projected financial position at 30/6/17 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: SIGNATURE HAS BEEN REMOVED

date: 27.10.16

Corinne Mears
Responsible Accounting Officer

8.10 Quarterly Budget Review Statement As At 30 September 2016

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Campbelltown City Council

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2016

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2016/17	Approved Changes			Revised Budget 2016/17	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs				
Income									
Rates and Annual Charges	97,889	-	155	-	-	98,044	449 1	98,493	99,500
User Charges and Fees	12,431	-	-	-	-	12,431	36 2	12,467	4,227
Interest and Investment Revenues	3,215	-	-	-	-	3,215	-	3,215	391
Other Revenues	6,381	-	(5)	-	-	6,376	-	6,376	2,116
Grants & Contributions - Operating	28,039	872	(962)	-	-	27,949	(483) 3	27,466	7,964
Grants & Contributions - Capital	1,279	3,609	232	-	-	5,120	-	5,120	2,938
Net gain from disposal of assets	-	-	-	-	-	-	-	-	-
Share of Interests in Joint Ventures	-	-	-	-	-	-	-	-	-
Total Income from Continuing Operations	149,234	4,481	(580)	-	-	153,135	2	153,137	117,136
Expenses									
Employee Costs	62,537	190	(326)	-	-	62,401	(158) 4	62,243	16,313
Borrowing Costs	1,122	-	-	-	-	1,122	-	1,122	(3)
Materials & Contracts	26,501	4,414	(74)	-	-	30,841	(352) 5	30,489	5,873
Depreciation	22,664	-	-	-	-	22,664	-	22,664	5,016
Legal Costs	1,099	-	-	-	-	1,099	17 6	1,116	340
Consultants	1,378	1,217	(131)	-	-	2,464	222 7	2,686	492
Other Expenses	32,320	682	(502)	-	-	32,500	302 8	32,802	9,682
Interest & Investment Losses	-	-	-	-	-	-	-	-	-
Net Loss from disposal of assets	-	-	-	-	-	-	-	-	-
Share of interests in Joint Ventures	-	-	-	-	-	-	-	-	-
Total Expenses from Continuing Operations	147,621	6,503	(1,033)	-	-	153,091	31	153,122	37,713
Net Operating Result from Continuing Operation	1,613	(2,022)	453	-	-	44	(29)	15	79,423
Discontinued Operations - Surplus/(Deficit)	-	-	-	-	-	-	-	-	-
Net Operating Result from All Operations	1,613	(2,022)	453	-	-	44	(29)	15	79,423
Net Operating Result before Capital Items	334	(5,631)	221	-	-	(5,076)	(29)	(5,105)	76,485

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/16 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Additional rates levied during the quarter due to changed circumstances such as additional ratepayers in the LGA, new supplementary rate levies issued as a result of the subdivision of land parcels etc.
2	Increase in income from additional usage of sanitary waste disposal facility and excursion income from outside school hours care.
3	Reduction in income from the financial assistance grant, tree inspection fees, library tutoring program and contribution to cricket wicket maintenance.
4	Variations in employee costs due to staff vacancies which in some case have been transferred to fund contract staff.
5	Funding of contracted positions due to staff vacancies, outsourcing of catering service and realignment of the IM&T project register.
6	Funding required for unanticipated legal costs.
7	Additional funds required to progress the sale of land (funded from Reserve funds) and reductions due to the realignment of the IM&T project register.
8	Various increases and decreases across a number of areas, the major items including the transfer of funds from salary savings to fund hired personnel, outsourcing of catering service and realignment of the IM&T project register.

8.10 Quarterly Budget Review Statement As At 30 September 2016

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Campbelltown City Council
Capital Budget Review Statement

Budget review for the quarter ended 30 September 2016

Capital Budget - Council Consolidated

	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
(\$000's)										
Capital Expenditure										
New Assets										
- Plant & Equipment	332	1,688	-	-	-	2,020	-	-	2,020	-
- Land & Buildings	-	-	-	-	-	-	-	-	-	-
- Other	-	-	-	-	-	-	-	-	-	-
Renewal Assets (Replacement)										
- Plant & Equipment	2,904	-	-	-	-	2,904	-	-	2,904	406
- Office Equipment/Furniture & Fittings	243	604	50	-	-	897	35	1	932	157
- Land & Buildings	3,666	4,196	160	-	-	8,022	(13)	2	8,009	938
- Roads, Bridges, Footpaths	13,477	3,984	286	-	-	17,747	5	3	17,752	4,630
- Stormwater/Drainage	100	665	189	-	-	954	-	-	954	-
- Other Assets	280	-	-	-	-	280	-	-	280	50
Loan Repayments (Principal)	3,743	-	-	-	-	3,743	-	-	3,743	224
Total Capital Expenditure	24,745	11,137	685	-	-	36,567	27		36,594	6,405
Capital Funding										
Rates & Other Untied Funding	20,090	-	266	-	-	20,356	(64,973)	4	(44,617)	(62,197)
Capital Grants & Contributions	1,279	3,610	232	-	-	5,121	-	-	5,121	2,938
Reserves:										
- External Restrictions/Reserves	-	1,575	-	-	-	1,575	-	-	1,575	(525)
- Internal Restrictions/Reserves	2,102	5,952	187	-	-	8,241	-	-	8,241	389
New Loans	-	-	-	-	-	-	-	-	-	-
Receipts from Sale of Assets										
- Plant & Equipment	1,268	-	-	-	-	1,268	-	-	1,268	324
- Office Equipment/Furniture & Fittings	-	-	-	-	-	-	-	-	-	-
- Land & Buildings	-	-	-	-	-	-	65,000	5	65,000	65,474
- Roads, Bridges, Footpaths	-	-	-	-	-	-	-	-	-	-
- Stormwater/Drainage	-	-	-	-	-	-	-	-	-	-
- Other Assets	6	-	-	-	-	6	-	-	6	2
Total Capital Funding	24,745	11,137	685	-	-	36,567	27		36,594	6,405
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-		-	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/16 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

-
- | | |
|---|--|
| 1 | Purchase of equipment for the incoming elected representatives. |
| 2 | Funds transferred from capital budget to fund operational expenditure at the Animal Care facility. |
| 3 | Amendment made to road renewal program as a result of the variation to the Financial Assistance grant. |
| 4 | Reconciliation of untied funds as a result of capital movements utilised to fund capital works. |
| 5 | Adjustment in budget for income received from the sale of Council land. |
-

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Campbelltown City Council

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2016

Cash & Investments - Council Consolidated

(\$000's)	Opening Balance 2016/17	Movement in Reserves		Current Balance 2016/17	Projected Movement Sep Qtr	Notes	Projected Year End Balance	Actual YTD figures
		Income/ Expenses	Transfers to/from					
			Works in Kind					
Externally Restricted ⁽¹⁾								
Stormwater Management	746	-	-	746	(250)		496	746
Specific Purpose Grants	4,004	-	(18)	3,986	(1,000)		2,986	3,986
Specific Purpose Contributions	3,976	-	-	3,976	-		3,976	3,976
Developer Contributions - S94	11,572	836	(5)	12,403	-		12,403	12,403
Developer Contributions - Other	1,199	-	-	1,199	-		1,199	1,199
Domestic Waste Management	4,201	-	-	4,201	-		4,201	4,201
Self Insurance Workers Compensation Claims	3,870	-	-	3,870	-		3,870	3,870
Total Externally Restricted	29,568	836	(24)	30,380	(1,250)		29,130	30,380
(1) Funds that must be spent for a specific purpose								
Internally Restricted ⁽²⁾								
Property Development	13,960	-	-	13,960	65,000		78,960	13,960
Committed Works	5,454	-	(470)	4,984	(1,000)		3,984	4,984
Childcare	-	-	-	-	-		-	-
Self Insurance Workers Compensation Claims	1,510	-	-	1,510	-		1,510	1,510
Replacement of Plant and Vehicles	3,620	-	(78)	3,542	(1,000)		2,542	3,542
Committed Works funded by Loans	2,504	-	(8)	2,496	-		2,496	2,496
Employee Leave Entitlements	10,577	-	-	10,577	-		10,577	10,577
Environmental Sustainability	390	-	-	390	-		390	390
Asset Replacement	5,535	-	943	6,478	-		6,478	6,478
Infrastructure Replacement Fund	25,457	-	108	25,565	-		25,565	25,565
Olympic Ambassador	105	-	5	110	-		110	110
Insurance Claims - Excess	5,136	-	843	5,980	-		5,980	5,980
Local Government Elections	639	-	200	839	(600)		239	839
Other	130	-	-	130	-		130	130
Total Internally Restricted	75,017	-	1,544	76,561	62,400		138,961	76,561
(2) Funds that Council has earmarked for a specific purpose								
Unrestricted (ie. available after the above Restrictions)	14,132	-	-	99,186	-		34,186	99,186
Total Cash & Investments	118,717			206,126	61,150		202,276	206,126

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/16 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

The recommended variations and projected position will not impact on Council's management plan.

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$206,126,060.

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 30/09/16

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		9,418,253
Investments on Hand		197,381,003
less: Unpresented Cheques	(Timing Difference)	(61,965)
add: Undeposited Funds	(Timing Difference)	28,381
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	(641,023)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	1,412
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	-
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	-
Reconciled Cash at Bank & Investments		206,126,060
Balance as per Review Statement:		206,126,060
Difference:		-

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

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Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2016

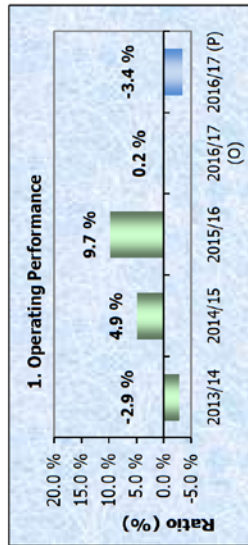
(\$'000's)	Current Projection		Original Budget 16/17	Actuals Prior Periods	
	16/17	16/17		15/16	14/15

NSW Local Government Industry Key Performance Indicators (OLG):

1. Operating Performance

Operating Revenue (excl. Capital) - Operating Expenses	-5,105			9.7 %	4.9 %
Operating Revenue (excl. Capital Grants & Contributions)	148,017	-3.4 %	0.2 %		

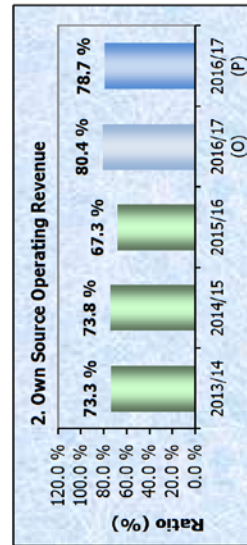
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	120,551	78.7 %	80.4 %	67.3 %	73.8 %
Total Operating Revenue (incl. Capital Grants & Cont)	153,137				

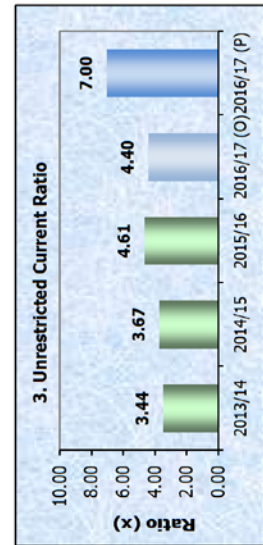
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



3. Unrestricted Current Ratio

Current Assets less all External Restrictions	175,000	7.00	4.40	4.61	3.67
Current Liabilities less Specific Purpose Liabilities	25,000				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2016

(\$000's)	Current Projection Amounts 16/17	Indicator 16/17	Original Budget 16/17	Actuals Prior Periods 15/16 14/15
-----------	--	--------------------	-----------------------------	---

NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio				
Operating Result before Interest & Dep. exp (EBITDA)	18,681			
Principal Repayments + Borrowing Interest Costs	4,485	4.17	5.38	7.29 5.49

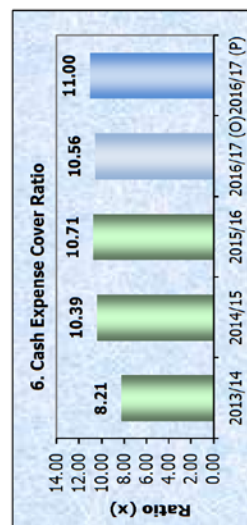
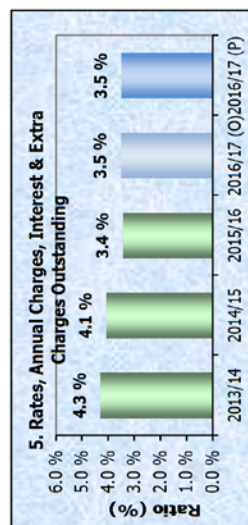
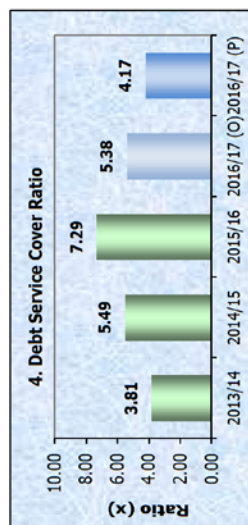
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

5. Rates, Annual Charges, Interest & Extra Charges Outstanding				
Rates, Annual & Extra Charges Outstanding	3,600			
Rates, Annual & Extra Charges Collectible	103,500	3.5 %	3.5 %	3.4 % 4.1 %

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

6. Cash Expense Cover Ratio				
Current Year's Cash & Cash Equivalents (incl. Term Deposits)	165,000			
Operating & financing activities Cash Flow payments	180,000	11.00	10.56	10.71 10.39

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Quarterly Budget Review Statement

Contracts Budget Review Statement

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Procurement Process Undertaken	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
EXPENDITURE \$50,000 - \$150,000						
Print Mail Logistics Limited	Q16/02 Rate Notice Production	Public Quotation	01/07/16	3 years	Y	1
Todaac Solar Pty Ltd	Q16/11 Photovoltaic System HJ Daley Library	Public Quotation	30/08/16	Until Completion	Y	
Camden Machinery and Tractors Pty Ltd	Q16/16 Supply and Deliver Tractor	Quotations sought through LCP	24/09/16	Until Completion	Y	
EXPENDITURE \$150,000 - \$300,000						
Pioneer Facility Services Pty Ltd	T16/04 Cleaning of Campbelltown Sports Stadium	Public Tender	01/07/16	2 Years with 3 x 12 month extensions	Y	2
Bingo Waste Service Pty Ltd	T16/06 Supply and Transport of Streetsweeper Waste Bin, Depot Bulk Bin	Public tender	01/07/16	3 years	Y	1
Silver Wolf Projects Pty Ltd	T16/02 Floodlight Pole Inspections	Public Tender	01/07/16	2 years with 2 x 12 month options for extension	Y	
Atblack Pty Ltd	Q16/03 Gutter Cleaning	Public Quotation	20/07/16	2 years with 2 x 12 month options for extension	Y	1
EXPENDITURE > \$300,000						
Bingo Waste Service Pty Ltd	T16/07 Processing Disposal of Waste from Depot Bulk and Casual Skip Bins	Public Tender	01/07/16	3 years	Y	1
The Green Horticultural Group Pty Ltd	T16/14 Irrigation Services	Public Tender	01/07/16	3 years with 2 x 12 month options for extension	Y	2
Austec Irrigation and Garden Supplies Pty Ltd	T16/09 Supply & Servicing Frontlift Bins	Public Tender	01/07/16	3 years	Y	1
Remondis Australia Pty Ltd	T16/10 Horticultural Services	Public Tender	01/07/16	2 years with 2 x 12 month options for extension	Y	2
The Green Horticultural Group Pty Ltd	T16/13 Concrete Ad Hoc and Minor Works	Public Tender	15/07/16	1 year with 2 x 12 month options for extension	Y	2
Sterling Group Services Pty Ltd						
Solid Landscaping Pty Ltd						
Green Options Pty Ltd						
Blobe Australia Pty Ltd						
Complete Turf Renovation Services Pty Ltd						
South Syd Concrete Pty Ltd						
Shore Contracting Pty Ltd						
Roadlink Asphalt Pty Ltd						
NA Group Pty Ltd						
Mack Civil Pty Ltd						
Kodi Civil Pty Ltd						
Kelbon Project Services Pty Ltd						
IW Contracting Pty Ltd						
DXCORE Pty Ltd						
CW Concrete Pty Ltd						

This statement forms part of Council's Quarterly Budget Review Statement (QBRIS) for the quarter ended 30/09/16 and should be read in conjunction with the total QBRIS report.

Quarterly Budget Review Statement

Contracts Budget Review Statement

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Procurement Process Undertaken	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
EXPENDITURE > \$300,000						
Roadlink Asphalt Pty Ltd	T16/18 Concrete Program Shore Contracting Pty Ltd ATF MN Family Trust Ally Property Services Pty Ltd Bingo Waste Services Pty Ltd	Public Tender	01/07/16	Until completion	Y	2
DXCORE Pty Ltd						
Shore Contracting Pty Ltd ATF MN Family Trust						
Ally Property Services Pty Ltd						
Bingo Waste Services Pty Ltd	T16/08 Processing Disposal only of Streetsweeper Waste	Public Tender	01/07/16	3 years	Y	1
Theslow Pty Ltd	T16/03 General Trades Summit Fencing Pty Ltd Playsafe Fencing Pty Ltd Kent Joinery Pty Ltd Goldenlight Plaster Pty Ltd Every Trade Building Services Pty Ltd Civilbuilt Pty Ltd Bettal Pty Ltd Alpha Quality Bricklaying Pty Ltd	Public Tender	01/07/16	2 years with 2 x 12 month options for extension	Y	2
Summit Fencing Pty Ltd						
Playsafe Fencing Pty Ltd						
Kent Joinery Pty Ltd						
Goldenlight Plaster Pty Ltd						
Every Trade Building Services Pty Ltd						
Civilbuilt Pty Ltd						
Bettal Pty Ltd						
Alpha Quality Bricklaying Pty Ltd						

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Contracts Budget Review Statement

Comments & Explanations relating to Contractors Listing

Notes Details

1	Contract price is per services only therefore contract value is an estimation only.
2	Contract price is per service, distributed amongst the panel therefore contract value is an estimation only.

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	493,040	Y
Legal Fees	341,355	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

8.11 Additional Road Names Bardia Sub-Precinct - Edmondson Park

Division

City Governance

Reporting Officer

Executive Manager Corporate Support Systems

Attachments

List of proposed road names (contained within this report)

Purpose

To propose additional road names for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area, for Council's consideration and approval.

History

Council at its meeting held 18 October 2011 approved 55 new road names for use within the Bardia Sub-Precinct of the Edmondson Park Urban Release Area. A number of these road names have now been used in the first two stages of this residential development.

Council at its meeting held 1 July 2014 approved Ray Simpson Avenue as an additional road name for use within the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.

Council has now received a request from the developer for additional road names for use in the remaining stages of this residential development.

Report

A list of proposed road names and a brief summary of their origin is included as attachment 1. It has been Council's protocol to select a specific theme for road names within a suburb or development in an effort to unify street names and provide some assistance to the travelling public. The Bardia Sub-Precinct of the Edmondson Park Urban Release Area comprises that part of the former Ingleburn Army Camp located within the Campbelltown Local Government Area and the proposed road names have therefore been chosen to reflect and preserve the military heritage of this area.

As with the original selection of road names for the earlier stages of this development, some of the proposed road names reflect the various battles and campaigns in which the units and personnel that trained at the Ingleburn Army Camp were involved. Other proposed road names again recognise the various branches of the army that have been stationed at the Ingleburn Army Camp throughout its long history or preserve other names identified as being of special significance to the site. Many of these proposed road names are associated with the period after the Second World War in recognition of the important role played by the Ingleburn Army Camp in post-war conflicts.

The proposed road names comply with the requirements of the NSW Addressing Policy and the NSW Addressing User Manual. Liverpool Council employees have also been consulted to avoid possible duplication of these road names in other parts of the Edmondson Park Urban Release Area.

The road naming process

Division 2 of Part 2 of the Roads Regulation 2008 outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, it is recommended that, subject to Council approval, the proposed road names are advertised in local newspapers to allow for public comment and that Australia Post, the Registrar General, the Surveyor General and the various emergency services are also notified of Council's intention to use these proposed road names within this development.

Should no objections be received in the period of one month following advertisement and notification of this proposal, it is also recommended that Council then completes the road naming process by publishing a notice of these new road names in the NSW Government Gazette. Should any objections be received during the exhibition period, a further report on this matter will be presented to the next available Council meeting.

Officer's Recommendation

1. That Council approves the proposed road names in attachment 1 to this report for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.
 2. That Council advertise its proposal to use these road names in local newspapers for a period of 28 days and notifies the authorities prescribed by the Roads Regulation 2008.
 3. That should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.
-

ATTACHMENT 1

List of proposed road names

Road Name	Origin
	Battle Honours
Malaya Street	Various units of the 8th Australian Division trained at Ingleburn before departing for overseas service in 1941. These units were engaged in the defence of Malaya from 8 December 1941 until the surrender of Singapore on 15 February 1942. Many of the surviving prisoners of war from these units passed through Ingleburn again in 1945 when it served as a repatriation centre after the end of the Second World War. Between 1948 and 1960, a number of units from Ingleburn again served in Malaya during the Malayan Emergency.
Adloun Lane	Syria, 10 – 12 June 1941
Sariwon Street	Battle of Sariwon, Korea, 17 October 1950.
Pakchon Street	Battle of Pakchon, Korea, 4 – 5 November 1950.
Goodwood Street	Operation Goodwood (Battle of Hat Dich), Vietnam, 3 December 1968 - 19 February 1969.
	Units and Other Names
Tracking Lane	The Tracking Wing of the Army Infantry Centre was established at Ingleburn in 1965. This unit trained tracker dogs and their handlers for deployment to South Vietnam during the Vietnam War. It closed in late 1971 when the last Australian combat troops were withdrawn from Vietnam.
Reservist Lane	Ingleburn has had a long association with the reserve units of the Australian Army. As part of their National Service, many Australians experienced military training at the camp prior to being posted to an Army Reserve unit in their home locations. Following the abolition of National Service, the Headquarters of the Second Training Group, Army Reserves was located at Ingleburn from 1973 until the camp closed in 1999.
Manunda Lane	In December 1971 the 1st Field Hospital returned to Australia from Vietnam and was located at 'Manunda Lines' (named after the Second World War hospital ship), adjacent to the 2nd Military Hospital, at Ingleburn. It remained there until January 1996 when it was relocated to a purpose built medical facility at the Holsworthy Army Barracks. It is proposed to use this name within the former hospital site to retain this historical link.
Theatre Walk	A large hall fitted out as a theatre and cinema was constructed in the 1950s and was located on Macdonald Road. It was destroyed by fire in 1999 and subsequently demolished. During the preparation of the Heritage Analysis Report for the Ingleburn Defence Site, the theatre was remembered as a significant feature of the camp by service personnel, their families and the local community. It is proposed to use this name close to the former site of the theatre.

8.12 Community Facilities

Division

City Governance

Reporting Officer

Executive Manager Corporate Support Systems

Attachments

Nil

Purpose

To seek Council's endorsement of revised volunteer and community groups community hall hire fees and charges.

History

Council at its meeting held 4 October 2016 resolved:

1. That Council undertakes a review of use of community facilities by community groups that balances financial and social outcomes.
2. That a further report be provided to Council following this review for consideration.
3. That existing community groups, that are volunteer based and do not receive any external government funding, receive a subsidy from Council of the difference between the fees previous paid by the groups and the fees that would have applied for the 2016-2017.
4. That Council write to those groups to advise of this arrangement.
5. That a budget adjustment be made in the end of September quarterly review to establish funds of up to \$15,000 to fund the level of subsidy.

A review of Council's existing hall bookings identified two customers that were impacted by the Council resolution. Council has written to these customers advising them of the adjustments to their fees.

Report

A review of Council hall hire fees and conditions was undertaken to provide options that enable community and volunteer group's access to affordable meeting spaces to build social cohesion and connections within the community.

The recommended amendments to the fee structure and conditions will not only address affordable access by these groups but also increase the utilisation of the Council halls during non-peak periods.

In undertaking this review Council has identified a need to differentiate between community groups that receive external funding or sponsorship and volunteer groups that receive no external funding and are operated by volunteers.

Recommended Amendments to the Hall Hire Fees and Conditions

Community groups currently receive a 50 per cent discount to the standard hall hire fee for casual bookings only. The recommendation is that a 50 per cent discount to the standard hall hire fee will now also apply to regular bookings held in Council's category 2 and 3 halls and meeting rooms in the Ron Moore Community Centre and Ingleburn Community hall for booking made on Monday to Friday, 9.00am-3.00pm.

It is proposed that volunteer groups will now receive a 75 per cent discount to the standard hall hire fee for regular bookings held in Category 2 and 3 halls and the meeting rooms in Ron Moore Community Centre and Ingleburn Community hall for booking made on Monday to Friday, 9.00am-3.00pm. Volunteer groups will also be entitled to a 50 per cent for casual bookings.

The changes to the hall hire fees and charges will be required to be placed on public exhibition for 28 days as per Council's current policy.

Officer's Recommendation

1. That Council adopt the draft fees and charges outlined in the officer's report for public exhibition.
 2. That Council endorse the introduction on new criteria for voluntary charity user groups as identified in the body of the report.
 3. That the draft hall hire fees be adopted subject to no submissions being received after the public exhibition.
 4. That Council write to all groups impacted by the changes at the conclusion of the exhibition period provided that no submissions are received.
-

9. QUESTIONS WITH NOTICE

Nil at time of print.

10. RESCISSION MOTION

No rescission motion this round

11. NOTICE OF MOTION

11.1 Feasibility of creating a BMX Track at St Helens Park

Councillor Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 22 November 2016.

That Council investigate the feasibility of creating a BMX track at the St Helens Park skate park, taking into consideration using the soil from the civil works creating the car park at that location.

11.2 Sports Venue Sponsorship Policy

Councillor Lake has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 22 November 2016.

That a report for a Sports Venue Sponsorship Policy be presented to Council, as soon as possible, to be included in the 2017-2018 budget.

The policy 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:

- i) Funds of \$500,000 to be set aside for this policy
 - ii) Ways which these funds could be used to attract major events
 - iii) Benefits to the residents of Campbelltown and the region
 - iv) Employment benefits
 - v) Benefits to the local business community
 - vi) Potential sponsorship with private partners.
-

11.3 NSW Public Schools

Councillor Moroney has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 22 November 2016.

1. That Council notes the \$775m infrastructure backlog in NSW public schools, including a \$2,160,520 backlog at Leumeah High School and a \$2,693,879 backlog at Hurlstone Agricultural High School that put these schools in the top 10 most neglected schools in the state.
 2. That Council writes to the Minister for Education, The Hon. Adrian Piccoli MP, calling for immediate action by the government to address the neglect of NSW public schools, particularly in Campbelltown.
 3. That copies of this correspondence be sent to the Member for Campbelltown Mr Greg Warren MP, the Greens NSW Education spokesperson Ms Tamara Smith MP, the leader of the Christian Democratic Party Rev. The Hon. Fred Nile MLC and the Chairman of the Shooters, Fishers and Farmers Party The Hon. Robert Borsak MLC.
-

12. URGENT GENERAL BUSINESS

No reports this round

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: -

- (c) 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 Easements for Electrical Purposes over Lot 116 DP 1209435, Rolla Road, Glenfield

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
-

Minutes Summary 22 November 2016

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 22 November 2016

Present

The Mayor, Councillor G Brticevic
Councillor F Borg
Councillor M Chivers
Councillor M Chowdhury
Councillor R George
Councillor G Greiss
Councillor K Hunt
Councillor P Lake
Councillor D Lound
Councillor R Manoto
Councillor B Moroney
Councillor W Morrison
Councillor M Oates
Councillor T Rowell

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 Greiss that the **APOLOGY** from Councillor Thompson be received and accepted.

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 8 November 2016

It was **Moved** Councillor Lound, **Seconded** Councillor Chowdhury that the Minutes of the Ordinary Meeting of Council held 8 November 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed with an amendment to Item 8.11 - Audit, Risk and Improvement Committee to read:

That Council approve an increase in professional fees for independent Audit, Risk and Improvement Committee members to \$1200 per meeting for the Chairperson and \$1000 per meeting for the two independent members. Fees are inclusive of travel expenses.

220 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 Bryce Regan and Max Dunbier

It was **Moved** Councillor Brticevic, **Seconded** Councillor Greiss that a letter of condolence be forwarded to the Regan and Dunbier families together with a copy of the Mayoral Minute.

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

6. PETITIONS

No Petitions this round

7. CORRESPONDENCE

No correspondence this round

8. REPORTS FROM OFFICERS

8.1 Draft Mt Gilead Planning Proposal - Outcome of Public Exhibition

Meeting Note: Mr Smithers, Mrs Durnan, Mr Lonza, Mr Gay, Ms Banister, Mr Kite, Mr Anderson and Ms Clarke addressed the meeting.

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

1. That Council endorse the amended draft Mt Gilead Planning Proposal generally in accordance with attachment 2 and forward to the Department of Planning and Environment for approval and referral to the Minister for Planning to make the plan.
 2. That Council approve the amended draft Mt Gilead Development Control Plan being an amendment to Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2, Part 6 generally in accordance with attachment 3.
-

8.2 Development Services Statistics September 2016

3. That notice of Council's approval of the amended draft Mt Gilead Development Control Plan being an amendment to Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2, Part 6, be published in the local newspaper in accordance with clause 21(2) Environmental Planning and Assessment Regulation 2000, and such notice include a commencement date equal to the date of notification of the amendment of Campbelltown Local Environmental Plan 2015 with regard to the rezoning of the Mt Gilead Urban Release Area.
4. That all those who provided a submission to the public exhibition of the draft Mt Gilead Planning Proposal and draft Mt Gilead Development Control Plan be advised of Council's decision.
5. That Council delegate authority to the General Manager to sign the application to the Minister for the Environment for the biodiversity certification of the Mt Gilead Urban Release Area.
6. That Council write to Roads and Maritime Services and Transport for NSW requesting assurance that the provision of a safe wildlife crossing of Appin Road will be included as part of any upgrading road-works. Also write to the Department of Planning Environment requesting formal support for this action.
7. That Council advise the owner of the Mt Gilead Retirement Estate that Council would only consider any change to the current rural zoning of the land occupied by the Mt Gilead Retirement Estate being Lot 2 DP 1065919 Glendower Street, Gilead through the lodgement of a site specific planning proposal request.
8. That Council write to the Minister for Transport requesting the provision of a bus service from Mt Gilead to and from the Campbelltown CBD from day one of the first occupancy.

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

Voting for the Council Resolution were Councillors: Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Oates and Rowell.

Voting against the Council Resolution were Councillors: Borg, Moroney and Morrison.

8.2 Development Services Statistics September 2016

It was **Moved** Councillor Lound, **Seconded** Councillor George that the information be noted.

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

8.3 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

8.3 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

It was **Moved** Councillor Greiss, **Seconded** Councillor Oates that the information be noted.

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

8.4 Demolition of two existing single storey buildings and construction of a mixed use residential commercial building containing 44 apartments at Nos. 15-17 King Street, Campbelltown

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound that development application 3675/2015/DA-RA for the demolition of existing structures and construction of a mixed use residential and commercial building containing 44 apartments, one ground floor commercial tenancy, basement car parking and strata subdivision at Nos. 15-17 King Street Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.

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

Voting for the Council Resolution were Councillors: Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Oates and Rowell.

Voting against the Council Resolution were Councillors: Borg and Morrison.

8.5 Alterations to existing dwelling for use as a boarding house containing nine boarding rooms at No.21 Allman Street, Campbelltown

It was **Moved** Councillor Oates, **Seconded** Councillor Hunt that development application 2750/2015/DA-BH for the alterations to an existing dwelling for use as a boarding house containing nine boarding rooms at No. 21 Allman Street, Campbelltown be refused due to the inadequacy of the building's internal design and configuration to provide adequate amenity for future residents and the incompatibility of the development with the character of the area, which both result in the development's approval not being in the public interest.

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

Voting for the Motion were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates and Rowell.

Voting against the Motion was Councillor: Greiss.

8.6 Legal Status Report

It was **Moved** Councillor Rowell, **Seconded** Councillor Moroney that the information be noted.

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

8.7 Contribution towards staff Christmas functions

It was **Moved** Councillor Lound, **Seconded** Councillor Lake that Council make a contribution total of \$4400 for the Indoor and Outdoor Staff Christmas Functions.

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

8.8 Walkway Closure Application - Mantalini Street and Copperfield Reserve, Ambarvale

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

1. That Council support the closure of the walkway connecting 12 and 14 Mantalini Street and Copperfield Reserve, Ambarvale.
2. That all persons having written to Council be advised of Councils decision.
3. That the applicant wishing to purchase the subject walkway be advised that a drainage easement and easement in favour of Jemena Gas Networks (NSW) Ltd will be required over the full width of the walkway.
4. That an application be made to Department Primary Industry, Crown Lands for approval to close the subject walkway.
5. That following approval from Crown Lands and upon closure of the walkway, the land be classified as operational land in accordance with Section 31(2) of the *Local Government Act 1991*, as amended.
6. That subject to Department Primary Industry, Crown Lands' approval to close the subject walkway, that Council approve the sale and creation of any necessary easements to allow the transfer of the walkway land.
7. That all documentation associated with the proposed walkway closure be executed under the Common Seal of Council, if required.

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

8.9 Investments and Revenue Report - October 2016

It was **Moved** Councillor Oates, **Seconded** Councillor Lake that the information be noted.

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

8.10 Quarterly Budget Review Statement as at 30 September 2016

It was **Moved** Councillor Hunt, **Seconded** Councillor Chowdhury that the adjustments recommended in the Quarterly Budget Review Statement be adopted.

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

8.11 Additional Road Names Bardia Sub-Precinct - Edmondson Park

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

1. That Council approves the proposed road names in attachment 1 to this report for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.
2. That Council advertise its proposal to use these road names in local newspapers for a period of 28 days and notifies the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

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

8.12 Community Facilities

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

1. That Council adopt the draft fees and charges outlined in the officer's report for public exhibition.
2. That Council endorse the introduction on new criteria for voluntary charity user groups as identified in the body of the report.
3. That the draft hall hire fees be adopted subject to no submissions being received after the public exhibition.
4. That Council write to all groups impacted by the changes at the conclusion of the exhibition period provided that no submissions are received.

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

9. QUESTIONS WITH NOTICE

Nil at time of print.

10. RESCISSION MOTION

No rescission motion this round

11. NOTICE OF MOTION

11.1 Feasibility of creating a BMX Track at St Helens Park

It was **Moved** Councillor Brticevic, **Seconded** Councillor Oates that Council seek a report on the feasibility of creating a BMX track at the St Helens Park skate park, taking into consideration using soil from civil works in relation to constructing a car park at that location. In the event that the St Helens Park site is found not to be feasible, that other alternate sites for a BMX track within the City are investigated.

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

11.2 Sports Venue Sponsorship Policy

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

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:

- i) ways which funds could be used to attract major events
- ii) benefits to the residents of Campbelltown and the region
- iii) employment benefits
- iv) benefits to the local business community
- v) potential sponsorship with private partners
- vi) the potential for value capture and revenue generation.

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

A **Division** was called in regard to the Resolution for Item 11.2 - Sports Venue Sponsorship Policy with those voting for the Motion being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates and Rowell.

Voting against the Resolution: nil.

11.3 NSW Public Schools

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

1. That Council notes the \$775m infrastructure backlog in NSW public schools, including a \$2,160,520 backlog at Leumeah High School and a \$2,693,879 backlog at Hurlstone Agricultural High School that put these schools in the top 10 most neglected schools in the state.
2. That Council writes to the Minister for Education, The Hon. Adrian Piccoli MP, calling for immediate action by the government to address the neglect of NSW public schools, particularly in Campbelltown.
3. That copies of this correspondence be sent to the Member for Campbelltown Mr Greg Warren MP, the Greens NSW Education spokesperson Ms Tamara Smith MP, the leader of the Christian Democratic Party Rev. The Hon. Fred Nile MLC and the Chairman of the Shooters, Fishers and Farmers Party The Hon. Robert Borsak MLC.

An **Amendment** was **Moved** Councillor Greiss, **Seconded** Councillor Lound that Council write to the Member for Campbelltown, Mr Greg Warren MP, thanking him for his representations for the people of Campbelltown including issues of education.

WON and became the Motion

A **Division** was called in regard to the Amendment for Item 11.3 - NSW Public Schools with those voting for the Motion being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Morrison, Oates and Rowell.

Voting against the Amendment was Councillor Moroney.

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

A **Division** was called in regard to the Resolution for Item 11.3 - NSW Public Schools with those voting for the Motion being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates and Rowell.

Voting against the Resolution: nil.

12. URGENT GENERAL BUSINESS

No reports this round

13. PRESENTATIONS BY COUNCILLORS

13.1 Presentations by Councillors

1. Councillor Moroney advised that he recently attended the Annual General Meeting for the Georges River Combined Council Committee, where he was appointed as the Treasurer.
 2. Councillor Moroney advised that he recently attended the Light Up Camden event and whilst this event is outside of the Campbelltown Local Government Area he advised that there were initiatives that were different that may be beneficial to be incorporated into the Festival of Fishers Ghost making it an even better event. Staff may also wish to investigate.
 3. Councillor Lake advised that he represented the Mayor at the annual presentation of the Western Suburbs Junior Rugby League and noted that Campbelltown Collegians were overall winners of the Saturday competition, Campbelltown East Eagles were overall winners of the Sunday competition and Liverpool Catholic Club took out the competition overall.
 4. Councillor Chivers advised that she represented the Mayor at the Beverley Park Special School Annual Presentation which was held this morning, where she was extremely honoured to be part of such a special event. Councillor Chivers gave a special mention to the Leumeah High School Students that were presented with an award for their ongoing commitment and support of the school, who visit Beverley Park every Friday and assist and support students. Councillor Chivers noted that this by far the best school presentation that she has ever attended.
 5. Councillor Hunt advised that she represented the Mayor at the Remembrance Day ceremony noting that it was very pleasing to see so many young people in attendance.
 6. Councillor Oates advised that she recently represented the Mayor at the Imagine Awards and noted that the Campbelltown Arts Centre took out a major award for the With Secrecy and Despatch exhibition which is an outstanding achievement.
 7. Councillor Brticevic advised that he attended the HMAS Sydney (II) Anniversary which was very well attended and organised.
 8. Councillor Brticevic advised that he attended the Ingleburn RSL Sub Branch Members Annual Dinner where Ray James was awarded Life Membership. Councillor Brticevic advised that he will be writing a letter of congratulations to Mr James.
 9. Councillor Brticevic advised that the recent Western Sydney Wanderers event held at Campbelltown Stadium was a wonderful and well received event. Councillor Brticevic noted that he looks forward to the future partnership with the Western Sydney Wanderers and congratulated all staff involved in developing this partnership.
 10. Councillor Greiss advised that he would like to acknowledge the Greater Sydney Commission for the release of the draft District Plans on the 21 November 2016, he looks forward to receiving a briefing on the South West District Plan in due course.
-

Confidentiality Recommendation

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

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

The Ordinary Meeting of Council was adjourned at 8.37pm and reconvened as a meeting of the Confidential Committee at 8.38pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies - City Development

It was **Moved** Councillor Morrison, **Seconded** Councillor Lake that the information be noted.

CARRIED

14.2 Easements for Electrical Purposes over Lot 116 DP 1209435, Rolla Road, Glenfield

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

1. That approval be provided for the granting of easements to benefit Endeavour Energy over Council land at Glenfield described as Lot 116 DP 1209435 on the terms as detailed in the body of this report.
2. That all documentation associated with the creation of the electricity easement be executed under the Common Seal of Council if required.

CARRIED

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 8.39pm.

Motion

It was **Moved** Councillor Rowell, **Seconded** Councillor Moroney that the Council in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

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

It was **Moved** Councillor Rowell, **Seconded** Councillor Moroney that the reports of the Confidential Committee and the recommendations contained therein be adopted.

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

There being no further business the meeting closed at 8.40pm.

Confirmed by Council on

..... General Manager Chairperson

CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

At the Council Meeting held 13 December 2016 the following Council minutes were adopted:

There being no further business at the meeting of 22 November 2016, the meeting closed at 8.40pm.

Confirmed by the Chairperson:

A handwritten signature in black ink, appearing to read 'G. Anticic', is written over a faint, large, light-grey watermark of the same signature.