



Camden Council

Attachments

Ordinary Council Meeting
27 June 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

ORD01	Proposed Registered Club, Ancillary Bottle Shop, Signage and Associated Site Works - 61-73 Rodeo Road, Gregory Hills	
	Attachment 1: Recommended Conditions	4
	Attachment 2: Proposed Plans	23
	Attachment 3: Floor Plans	28
	Attachment 4: Turner Road DCP Figures	31
	Attachment 5: Social Impact Assessment	34
ORD02	Draft Submission - Review of Complying Development in Greenfield Areas	
	Attachment 1: Draft submission to Greenfield SEPP Review	45
	Attachment 2: Background Paper- A Review of Complying Development in Greenfield Areas	60
	Attachment 3: Explanation of Intended Effect Proposed Greenfield Housing Code	109
	Attachment 4: Table Comparison	134
ORD03	Proposal by Mirvac to include land at Menangle into The Greater Macarthur Priority Growth Area	
	Attachment 1: Campbelltown City Council Report and Resolution.....	135
	Attachment 2: Wollondilly Shire Council Report and Resolution	140
ORD05	Investment Monies - May 2017	
	Attachment 1: Investment Report - May 2017	160
Diary	Councillor Diary	
	Attachment 1: Councillor Diary	174



Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Proposed registered community sports club, ancillary bottle shop, signage and associated site works.

Details of Conditions:**1.0 - General Conditions of Consent**

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
A-0101 Rev D	Site Plan	Benson McCormack	February 2017
A-0102 Rev D	Ground Floor Plan	Benson McCormack	February 2017
A-0103 Rev E	First Floor Plan	Benson McCormack	May 2017
A-0104 Rev D	Ground Floor Plan	Benson McCormack	February 2017
A-0105 Rev D	First Floor Plan	Benson McCormack	May 2017
A-0201 Rev C	Elevations	Benson McCormack	February 2017
A-0202 Rev C	Elevations	Benson McCormack	February 2017
A-0221 Rev C	Sections	Benson McCormack	February 2017
A-0222 Rev C	Sections	Benson McCormack	February 2017
A-1304 Rev A	Driveway Section	Benson McCormack	September 2016
1000 Rev C	Cover Sheet	Rienco Consulting	16 June 2017
1001 Rev D	Civil Works Layout Plan	Rienco Consulting	14 June 2017 2016
1002 Rev D	Civil Works Layout Plan	Rienco Consulting	14 June 2017
1003 Rev C	Drainage Longsections	Rienco Consulting	16 June 2017
1004 Rev C	Civil Works Typical Details	Rienco Consulting	16 June 2017
LP01 Issue C	Landscape Plan	Matthew Higginson Landscape	11 April 2017

		Architecture Pty Ltd	
LP02 Issue C	Landscape Plan – Streetscape	Matthew Higginson Landscape Architecture Pty Ltd	11 April 2017
LP03 Issue C	Landscape Plan - Terraces	Matthew Higginson Landscape Architecture Pty Ltd	11 April 2017
LP04 Issue C	Elevation + Schedule	Matthew Higginson Landscape Architecture Pty Ltd	11 April 2017
LP05 Issue C	West Elevation	Matthew Higginson Landscape Architecture Pty Ltd	11 April 2017
60167 LD dwg Sheet 1 of 1	Plan of Levels and Details	Lean Lackenby & Hayward	8 February 2016

Document Title	Prepared by	Date
Gregory Hills Sports Club Noise Impact Assessment	Acoustic Dynamics	24 April 2017
Proposed Water Sensitive Urban Design Measures Gregory Hills Sports Club, Gregory Hills	Rienco Consulting Water Engineering Specialists	6 February 2017
Crime Prevention Through Environmental Design Moorebank Sports Club	Barringtons	27 September 2016
Social Impact Assessment Ref 150709.SIA2	Design Collaborative Pty Ltd	October 2016
Traffic and Parking Assessment Report ref 16101	Varga Traffing Planning Pty Ltd	7 June 2016
Waste Management Plan	Benson McCormack	October 2016
Bushfire Protection Assessment Proposed Gregory Hills Sports Club Rodeo Road, Gregory Hills version 3	Ecological Australia	31 May 2016
Bushfire Protection Assessment – Request for Additional Information Ref 16GOS_3995	Ecological Australia	16 September 2016

- (2) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. NSW Rural Fire Service, dated 5 April 2017;
 2. NSW Police Force – Camden Local Area Command, 5 October 2016; and,
 3. Endeavour Energy Email, dated 4 August 2016
- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (6) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (7) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (8) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (9) **No Stopping Restrictions** – No stopping signs must be installed on the eastern side of Rodeo Road along the frontage of the development from the intersection of Gregory Hills Drive to the southern side of the patron access driveway.
- (10) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (11) **No Retailing** – The bottle shop shall be used ancillary to the registered club. Retailing is only permitted to the patrons of the club.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (2) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (3) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (4) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap must be provided.

- (6) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) Council's Food Premises Code;
 - e) AS 1668.1-2015 and 1668.2-2012;
 - f) the BCA; and
 - g) AS 4674-2004 Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (7) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (8) **Acoustic Report** - The development shall be constructed in accordance with the acoustic report titled "Gregory Hills Sports Club Noise Impact Assessment prepared by Acoustic Dynamics, dated 24 April 2017" and the recommendations outlined in Section 6 of the report. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (9) **Salinity** – The proposed building, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Salinity Management Plan Proposed Central Hills Business Park Gregory Hills Development Catherine Field Project 40741.14, Rev 2, prepared by Douglas Partners, dated January 2010".
Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (10) **Detailed Lighting Plan** – A detailed lighting plan shall be submitted to the Certifying Authority with the Construction Certificate application. The plan must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.
- (11) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.
- (12) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning and Environment (DPE).

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.

- (13) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (14) **Deed of Agreement between the landowner and Council** – Prior to the issue of a Construction Certificate, a Deed of Agreement between the landowner and Camden Council, for the demolition of the existing stormwater pipe and rock headwall unit, and construction of a new rip rap scour protection system within the riparian corridor in accordance with the approved plans over Lot 1 DP 1186123, 43 Healy Avenue, Gregory Hills, must be entered into and include the following:

- a) Right of access provision for the proposed works; and,
- b) Compensation paid to Camden Council to an agreed amount.

The Deed of Agreement must be agreed and signed by Camden Council prior to the issue of the Construction Certificate. Documentary evidence of the Deed of Agreement between the landowner and Camden Council must be submitted to the Certifying Authority.

- (15) **Registered Club Licence** – A registered club licence must be obtained in accordance with the Liquor Act 2007 and the Registered Clubs Act 1976 prior to the issue of a Construction Certificate. Documentary evidence and details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (16) **Sun shading devices** - Sun-shading devices for all building windows facing west must be provided.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;

- c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;

- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.
- (7) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (8) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (9) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (10) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

- (11) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (12) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (3) **Site Signage** - A sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has been registered with Land and Property Information. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (4) **Site Management** - The following practices are to be implemented during construction:
 - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;

- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste control container shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (5) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (6) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.
- (7) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (8) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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.

- (9) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (10) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (11) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (12) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");

- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (15) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (16) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the

report titled "Salinity Management Plan Proposed Central Hills Business Park Gregory Hills Development Catherine Field Project 40741.14, Rev 2, prepared by Douglas Partners, dated January 2010".

- (17) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
- b) the proprietor shall have the facilities inspected annually by a competent person;
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property Information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (2) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the PCA for approval.
- (3) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (4) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

- (5) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (6) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (7) **Storage Of Waste Oil** - The premises shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil shall be provided to the PCA.
- (8) **Indemnity Agreement** – The strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads.
- (9) **Food Premises** - The following notifications shall occur:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website; and
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (10) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (11) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (12) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (13) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the building/s has been constructed in accordance with the approved acoustic report Gregory Hills Sports Club Noise Impact Assessment prepared by Acoustic Dynamics, dated 24 April 2017" and the recommendations outlined in Section 6 of the report.
- (14) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.

- (15) **On-Site Detention – Certification of On-site Detention Works** - Prior to the issue of Occupation Certificate, a certificate prepared by a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the following: -
- (a) The works having been constructed in accordance with the approved plans.
 - (b) The constructed On-site Detention system will function in accordance with the approved Construction Certificate plans.
 - (c) Any variations from the approved drainage plans will not impair the performance of the On-site Detention system.
- (16) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.
- Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).
- (17) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
 - (2) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
 - (3) **Disposal of Waste Oil and By-Products** - All waste oil, grease and associated products shall be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials by an appropriate liquid waste contractor.
- All waste disposal shall be in accordance with the EPA's waste tracking requirements. Under the waste tracking requirements all documentation relating to waste disposal shall be kept for 4 years. This documentation shall be made available at the request of Council.
- (4) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.

- (5) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (6) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1oC

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (7) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (8) **Number of Employees** - The number of people working on the premises shall not exceed 50 staff at any given time.
- (9) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

- (10) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Club Operating Hours	
Sunday to Wednesday	10:00am to 11:00pm
Thursday	10:00am to Midnight
Friday	10:00am to 3:00am
Saturday	10:00am to 2:00am
Restaurant Closing Times	
Sunday to Thursday	9:00pm
Friday to Saturday	9:30pm

- (11) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.
- The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.
- (12) **Occupant Capacity** - The capacity of the club is restricted to a maximum of 1,712 patrons at any one time. A notice is to be displayed in the premises stating that: the maximum total occupancy of the premises allowed by this consent is 1,712 persons.
- (13) **Approved Signage Maintenance** - The approved sign(s) shall be maintained in a presentable and satisfactory state of repair. Where illumination has been approved, the level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.
- (14) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (15) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

nil

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.



DEVELOPMENT APPLICATION

GREGORY HILLS SPORTS CLUB

NOTES
 The drawings are based upon the conditions and information provided to the architect. The architect is not responsible for any errors or omissions in the drawings or for any consequences arising from the use of the drawings. The client is responsible for the accuracy of the information provided.

REV	DATE	ISSUE
A	APR 2016	DEVELOPMENT APPLICATION
B	OCT 2016	REQUEST FOR INFORMATION
C	FEB 2017	REQUEST FOR INFORMATION

CLIENT
 Capital Syndications
 Studio 5 505 Balmain Road
 Lilyfield NSW 2040

PROJECT DETAILS
 GREGORY HILLS
 SPORTS CLUB

PROJECT NORTH

SCALE
 1:1000 @ A3

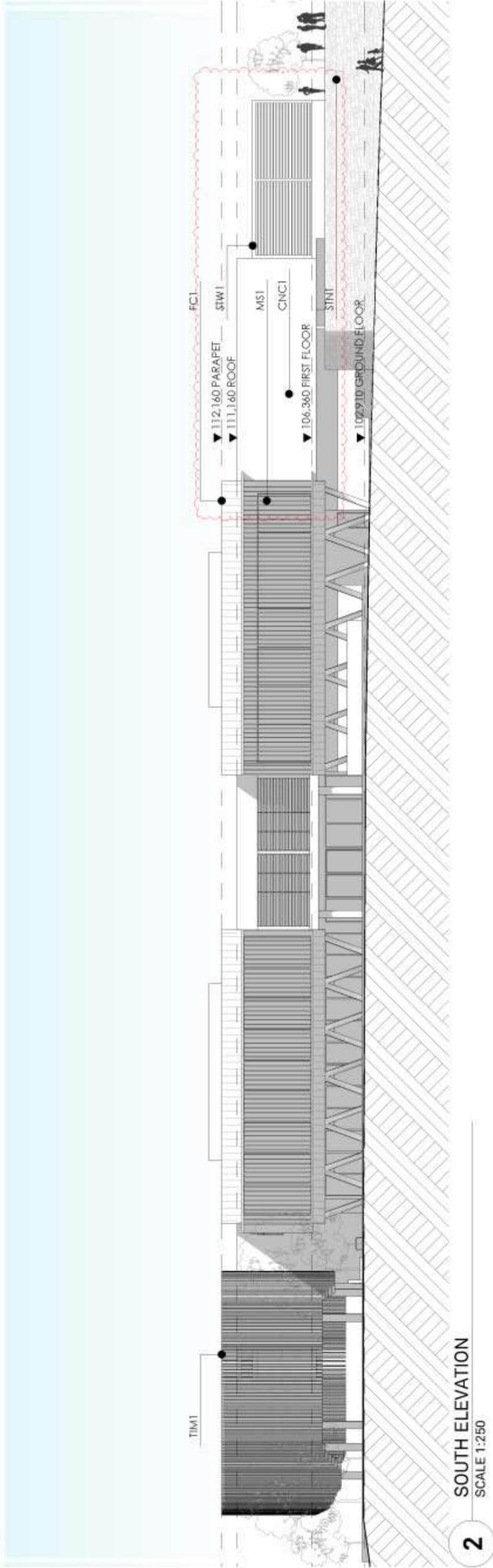
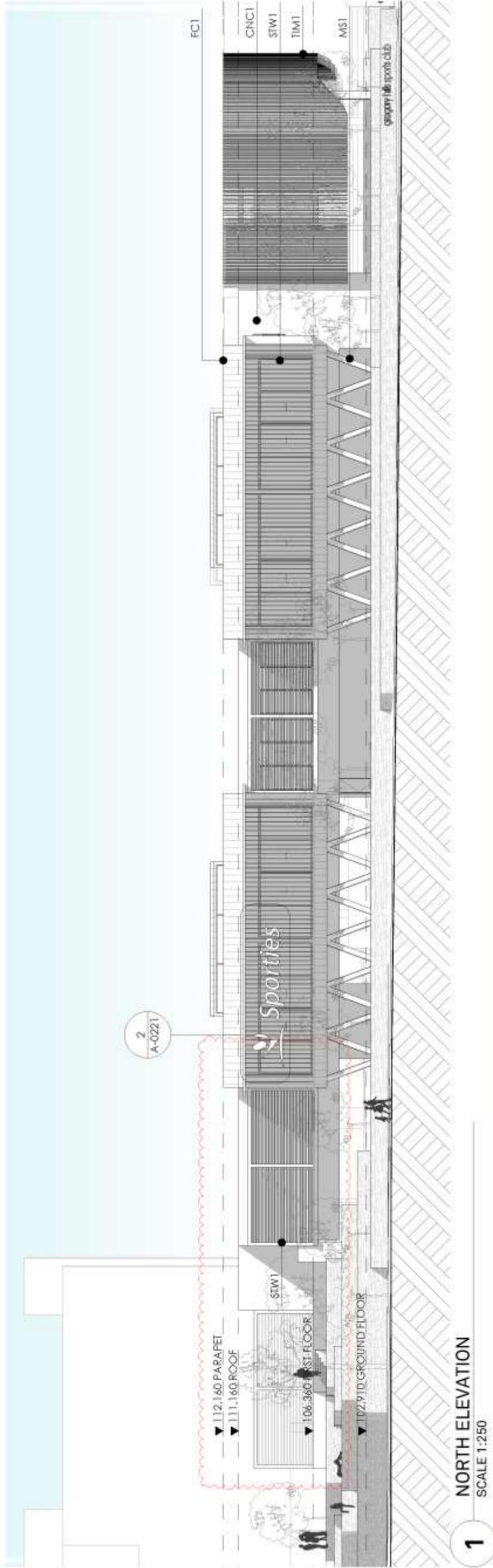
PROJECT NO.
 1573A

DRAWING
 SITE PLAN

DRAWING NO.
 A-0101

ISSUE
 D

ARCHITECT
benson mccormack
 architects, 505 Balmain Road, Lilyfield NSW 2040
 p: +61 2 9551 0777 f: +61 2 9618 0770
 from 1971 - 2014 and beyond 1788

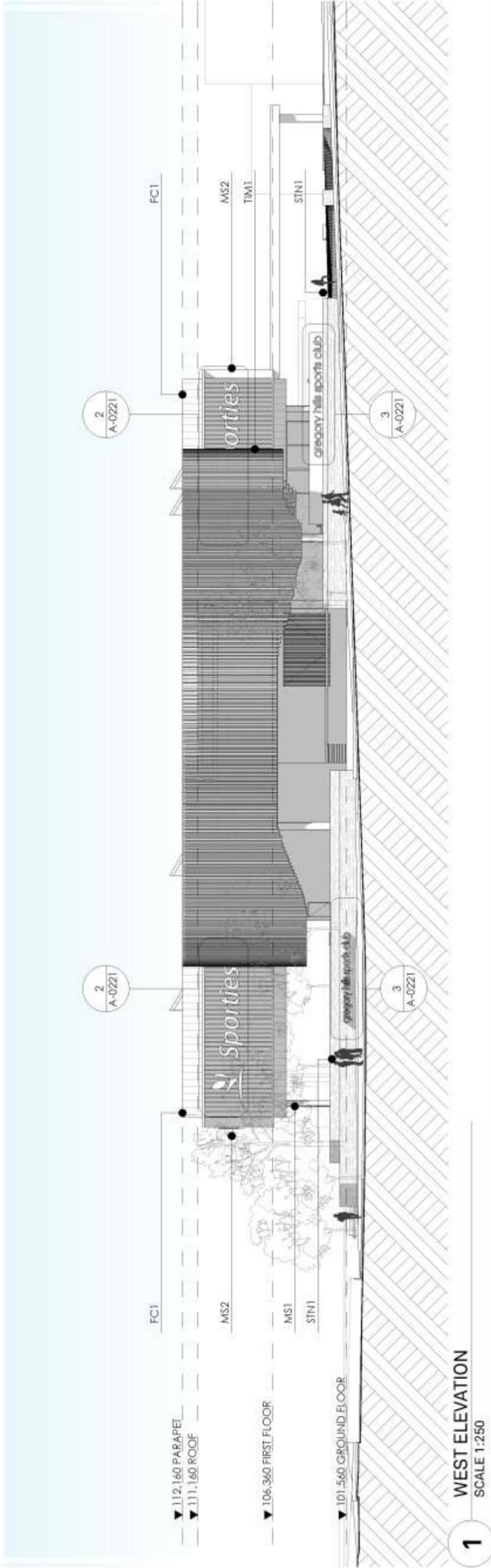


GREGORY HILLS SPORTS CLUB

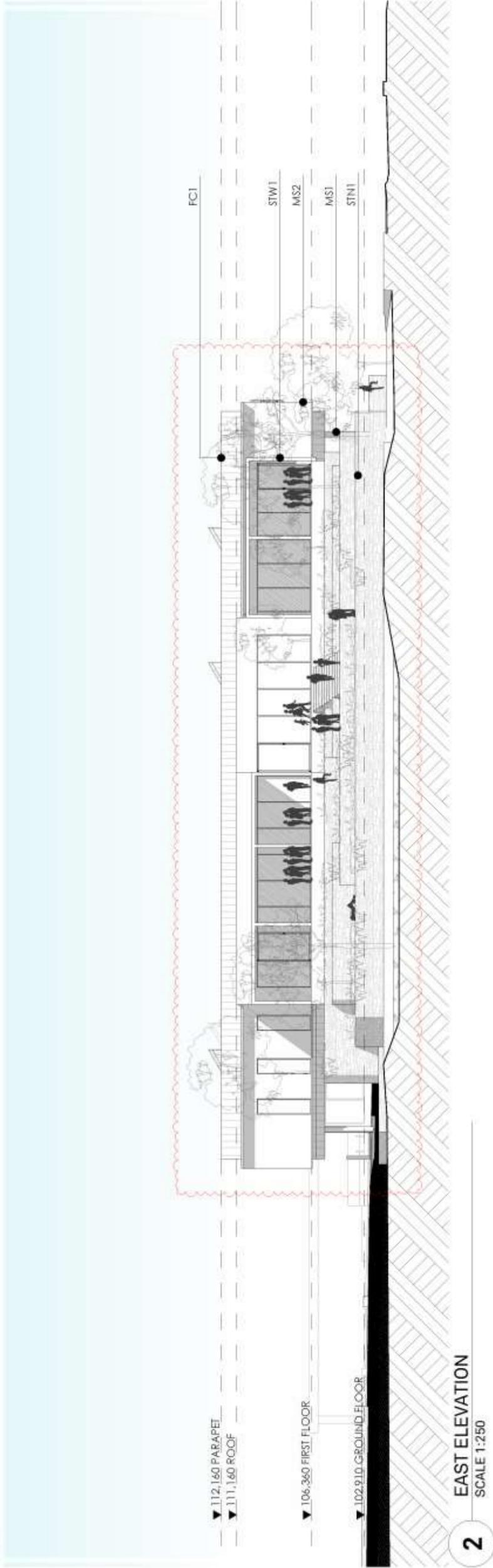
DEVELOPMENT APPLICATION

NOTES	REV	DATE	ISSUE	CLIENT	PROJECT DETAILS	PROJECT NORTH	SCALE	PROJECT NO.	DRAWING	DRAWING NO.	ISSUE	ARCHITECT
1. All drawings shall be for the construction of the proposed development. All drawings shall be in PDF format prior to printing. All drawings shall be submitted to the council for approval. All drawings shall be submitted to the council for approval. All drawings shall be submitted to the council for approval.	A	2016	DEVELOPMENT APPLICATION	Capital Syndications Studio 3 303 Bathurst Road Layfield NSW 2040	GREGORY HILLS SPORTS CLUB		1:250 @ A3	1573A	ELEVATIONS	A-0201	C	benson mccormack ARCHITECTS 10/1111 BATHURST ROAD LAFYIELD NSW 2040 PHONE: (02) 9334 1000 FAX: (02) 9334 1001





1 WEST ELEVATION
SCALE 1:250



2 EAST ELEVATION
SCALE 1:250

GREGORY HILLS SPORTS CLUB

DEVELOPMENT APPLICATION

NOTES	REV	DATE	ISSUE	CLIENT	PROJECT DETAILS	PROJECT NORTH	SCALE	PROJECT NO.	DRAWING	DRAWING NO.	ISSUE	ARCHITECT
The drawings shall be used in accordance with the conditions of the development application. No responsibility is accepted for any errors or omissions. All drawings are the property of Benson McCormack Architects. No part shall be copied or used in any way without the prior written consent of Benson McCormack Architects.	A	APR 2016	DEVELOPMENT APPLICATION	Capital Syndications Studio 5 505 Balmain Road Lynfield NSW 2040	GREGORY HILLS SPORTS CLUB		1:250 @ A3	1573A	ELEVATIONS	A-0202	C	benson mccormack ARCHITECTS 1/123 STURGEON ROAD, SYDNEY NSW 2000 P: 61 2 9161 0777 F: 61 2 961 0170 www.bensonmccormack.com.au





01 East Elevation
Scale: 1:200

INDICATIVE PLANT SCHEDULE

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Qty
Trees				
Callistemon viminalis	Weeping Bottlebrush	75L	5m	22
Corymbia maculata	Spotted Gum	75L	20m	10
Corymbia ficifolia 'Summer Red'	Dwarf Flowering Gum	75L	5m	3
Eucalyptus punctata	Grey Box	75L	18m	4
Fraxinus oxycarpa 'Raywood'	Claret Ash	75L	8m	1
Pyrus calleryana 'Charicleer'	Ornamental Pear	75L	10m	18
Rhapis excolisa	Lady Palm	75L	3m	13
Tristanopsis 'Luscious'	Luscious Water Gum	75L	7m	12
Shrubs				
Acmena 'Minor'	Dwarf Lily Pilly	300mm	1.5m	87
Ceratopetalum gummiferum	NSW Christmas Bush	45L	4m	8
Doryanthes excolisa	Gymea Lily	45L	2m	59
Grevillea 'Honey Gem'	Honey Gem Grevillea	45L	3m	19
Murraya paniculata	Orange Jessamine	200mm	1m	18
Philodendron 'Xanadu'	Xanadu Philodendron	200mm	1m	230
Phormium tenax	NZ Flax	300mm	1.2m	21
Rhaphirolepis 'Oriental Pearl'	Oriental Pearl Hawthorn	200mm	1m	180
Rosmarinus officinalis	Rosemary	200mm	1m	30
Strelitzia reginae	Bird of Paradise	300mm	1.5m	43
Westringia fruticosa	Coast Rosemary	300mm	1.5m	44
Westringia 'Aussie Box'	Aussie Box Coast Rosemary	200mm	1m	128
Groundcovers / Climbers / Aquatics				
Dianella caerulea	Flax Lily	150mm	0.7m	100
Dianella 'Breeze'	Breeze Paroo Lily	150mm	0.7m	160
Hibbertia scandens	Snake Vine	150mm	0.3m	165
Juniperus horizontalis	Creeping Juniper	200mm	0.2m	30
Lomandra 'Shara'	Shara Mat Rush	150mm	0.5m	160
Lomandra 'Tanika'	Tanika Mat Rush	150mm	1m	105
Trachelospermum 'Tricolor'	Tricolor Jasmine	150mm	0.3m	140



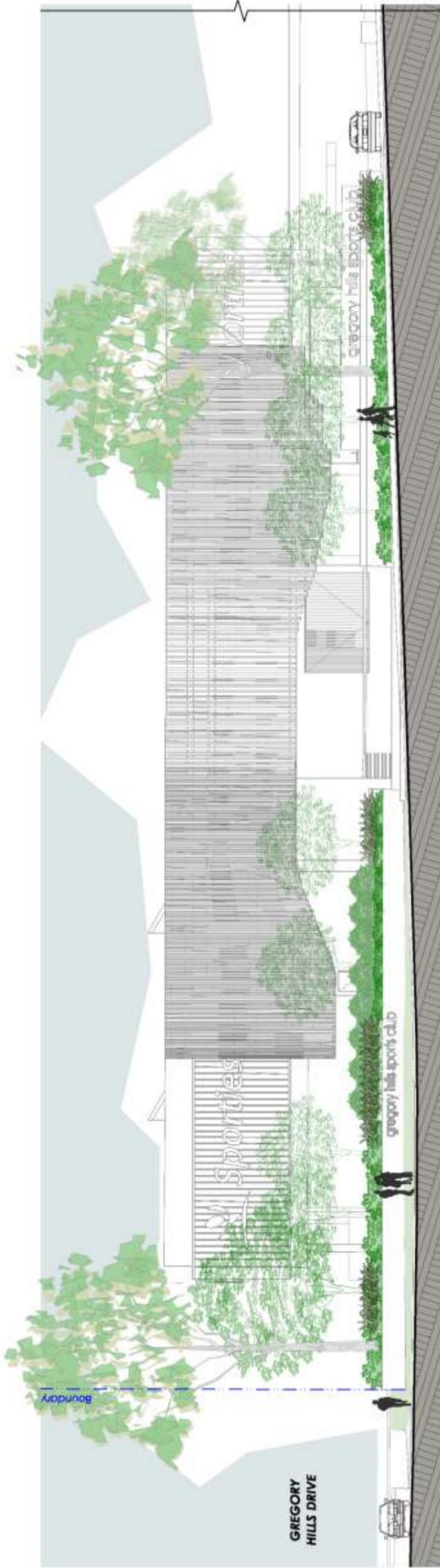
Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mhla.com.au
Gregory Hills Sports Club
 Capital Syndications

drawing title: **Elevation + Schedule**
 scale: 1:200 @ A3
 project no: 16703
 drawing no: LP04
 issue: C

issue date description:
 01 01.06.16 Preliminary issue for comment.
 A 07.06.16 Amend to comments DA issue.
 B 05.10.16 Amend to Council comments DA issue.
 C 11.04.17 Amend to Council comments DA issue.

DEVELOPMENT APPLICATION

notes: This drawing has been prepared for consideration and reference in the communication of conceptual ideas and is not intended as a detailed 'for construction' document. No guarantee is given to the accuracy in location or size of existing or proposed elements, measurements or nominated or figured dimensions. Do not issue drawing, draw and content protected by copyright.



drawing title
West Elevation
scale
1:200 @ A3
drawing no.
LP05
issue
C

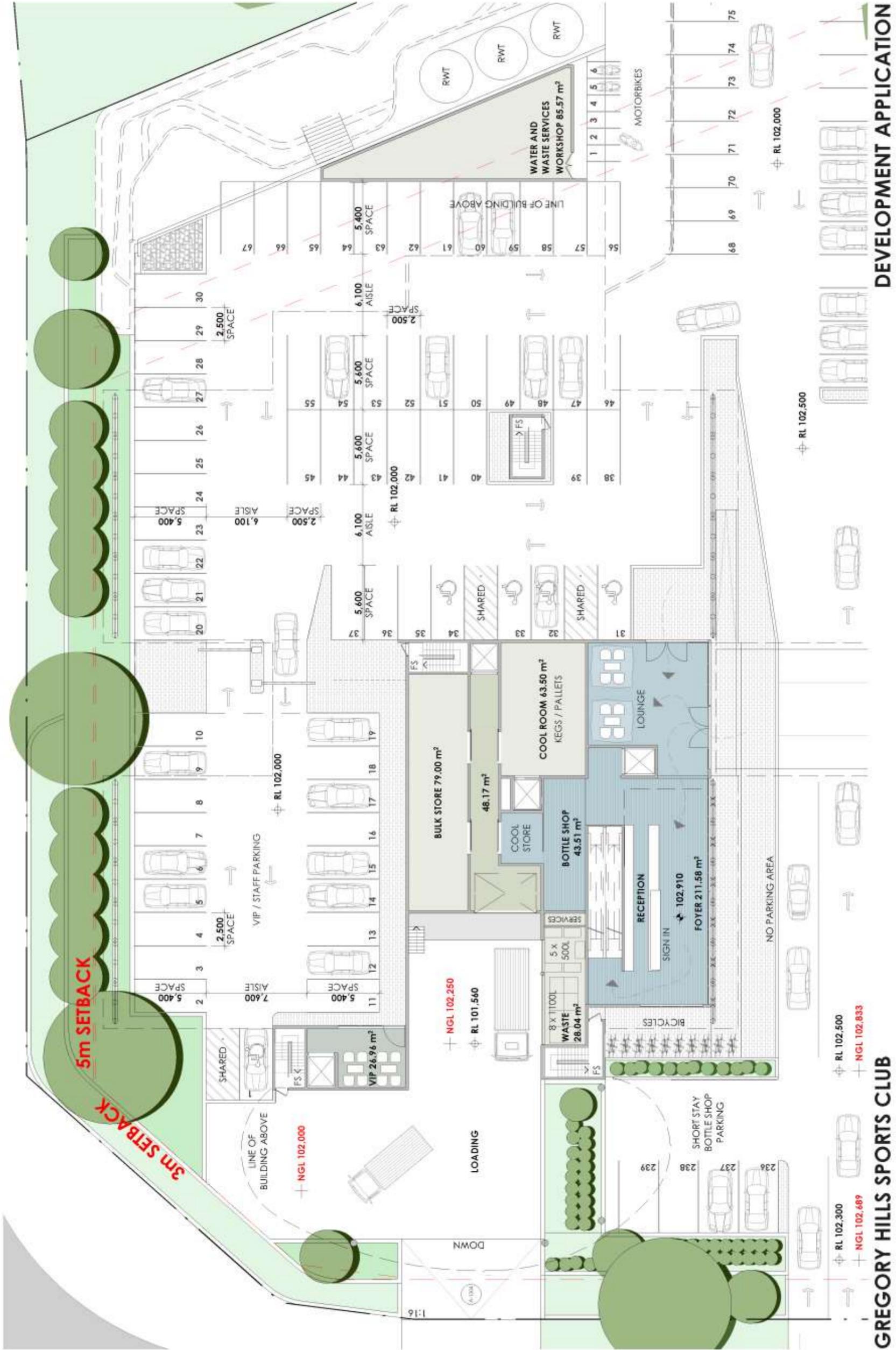
project
Gregory Hills Sports Club
client
Capital Syndications

issue	date	description
01	01.06.16	Preliminary issue for comment.
A	07.06.16	Amend to comments DA issue.
B	05.10.16	Amend to Council comments DA issue.
C	11.04.17	Amend to Council comments DA issue.

Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mhla.com.au

DEVELOPMENT APPLICATION

notes: This drawing has been prepared for consideration and reference in the construction of conceptual ideas and is not intended as a detailed 'for construction' document. No guarantee is given to the accuracy in location or size of existing or proposed elements, measurements or nominated or figured dimensions. Do not scale drawing. Drawing and content protected by copyright.



GREGORY HILLS SPORTS CLUB **DEVELOPMENT APPLICATION**

NOTES
 1. All dimensions are to the centerline unless otherwise specified.
 2. All areas are to be finished to the level of the ground surface.
 3. All areas are to be finished to the level of the ground surface.
 4. All areas are to be finished to the level of the ground surface.
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 8. All areas are to be finished to the level of the ground surface.
 9. All areas are to be finished to the level of the ground surface.
 10. All areas are to be finished to the level of the ground surface.

REV **DATE** **ISSUE**
 A 02/2018 DEVELOPMENT APPLICATION
 B 03/2018 REVISION FOR INFORMATION
 C 04/2018 REVISION FOR INFORMATION

CLIENT
 Capital Syndications
 Studio 5 503 Balmain Road
 Lilyfield NSW 2040

PROJECT DETAILS
 GREGORY HILLS
 SPORTS CLUB

PROJECT NORTH

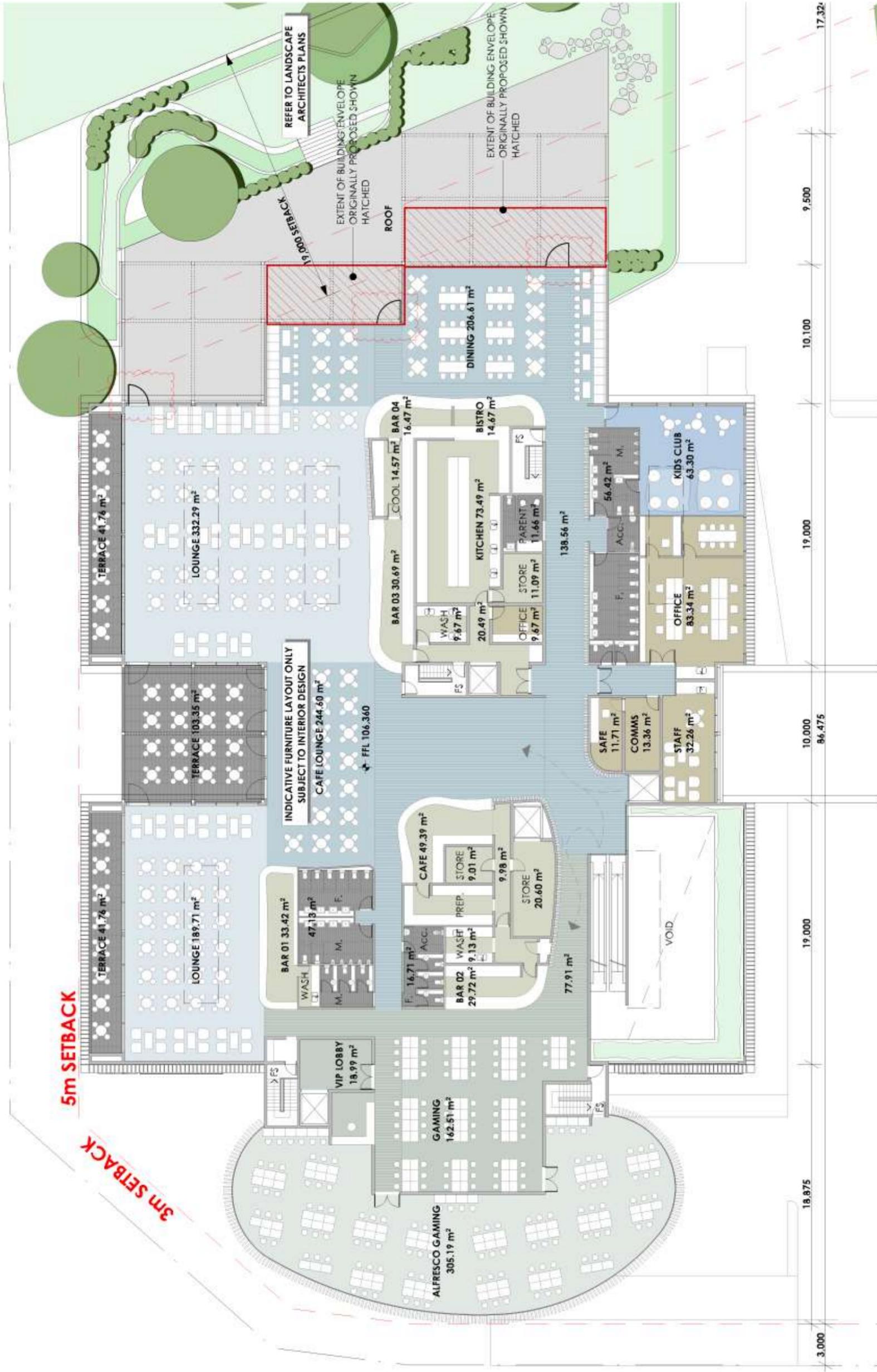
SCALE
 1:250 @ A3

PROJECT NO. 1573A

DRAWING GROUND FLOOR PLAN A-0104

ISSUE D

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GREGORY HILLS SPORTS CLUB

DEVELOPMENT APPLICATION

CLIENT
Capital Syndications
Studio 5 505 Balmoral Road
Lylfield NSW 2043

PROJECT DETAILS
GREGORY HILLS
SPORTS CLUB

PROJECT NORTH

SCALE
1:250 R-A3

PROJECT NO.
1573A

DRAWING
FIRST FLOOR PLAN

DRAWING NO.
A-0105

ISSUE
D

ARCHITECT
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DATE
REV A
OCT 2014
MAY 2015

CSNIE
DEVELOPMENT APPLICATION
PROJECT PREPARATION
PROJECT PREPARATION

NOTES
This drawing is issued upon the condition that it is not to be used for any other purpose without the written consent of Benson McCormack Architects. It is to be used only for the purposes for which it is intended. DO NOT SCALE DRAWINGS.

Figure 2 of Turner Road DCP 2007 – Indicative Layout Plan

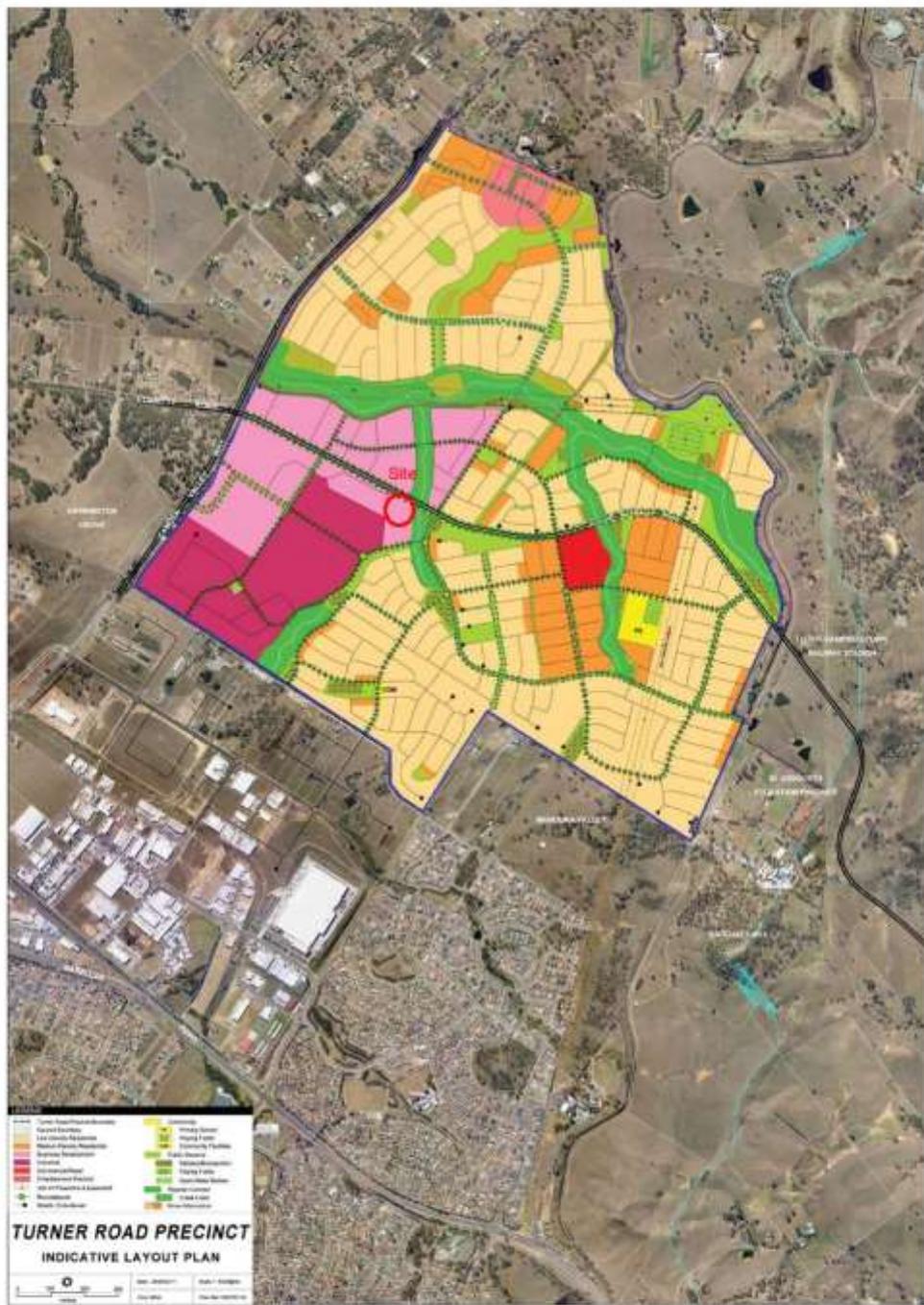


Figure 24 of Turner Road DCP 2007 – Asset Protection Zones



Asset Protection Zones

- Precinct boundary
- 15m APZ
- 10m APZ

Part B3 Figure 1 of Turner Road DCP 2007 – The Turner Road Employment Area





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FPIA MRTPI FAPI

H M Sanders
MPhil(Lon)
MSc(Rdg)
FPIA MRTPI

SOCIAL IMPACT ASSESSMENT

Proposed Registered Club

For the

Moorebank Sports Club Ltd

at

**GREGORY HILLS DRIVE AND RODEO ROAD, CENTRAL HILLS BUSINESS
PARK, GREGORY HILLS**

October 2016
REF: 150709.SIA2

Design Collaborative Pty Ltd

CONTENTS

1. INTRODUCTION..... 3

 1.1 PURPOSE 3

 1.2 THE PROPOSED DEVELOPMENT 3

 1.3 THE CLUB..... 4

 1.4 THE AUTHOR..... 4

2. THE CONTEXT..... 5

3. EXISTING CLUBS..... 7

4. SOCIAL IMPACTS..... 8

5. CONCLUSION..... 11

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1. INTRODUCTION

1.1 PURPOSE

Capital Syndication (*the applicant*) has lodged a development application (DA-648.1/2016) with Camden Council (*the Council*) seeking consent for 'a licensed community club and surface car-park' (*the proposed development*) on Lot 1000, DP 1214963 (*the site*). The site is located on the southern side of the junction of Gregory Hills Drive and Rodeo Road in the Central Hills Business Park, Gregory Hills. The applicant is acting on behalf of the Moorebank Sports Club Ltd, 230 Heathcote Road, Hammondville (*the Club*).

The Club proposes to operate the proposed development as a satellite club and intends applying for a club licence, issued under the Liquor Act 2007, for the proposed development and for the right to keep gaming machines in the premises under the Gaming Machines Act 2000 when the development application is approved. It will also seek to install facilities for the TAB and Keno in the proposed development.

This Social Impact Assessment (SIA) has been prepared at the request of the applicant to assist the Council in its assessment of DA-648.1/2016.

The Council's Policy No1 21- *Liquor Act Applications, Development Applications for Liquor Premises and All Developments with Social Impact* – refers to the possible need to prepare and submit an SIA with any development application which will entail an application under the Liquor Act. The Policy defines social impact as "*the likely impacts a development will have on the day-to-day life of persons and communities*" and it refers to a variety of matters which ought to be considered in assessing that impact.

This SIA addresses the matters mentioned in that Policy.

1.2 THE PROPOSED DEVELOPMENT

The site is located in the northeastern corner of the Gregory Hills Business Park. It has an area of 1.399 hectares with frontages of about 70 metres to Gregory Hills Drive and 100 metres to Rodeo Road. It is bounded on the east by a riparian reserve (open space along a natural watercourse) and on the south by privately owned land.

The applicant is seeking consent on behalf of the Club (which owns the site) to erect a clubhouse elevated above a level of car-parking which, together with more parking in the open air would provide space for 239 vehicles. The gross floor area of the clubhouse would be 3,169 sqm of which 640 sqm would be at ground level and 2,522 sqm at first floor level.

The floor space at ground level would be primarily devoted to reception space with a small lounge and small bottle shop together with back-of-house facilities including a loading dock. Access would be provided to the upper level by escalators and lifts. On the upper level, there would be both indoor and outdoor spaces for drinking, dining and gaming plus a children's play room and more back-of-house facilities including sanitary facilities, a commercial kitchen and office space.

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Based on the density provisions of the BCA, the proposed development would contain sufficient space to accommodate some 2,500 persons including up to 150 staff. It is not likely to accommodate that number at any time. The maximum number of patrons in the proposed development at peak periods (Friday and Saturday evenings) is unlikely to be more than 1200.

The applicant is seeking consent for the proposed development to operate between the following hours:

Sunday to Wednesday	10 am to 11 pm
Thursday	10 am to midnight
Friday	10 am to 3 am the following day
Saturday	10 am to 2 am the following day

It is the Club's intention to provide some entertainment in the proposed development by placing a moveable dais, from time to time, in a lounge on the upper floor. The entertainment is likely to be confined to small ensembles, comedians and the like.

1.3 THE CLUB

The Club was formed in 1970 to foster junior sport in the Moorebank/Holsworthy/Hammondville area which was then becoming suburbanized. It fielded its first junior teams in that year. In 1975, the Liverpool City Council permitted the Club to use Hammondville Park's soccer fields as its home grounds. In 1981, the Club became incorporated under the Registered Clubs Act and in, in 1984, it opened its clubhouse on Heathcote Road, Hammondville. In 2010 -11, the clubhouse was given a major facelift so that it now provides a large, family-friendly, inviting environment often called *the Hub of the community*.

The Club had over 15,000 members at 30 June 2015, is growing in membership and is operating profitably.

The Club's objectives are to encourage, foster and promote sport with the function of the board, management and staff to serve the best interests of creating a legacy of strong local sport in the area. The Club intends to pursue those objectives in its operation of the proposed development for the benefit of the developing suburbs in the Camden Local Government Area.

1.4 THE AUTHOR

This SIA has been prepared by George W Smith, a consultant at Design Collaborative Pty Ltd (DC), planning and development consultants, who has been preparing SIAs and similar documents to satisfy the requirements of the Environmental Planning and Assessment Act, the Liquor Act and the Gaming Machines Act for over 20 years. Mr Smith is familiar with the Camden area having undertaken consulting work in it for over 40 years with one of his first involvements being gaining approval for what is now Lockie's Hotel at Leppington.

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2. THE CONTEXT

The proposed development is located in the Central Hills Business Park which, together with the adjoining Gregory Hills Corporate Park, is the largest area of land yet zoned to accommodate employment in the South Western Growth Centre which extends from Narellan, north to Liverpool, and which is planned to accommodate some 300,000 people when it is fully developed. Areas in the Camden Local Government Area, currently released, or being prepared for release, for development could house around 150,000 when fully developed.

Development in the Business and Corporate Parks is progressing rapidly. That development is diverse, ranging from an already established pub, through a variety of commercial and industrial premises, to proposed hospitals. It is anticipated that the Parks will provide employment opportunities for several thousand workers.

The site occupies the northeastern corner of the Business Park. The land to its east, north-east and south-east is developed with housing while the land to the north, west and south is being developed for non-residential purposes.

While the physical impacts of the proposed development would be largely confined to a relatively limited area, its social impacts are likely to be felt over a much wider area.

It seems likely that – in the medium to long term - the bulk of the membership of the proposed satellite club would be drawn from across the southern parts of the Growth Centre as well as from already developed suburbs nearby. The latter would include Narellan, Mt Annan, Spring Farm, Currans Hill and Harrington Park as well as the still developing suburbs of Gregory Hills, Gledswood Hills and Oran Park and the proposed suburb of Catherine Field. When the construction of Gregory Hills Drive is completed, providing a direct link to Campbelltown, it is reasonable to expect some members of the proposed club could live in that City.

The resident population of the area from which membership is likely to be drawn, is already large and is growing rapidly. That is exemplified by Gregory Hills where, at the time of the 2011 Census, only 11 people were recorded but where there is now a population estimated to be in the order of 3,000. A similar situation prevails in Gledswood Hills, the suburb directly to the north of the proposed pub, where the population is probably about 2,000. Those two suburbs are planned to house 11,000 people when fully developed.

West of Camden Valley Way, there has been recent growth in the northeastern part of the older suburb of Harrington Park while, further away to the northwest, there is the growing suburb of Oran Park. In addition, land sufficient to accommodate a population in the order of 7,500 has been released at the southern end of Catherine Field.

Thus the area around the proposed club, from which it could be expected to draw its members, probably, has a population in excess of 40,000, a figure which is increasing rapidly. When the results of the 2016 Census emerge in 2017, the size of the population in the area will become clearer although, as there will have been several months of growth between the date of the Census and the release of the results, the actual population will be even greater.

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Because of the recent origins of the suburbs from which members are likely to be drawn, there is little data available about the characteristics of the populations they house. However, it seems reasonable to infer that the recently arrived, and arriving, populations exhibit much the same characteristics as the populations of other newer suburbs of Camden. Looking at four of those suburbs – Harrington Park, Currans Hill, Mount Annan and Spring Farm – which had a total population of almost 25,000 in 2011, from Quickstats, their populations exhibited the following fairly uniform characteristics:

- i) Their median ages were well below the State's 38 years, ranging from 33 in Harrington Park to 27 in the most recently developed, Spring Farm;
- ii) The average numbers of persons per household were higher than the State's (2.7) except in Spring Farm which also recorded 2.7. Harrington Park recorded the highest at 3.4;
- iii) About 80% of the populations were born in Australia, a percentage similar to the State's 78.6%;
- iv) Unemployment levels were well below the State level;
- v) The percentages of the workforces in professional or managerial occupations were markedly lower than the State's (36.2%) being lowest in Currans Hill (26.5%) and highest in Harrington Park (32.3%);
- vi) The percentages who described their occupations as labourers were generally lower than the State's (8.7%) although, in Currans Hill, the percentage was also 8.7%;
- vii) Median weekly incomes were generally higher than those of either the Camden LGA or the State's as the table below illustrates:

	Personal	Family	Household
Harrington Park	\$770	\$2127	\$2124
Currans Hill	\$763	\$1727	\$1669
Mount Annan	\$784	\$2053	\$1937
Spring Farm	\$908	\$2003	\$1911
Camden LGA	\$690	\$1865	\$1727
NSW	\$561	\$1477	\$1237

- viii) Median monthly mortgage repayments are higher than the State's (\$1993) ranging from \$2167 in Currans Hill to \$2500 in Harrington Park.

From these data, it seems reasonable to infer that the population moving into area near the proposed development will generally consist of younger, first-home buyers who have (or plan to have) families. They tend to be upwardly mobile with many being employed in middle income occupations.

The area around the proposed development is part of the 'mortgage belt' with mortgage repayments levels being sufficiently high to generate some concern about housing stress. However, as might be expected in an area where the provision of

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housing finance is dependent on employment and income prospects, unemployment was low and median household incomes substantial. The latter is probably the result of there often being more than one income earning person in each household.

Another characteristic of the recently developed suburbs was a high level of motor vehicle ownership.

There is no data available about the characteristics of the people who will make up the future workforce in the two Parks but they are likely to be employed in both white and blue collar occupations. The likely emergence of the Parks as a significant regional hospital and health centre suggests that the many may tend to be in the white collar portion of the workforce.

3. EXISTING CLUBS

The South West Growth Centre is not without established registered clubs, there being two lying to the north of the site: the Lakeside Golf Club in Raby Road and the Camden Valley Country Club in Catherine Field (now Gledswood Hills). Measured in straight lines, these clubs are 3.2 and 1.4 kms from the site, respectively. Each was established before the Growth Centre was envisaged, at times when the surrounding area was rural in character. The Country Club was originally a golf club and Lakeside remains a golf club. Each encountered financial difficulties which resulted in them being taken over by Western Suburbs Leagues (Campbelltown) Ltd.

The Country Club was founded in 1964 as a golf resort but its golf course is now developed as part of the housing estates in Gledswood Hills. It has devolved into a social club which will soon be surrounded by suburbia. There are reported to be plans to expand it by adding serviced apartments but it is unclear whether or not that proposal has development consent.

The Lakeside Golf Club, off Raby Road, became registered about 2010. It states that it intends to maintain its golf course but also has plans for a major expansion of its clubhouse and the addition of a 60 room motel. Again, it is unclear how far that proposal has progressed.

There are three other clubs in the Camden Local Government Area – the Camden Golf Club at Studley Park, just south of Narellan; the Camden RSL Club and the Camden Sports Club, both of which are in Camden. Each of these clubs was established long before the Growth Centre was envisaged.

None of these clubs serves as a good model against which to judge the potential social impact of the proposed development due to their ages, locations or characteristics as the proposed satellite club would provide a new facility serving a new community (just as the Club did when it was established in Hammondville). However, there is little evidence that the existing clubs have significant adverse social impacts on the Camden community.

The most recent Crime Maps produced by BOCSAR indicate that the existing clubs – apart from the two in Camden – are not in hotspots for incidents of the types of crimes

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usually associated with the excessive consumption of alcohol – domestic violence assaults, non-domestic violence assaults and malicious damage to property. The two clubs in Camden are in a minor hotspot for assaults.

One reason for that is that the Camden Local Government Area as a whole does not experience high levels of those crimes.

Under the Gaming Machines Act, the Independent Liquor and Gaming Authority is charged with the responsibility of classifying local government areas in NSW into one of three 'bands' based on socio-economic characteristics of their populations, the density of gaming machines and its records of expenditure on gaming machines. The Camden Local Government Area has been placed in Band 1. That is to say, it is an area where the Authority considers that gaming machines pose little or no threat to the well-being of the community.

Section 209 of the Gaming Machine Act prohibits councils from refusing, or placing conditions relating to gaming machines on, development applications because the proposed development envisages having gaming machines.

4. SOCIAL IMPACTS

There is no reason to anticipate that the proposed club would have any greater adverse crime impacts than the existing clubs. Because it has been designed and will be operated in manners intended to reduce potential problems, its impacts ought to be lower.

In Council's *Policy No. 1.21*, the following topics are mentioned:

- i) *Responsible service practices*: The liquor and gaming machine legislation requires those involved with the sale, supply and service of alcohol or the provision of gaming to be appropriately certificated to be engaged in those activities. The secretary/manager of the proposed satellite club will be, by law, responsible for ensuring that all employees on duty are appropriately qualified and supervised at all times. In addition, the proposed club – as a satellite club – will operate under the auspices of the Club at Hammondville which has established procedures relating to responsible service and will require them to be implemented at its satellite club;
- ii) *Noise affecting residents*: The nearest residents are those living along Donovan Boulevard and Discovery Circuit in Gregory Hills and along Heritage Way in Gledswood Hills, all of which are about 150 metres from the site. When it is granted a club licence under the Liquor Act, that licence will be conditioned to require the proposed development to be operated in accordance with the standard, so-called LAB/ILGA, noise condition. Compliance with that condition would mean that noise from entertainment or like activities in the proposed development would not adversely affect the aural environment of any resident.

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The noise impact assessment, prepared by Acoustic Dynamics, concludes that noise from activities in the clubhouse would not disturb the nearby residents.

Noise from traffic generated by the club could be another source of noise nuisance and the management should implement measures to ensure that noise - such as from patrons slamming car doors and accelerating out of the park - were adequately controlled late at night in order to protect the amenity of nearby residents. That is likely to require the exhibition of signs requesting people to leave the site as quietly as possible and not to linger around it. It may also require the employment of security personnel in the parking area;

- iii) *Waste*: All wastes will be collected and stored within the building and will be removed by licensed contractors or Council. Wastes will be sorted as they accumulate in order to allow re-cycling wherever possible;
- iv) *Anti-social behavior*: The proposed development will be appropriately staffed to ensure that anti-social behavior by patrons on the premises is avoided. In addition, each night from 8 pm until after the club closes, a qualified security guard will be stationed at the club to assist its ordinary staff to ensure quiet and good order is maintained. When entertainment is provided, additional security guards will be employed at the industry-accepted rate of 1 per 100 persons anticipated to be in attendance. If trading experience shows that, even without entertainment, numbers in attendance in the evenings regularly exceed 150, an additional security guard will be on duty while the number present exceeds 150.

Among the duties of staff and guards will be advising patrons to leave quietly, particularly, towards closing times and to do so promptly.

In addition, the club will have a comprehensive CCTV system providing both real-time and recorded surveillance of its interior and its surrounds, including the car park which should assist in deterring anti-social behavior which could disturb the amenity of the neighbourhood.

Another factor influencing the potential for anti-social behavior will be the nature of the club's clientele. Given the characteristics of the local population which will probably contain a sizeable proportion of young families in the evenings and at weekends while, during daytime on weekdays at least, that clientele is likely to contain a significant proportion of business people from the Business and Corporate Parks. Neither of these classes of clientele is usually associated with significant levels of anti-social behavior.

- v) *Traffic*: The site is located in a non-residential area and almost all of the traffic the proposed development will generate is likely to use Gregory Hills Drive which is designated as a sub-arterial road and, when extended to Campbelltown, may be classified as a State Road. Other traffic may use streets in the Corporate Park. The contribution to the volume of

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traffic on that Drive which the proposed club may make is likely to be quite minor. That 4-lane road has ample capacity to cope with the traffic the proposed development may generate. In these circumstances, traffic should not create any adverse social impact.

- vi) *Sensitive land-uses:* It appears likely that there will be sensitive land-uses close to the site. The closest would be the approved Gregory Hills Hospital which abuts the site on the south. While primarily a day surgery facility, it appears that it may have some patients who will stay overnight. The principal impact which the proposed development would have on that hospital seems likely to be noise from the parking area. The hospital will be air-conditioned and that may attenuate any untoward noise to an acceptable level.

The proposed Camden Private Hospital's site faces Heritage Way in Gledswood Hills but extends north from Gregory Drive. It is understood that the southern part of that site is to be developed with a health centre containing consulting and like rooms. Such a building would be a less sensitive receptor than the hospital which would lie further from the site and thus less likely to be affected by noise.

Council's Policy lists child care centres as a sensitive land-use. Such a centre exists on Lasso Road and is more or less opposite the site across Rodeo Road. As the child care centre is in the Corporate Park, it is likely that most children will arrive and depart by motor vehicles and so should be removed from exposure to the traffic which might be generated from the site, at the times when they arrive or leave.

The residential areas also constitute sensitive land-uses with the principal threat to their amenity being that the proposed development may generate excessive noise. If the proposed development were to be poorly managed which could result in, at least, some instances of low levels of inebriation, the behaviors of patrons walking home from a night out could also cause disturbance.

To avoid irritating these sensitive land-uses, the management of the club must ensure strict compliance with the responsible service of alcohol measures through having adequate numbers of trained staff on duty to monitor patron behavior and security guards to patrol the site and, if necessary, nearby streets and the riparian corridor,

- vii) *Community concern:* There is no evidence of any community concern about the proposed development following the notification of DA 648.1/2016;
- viii) *Suitability of the premises:* The proposed development has been designed specifically for operation as a registered club and thus the premises would be suitable for use for that purpose. The plans of the proposed club provide adequate sanitary facilities for the premises. Those facilities include an accessible toilet and a parents' room. The premises and the site

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will be appropriately and adequately lit at all times. All parts of the building will be accessible to the wheelchair handicapped who will also have access to the building from Rodeo Road; and

- ix) *Suitability of the site:* The site is of adequate size to accommodate the proposed development and to provide appropriate access for vehicles and pedestrians. The road network has the capacity to cope with the traffic generated.

While the matters listed above, generally, deal with potentially adverse impacts, the proposed development will have beneficial impacts on the same community. These will arise, firstly, from the proposed development providing the community with a place where it can socialize in safe surroundings but, more importantly, from the Club's intention to support junior sporting organizations in this developing area. That support may be financial or in kind through training or like activities.

5 CONCLUSION

It seems evident from the foregoing that, provided the satellite club is appropriately managed, the proposed development is unlikely to have any significant adverse social impact on the community which is developing around it. Its development should result in benefits to the broader community in the Growth Centre through its fostering of junior sports as well as fulfilling the traditional role which registered clubs play in communities as social meeting/recreational places. Establishment of the proposed development should help the disparate populations moving into the new housing estates in the Growth Centre transform into real communities which would be a thoroughly desirable outcome.



**Draft Submission to
Department of Planning and
Environment**

***Review of Complying Development in
Greenfield Areas***

JUNE 2017

1. Table of Contents

Executive Summary.....	3
Introduction	4
Background	4
Key issues.....	5
A. The Greenfield Housing Code.....	5
Side setbacks.....	5
Rear Setbacks.....	7
Double Garages on Narrow Lots.....	8
Landscaped Area.....	9
Principal private open space and solar access.....	10
Tree planting requirement.....	10
Consistency of Terminology.....	11
B. Overcoming barriers to housing approvals.....	11
The inability to build dwelling houses on lots prior to the registration of a subdivision plan	11
Easements and other instruments under the Conveyancing Act	12
Roads Act Approvals	13
Local Government Act Approvals	14
Interpretation of development standards.....	15
C. Subdivision and Masterplan Guidelines.....	15
Conclusion and Summary	16

Executive Summary

Council has prepared this submission in response to a Review of Complying Development in Greenfield Areas undertaken by the Department of Planning and Environment (DPE).

DPE has released for feedback:

- Background Paper – A Review of Complying Development in Greenfield Areas; and
- Explanation of Intended Effect (EIE) for a proposed new Greenfield Housing Code

As a result of its investigation, DPE has reported three key initiatives to improve the complying development regime for greenfield areas. These have been raised in the Background Paper and consist of:

- A. ***The Greenfield Housing Code***, which includes the introduction of a new section to the Codes SEPP;
- B. ***Overcoming barriers to housing approvals***, which identifies five main barriers to housing approvals including:
 - the inability to building dwelling houses on lots prior to registration of a subdivision plan;
 - easements and other instruments under the Conveyancing Act;
 - Roads Act Approvals;
 - Local Government Act Approvals;
 - interpretation of development standards; and
- C. ***Subdivision and Masterplan Guidelines***, which discusses possible state-wide guidelines for greenfield subdivision and masterplans.

Council welcomes the opportunity to comment on DPE's initiatives and has conducted an internal review of the proposed changes.

Camden Council is effectively planning and managing development in greenfield areas within the South West Priority Growth Area (SWPGA). In Council's experience with complying development in greenfield sites, the rigidity of complying development in hindering positive design-led outcomes has been a matter of concern. Council is therefore invested in ensuring good urban design outcomes and supports an overall review of greenfield complying development.

Council's submission suggests the changes proposed in DPE's review needs to be further refined and strengthened to secure good urban design outcomes in greenfield areas. Any opportunities to 'road test' proposed changes would also be welcome.

Introduction

This document forms Camden Council's formal submission on the *Background Paper – A Review of Complying Development in Greenfield Areas and Explanation of Intended Effect* for a proposed new Greenfield Housing Code.

Extensive experience with greenfield complying development makes Council well-placed to suggest further reviews and improvement to the complying development standards and procedures.

Between 2014 to 2015, 1328 complying development certificates (CDCs) were issued in the Camden Local Government Area (LGA). This was the highest number determined for single dwellings in the state. In 2016, a total of 2026 CDCs (all types) were issued in the LGA, an increase from 1809 in 2015.

Council suggests an evidence-based approach to identifying the potential issues, constraints and solutions in greenfield complying development for the purposes of producing effective design-led outcomes.

Background

DPE Review

In response to stakeholders' feedback, DPE undertook a review of greenfield areas to identify the barriers for using the complying development pathway. As a result of their review, DPE proposes recommendations to overcome these barriers, with the intention of promoting good design principles in greenfield areas across NSW.

As part of the exhibition package, DPE released:

1. Background Paper – A Review of Complying Development in Greenfield Areas
2. Explanation of Intended Effect (EIE) for a proposed new Greenfield Housing Code

Public exhibition

The public exhibition period for this Background Paper and EIE concludes on 7 July 2017.

Key issues

A. The Greenfield Housing Code

The proposed Code intends to standardise and streamline the complying development standards that apply to the construction of dwellings on residential-zoned land within any urban release area, including released precincts under the Growth Centres SEPP, and urban release areas mapped under the Camden LEP.

The following elements of the proposed Code are discussed below:

- side boundary setbacks;
- rear boundary setbacks;
- double garages on narrow lots;
- landscaped area;
- principal private open space and solar access;
- tree planting requirements; and
- consistency of terminology.

A comparison table which compares the controls under the existing Codes SEPP, Camden Growth Area DCP and the proposed Code is included as **Attachment 4 to this report**.

Side setbacks

A comparison of the minimum side setback controls included in the proposed Code, the current Codes SEPP and the Camden Growth Areas DCP is **provided in Table 1 below**:

Table 1 - comparison of side setback controls

Camden Growth Areas DCP	Codes SEPP	proposed Code
0m and on detached boundary 0.9m and 1.2m double >4.5m wide lots 7 to 9m - 0m both sides 9 to 15m - 0m and 0.9m >15m - 0.9m both sides	<u>Lots of 6-10m width:</u> - for any part of the building with a height of up to 5.5m—0.9m, and - for any part of the building with a height of more than 5.5m—0.9m plus one-quarter of the height of the building above 5.5m, <u>Lots of 10-18m width:</u> - for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m	6 to 7m – Side A 0m Side B 0m >7 to 10m – Side A 0m Side B 0.9m >10 to 15m – Side A 0m Side B 0.9m >15m – Side A 0.9 Side B 0.9m

The existing Codes SEPP requires the provision of a larger side setback to the first floor of a dwelling as the height of the proposed dwelling increases, which improves the articulation of the external

walls of the dwelling, increases solar access and reduces overshadowing of adjoining properties, and provides additional privacy to the occupants of the dwelling. Notwithstanding the benefits of the current setback control in the Codes SEPP, the control is complex and difficult to interpret.

The proposed Code intends to simplify the side setback control by providing a minimum side setback which is based upon the width of the lot, and by deleting the requirement to step the first floor back from the boundary.

Whilst it is acknowledged that the side setback control in the proposed Code is easier to understand, concern is raised that the new control will have a negative impact upon amenity due to increased overshadowing, reduced solar access and reduced privacy.

The proposed Code also intends to allow the approval of zero lot line dwellings as complying development. Concern is raised that the proposed Code does not require an easement for access and maintenance to be obtained over the property which shares the boundary with the zero lot line dwelling wall. This will create future access and maintenance issues for the resident of

Comments/Recommendations:

- Request DPE to ensure that the proposed side setback control does not have an adverse impact upon overshadowing, solar access and privacy of adjoining properties.
- Request DPE to ensure that the proposed Code requires a maintenance and access easement to be obtained on the adjoining lot if it is proposed to construct a dwelling with nil side setback as a CDC.

Rear Setbacks

A comparison of the minimum rear setback controls included in the proposed Code, the current Codes SEPP and the Camden Growth Areas DCP is provided in Table 2 below:

Table 2 – comparison of rear setback controls

Control	Camden Growth Areas DCP	Codes SEPP	proposed Code
Ground floor rear setback	4m	3m	3m
First floor rear setback	6m	8m for lots >300m ² 10m for lots <300m ²	6m

The rear setback controls included in the proposed Code incorporate the existing 3m ground floor rear setback control from the Codes SEPP, along with the existing 6m first floor rear setback control from the Camden Growth Areas DCP.

The 3m ground floor setback control contained in the current Codes SEPP is delivering undesirable planning outcomes, as those dwellings that have been approved under the Codes SEPP within the Camden LGA and adjoining LGAs have rear yards which provide limited opportunity for landscaping,

mature vegetation, solar access, ventilation and private open space. The increased ratio of hard surface area (dwellings, outbuildings, driveways) to soft surface area (lawns and landscaped areas) results in increased stormwater run-off and reduced opportunity for infiltration of rainwater into the soil. An increase in hard surface area may also have long-term sustainability impacts due to the increased heat retention of hard surfaces in summer.

An example of the built form outcome achieved in some Growth Area precincts, including small rear yards with limited opportunities for landscaping and mature trees, is shown at **Figure 1 below**.



Figure 1 – Aerial image of new subdivision in Growth Areas

Concern is raised that retaining a 3m ground floor rear setback in the Codes SEPP, and adopting the same 3m ground floor rear setback in the proposed Code, will increase the cumulative negative impact of small rear yards in greenfield release areas, particularly if the proposed Code results in a larger up-take of complying development as is intended by DPE.

Comments/Recommendations:

- A minimum ground floor rear setback of 4m should be included in the proposed Code, and the current Codes SEPP should be amended to include a minimum ground floor rear setback of 4m to achieve consistency with the Camden Growth Areas DCP.

Double Garages on Narrow Lots

The proposed Code seeks to permit double garages as part of a two storey dwelling on 10m wide lots as complying development. Council's current controls do not currently permit single garages on lots between 10 and 12.5m in width. However, Council officers have undertaken investigations on design criteria for dwellings with double garages on narrow lots. The design criteria focus on design objectives and controls which require that:

- a) no loss of on street parking at the front of the property;

- b) driveways are to be a minimum of 4m crossover width for double garages, set back a minimum of 0.5m from side boundaries, and demonstrate no conflict with services as per Council's Design and Construction Specification – Access driveways;
- c) the inclusion of a habitable room which overlooks the street and incorporates a balcony into the design of the front façade;
- d) the balcony must cover at least 50% of the width of the dwelling;
- e) the double garage must be recessed from the main building;
- f) the balcony element must be of a different finish to the main dwelling, to break up the bulk of the façade;
- g) the front entrance must be visible from the street; and
- h) non-habitable rooms are discouraged from being located at the front of the dwelling (apart from the front entrance).

Council officers are supportive of double garages on narrow lots if specific development standards and design criteria are imposed to ensure that appropriate built form and design outcomes are achieved.

Comments/Recommendations:

- Request DPE to incorporate specific design criteria for double garages on narrow lots in the proposed Code to ensure passive surveillance to the street is maintained, the visual impact of double garages on the streetscape is reduced, the availability of on street car parking is maintained, and the apparent bulk and scale of the dwelling is minimised.

Landscaped Area

A comparison of the minimum landscaped area control included in the proposed Code, the current Codes SEPP and the Camden Growth Areas DCP is **provided in Table 3 below:**

Table 3 – comparison of minimum landscaped area controls

Camden Growth Areas DCP	Codes SEPP	proposed Code
15% for lots <9m width 25% for lots between 9m and 15m width 30% for lots >15m	10% for lots 200-300m ² 15% for lots between 300 and 450m ² 20% for lots between 450 and 600m ² 30% for lots 600-900m ²	15% for lots 200-300m² 50% for lots >300m² (subtract 100m² from the calculated total)

The minimum landscaped area control included in the proposed Code is generally consistent with the existing Camden Growth Areas DCP and requires a greater amount of landscaped area to be provided when compared to the current Codes SEPP, which is a positive outcome.

Despite the existing and proposed controls for minimum landscaped area being generally consistent, concern is raised that the minimum landscape area is insufficient to allow the infiltration of rainwater into the soil, which increases stormwater run-off and places additional stormwater load upon the existing and future water cycle management infrastructure during large storm events.

Comments/Recommendations:

- Request DPE to undertake further research to understand the cumulative impacts of increasing hard paved areas across greenfield release areas, and the potential cost impact if water cycle management infrastructure needs to be upsized or redesigned to cater for increased stormwater run-off.
- Request DPE to review the minimum landscaped area requirements in both the existing Codes SEPP and the proposed Code to determine the amount of landscaped area that is required to facilitate the infiltration of rainfall, maintain consistency with industry-standard impervious area assumptions used to design the water cycle management network for each release area, and to have regard for the role that landscaped areas play in sustainability.

Principal private open space and solar access

A comparison of the minimum principal private open space (PPOS) and solar access controls included in the proposed Code, the current Codes SEPP and the Camden Growth Areas DCP is provided in Table 4 below:

Table 4 – comparison of PPOS and solar access controls

Control	Camden Growth Areas DCP	Codes SEPP	proposed Code
PPOS	20m ²	16m ² for lots of 6-10m width 24m ² for lots >10m width	No minimum requirement
Solar access	50% of PPOS (including adjoining properties)	No minimum requirement	No minimum requirement

Concern is raised that the exclusion of minimum PPOS and minimum solar access controls from the proposed Code will have a negative impact upon the amenity of future residents, as there is no requirement for dwellings to be provided with an area which is of sufficient size and has reasonable solar access for the enjoyment of residents.

Comments/Recommendations:

- Request DPE to include the current Codes SEPP control for PPOS in the proposed Code, and should amend both the Codes SEPP and proposed Code to include minimum solar access requirements as per the current Camden Growth Areas DCP.

Tree planting requirement

The provision of one tree within the rear setback and one tree within the front setback is supported. However, concern is raised that the existing Codes SEPP allows CDCs to be issued for the removal of trees within 3m of a dwelling, which would enable trees planted under the proposed Code to be removed.

Given the limited space available within the front and rear yards under the proposed Code, the species of tree to be planted will require careful consideration with regards to height and width, growth rates, dropping of branches, and invasiveness of root systems to ensure their long-term compatibility within a modern urban environment.

Comments/Recommendations:

- The requirement to plant one tree within the rear setback and one tree within the front setback is supported.
- Request DPE to amend the Codes SEPP so that any trees planted in conjunction with a dwelling approved under the proposed Code cannot be removed via a CDC.

Consistency of Terminology

The EIE contains inconsistent terminology regarding the description of the first floor of dwellings which may cause confusion or misinterpretation of the proposed controls.

Comments/Recommendations:

- Request DPE to review the EIE and proposed Code to ensure that consistent terminology is used throughout.

B. Overcoming barriers to housing approvals

The inability to build dwelling houses on lots prior to the registration of a subdivision plan

Under the existing legislation, an accredited certifier cannot issue a CDC for development proposed on an unregistered lot, where a subdivision certificate has not been released and the deposited plan has not been registered with Land and Property Information. The exhibition package identifies this as a barrier to the uptake of complying development in greenfield areas.

DPE proposes to amend the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow CDCs to be issued with a “deferred commencement condition” applied to certificates for the construction of dwelling houses on unregistered lots. A “deferred commencement condition” means

that the consent is not operative (i.e. it cannot be used) until the deferred commencement condition has been satisfied, which in this instance, requires the land to be registered.

At the meeting of 14 March 2017, Council considered a report on proposed changes to the EP&A Act via the *Environmental Planning and Assessment Act Bill 2017*, which also proposed to introduce deferred commencement conditions for complying development certificates on unregistered lots. The report of 14 March 2017 (and the subsequent submission to DPE) raised concern with the proposal given the potential conflicts between dwelling design and siting, and the location of services and infrastructure such as drainage lintels, pram ramps, street trees, street lighting posts and residential driveways. Those concerns are reiterated in response to the current proposal.

Council has an existing process for development applications and/or construction certificates for dwellings on unregistered lots which facilitates timely development in these circumstances and is based on experience of the issues that arise for development on unregistered lots. The process sets out the matters that need to be resolved prior to consent being granted, including:

- a) site/civil works being substantially progressed, including road access and drainage construction;
- b) completion of final lot levels;
- c) 'staking' or setting out of the lot by a registered surveyor; and
- d) installation of essential services and infrastructure.

Council is able to effectively manage these issues where it is the consent authority for both the original subdivision DA and current dwelling DA on unregistered land, as it has access to the necessary information to inform the assessment of the application. However, this information would not be available to a private certifier who is assessing a CDC application on unregistered land.

Comments/Recommendations:

- Request DPE to proceed with the proposed introduction of complying development on unregistered lots, for the reasons outlined in the current draft submission and Council's previous submission on this matter

Easements and other instruments under the Conveyancing Act

Clause 3.4(b) of the General Housing Code currently states that a new dwelling house cannot be carried out as complying development if it is located over a registered easement.

DPE has identified that clause 3.4(b) acts as a barrier to complying development on narrower lots where zero lot lines are provided, and maintenance easements are provided over adjoining properties to enable access and maintenance to occur. DPE is exploring options to amend clause 3.4(b) to allow complying development over registered easements in certain circumstances.

Easements are only created over newly subdivided land in greenfield areas where the land is encumbered by infrastructure (water, drainage, sewerage, electricity assets) or where access is required across the land by a person other than the owner.

Access is often required over narrow lots where zero side boundary setbacks (zero lots lines) are proposed, to ensure that the owner can obtain access over the neighbouring lot to maintain their dwelling. This is supported by the subdivision approval process contained in the Growth Areas DCP, which requires easements to enable access for the maintenance of zero lot line boundary walls.

Concern is raised regarding any changes which allow registered easements to be overlooked when issuing CDCs. If these easements are no longer required, they should be extinguished before a CDC is sought.

Comments/Recommendations:

- Request DPE to not allow complying development to occur over registered easements.

Roads Act Approvals

Clause 1.18(1)(e) of the Code SEPP currently states that before a CDC is issued, written consent from the relevant Roads Authority must be obtained prior to constructing any works within the road reserve, including kerbs, crossovers or driveways. This is consistent with section 138(1) of the *Roads Act 1993* which states that a person must not carry out road works and structures, such as driveways, other than with the consent of the appropriate roads authority.

DPE suggests that CDC approvals may be streamlined by implementing 'in principle' concept approval of the location of a driveway or crossing under the Roads Act as part of the subdivision approval process.

The exhibition material acknowledges Camden Council's fast-track approval process that provides on-the-spot approval for driveways and road openings, provided Council's design requirements are met. In Council's experience, the fast-track approval process has allowed a large volume of applications to be processed in a timely manner, and has reduced the impact of these approvals on the development process.

Comments/Recommendations:

- Request DPE to not proceed with the suggested 'in principle' approval of driveways as this may introduce an unnecessary layer in the finalisation of CDCs.
- DPE's recommendation to encourage other Councils to adopt a similar fast track approval process to that implemented by Camden Council is supported.

- Request DPE to clarify how the 'in principle' concept approval envisioned by DPE would apply to unregistered land.

Local Government Act Approvals

Clause 1.18(1)(d) of the Codes SEPP requires that a CDC can only be issued where approval has been issued for an on-site effluent disposal system if the site is unsewered. Approval for on-site systems is obtained under Section 68 of the *Local Government Act 1993* (LG Act), and many Councils (including Camden Council) do not issue approvals for on-site systems on vacant lots – they are generally approved concurrently with a development application for a dwelling house.

DPE has identified that this approach restricts CDCs on vacant lots on unsewered greenfield areas. As a result, DPE intend to provide advice which clarifies the operation of clause 1.18(1)(d) of the Codes SEPP and section 68 of the LG Act, and advises that Councils can approve on-site effluent disposal systems on vacant lots. DPE are also investigating the introduction of a time limit for the determination of section 68 applications by Council. The exhibition material is unclear on whether this change would be limited to CDCs only, or applied to all section 68 applications.

The subdivision of land in the Growth Area, and other urban release areas within Camden local government area, is tied to the provision of essential services including reticulated sewer, as it is not feasible to incorporate on-site effluent disposal into modern subdivisions given the trend towards smaller lot sizes. It is therefore unlikely that any modern greenfield subdivisions in the Camden LGA will occur without the provision of reticulated sewer.

Comments/Recommendations:

- Request DPE to clarify the circumstances where it believes a greenfield subdivision will need to be serviced by on-site effluent disposal, rather than connection to a reticulated sewerage system, prior to undertaking any changes.
- Request DPE to clarify whether it is intended to impose a time limit on the determination of section 68 applications for complying development only, or for all section 68 applications. Council requests further consultation from DPE on this matter prior to proceeding.

Interpretation of development standards

It has been identified by the DPE that the current Code SEPP is too complex and presents a barrier to the uptake of CDCs as an approval pathway. Council officers acknowledge that the Code SEPP is difficult to understand. The proposed Code is intended to address this issue. However Council officers have identified that there is further scope to simplify the Code SEPP to improve the ability to interpret the development standards.

Comment/Recommendations

- Council requests that DPE further consult with Council and the Development Industry before finalising the development standards.

C. Subdivision and Masterplan Guidelines

The background paper identifies that there is no state-wide guidance on the design of subdivisions and masterplans, and seeks to introduce subdivision and masterplan guidelines to assist Councils, developers and consultants when undertaking planning and subdivision in greenfield areas.

The background paper describes a potential structure for subdivision guidelines as follows:

1. *Identify the Context* (including community, place, natural resources, connections and vision);
2. *Shaping the Natural and Urban Structure* (the movement framework, street hierarchy, density, landscape, open spaces, blocks and parcels and plots and building size and scale);
3. *Creating Connections*;
4. *Providing Amenity*; and
5. *Detailing the Place*.

The precinct planning process which releases and rezones land in the Growth Area and urban release areas under the Camden LEP currently focuses on achieving sustainable urban development outcomes and well-designed subdivisions via the preparation of an Indicative Layout Plan (ILP) and supporting DCP controls.

The ILP is derived from the specialist studies undertaken during the precinct planning process and establishes an agreed framework for development within the greenfield release area. From this framework, detailed subdivision design is based upon the comprehensive neighbourhood and subdivision design requirements within the relevant DCPs, including the Growth Centres DCPs.

Strategic context

If compliance with the proposed subdivision and masterplan guidelines becomes mandatory, this would appear to be inconsistent with the aims and objectives of the draft South West District Plan as it would inhibit the planning and delivery of productive, liveable and sustainable urban environments which reflect best-practice and innovative design outcomes. The guidelines may also affect Council's ability to deliver upon its Community Strategic Plan and effectively manage urban growth.

Comments/Recommendations:

- Request DPE to clarify the role and relationship of the proposed subdivision and masterplan guidelines to the proposed Code, the Codes SEPP, Growth Areas DCP, Camden DCP 2011, the Growth Area precinct planning process, and the draft District Plan, and seek input from Council officers before finalising the proposed subdivision and masterplan guidelines.

Conclusion and Summary

DPE has undertaken *A Review of Complying Development in Greenfields Areas* and has exhibited a Background Paper which identifies issues and barriers to the take-up of complying development, and an Explanation of Intended Effect (EIE) which outlines the proposed Greenfield Housing Code.

Council officers have reviewed the Background Paper and EIE and have prepared a draft submission to DPE. Whilst Council officers generally support the intent of the review, the draft submission raises concerns regarding the inconsistencies between the controls in Camden's current DCPs and the proposed Greenfield Housing Code.

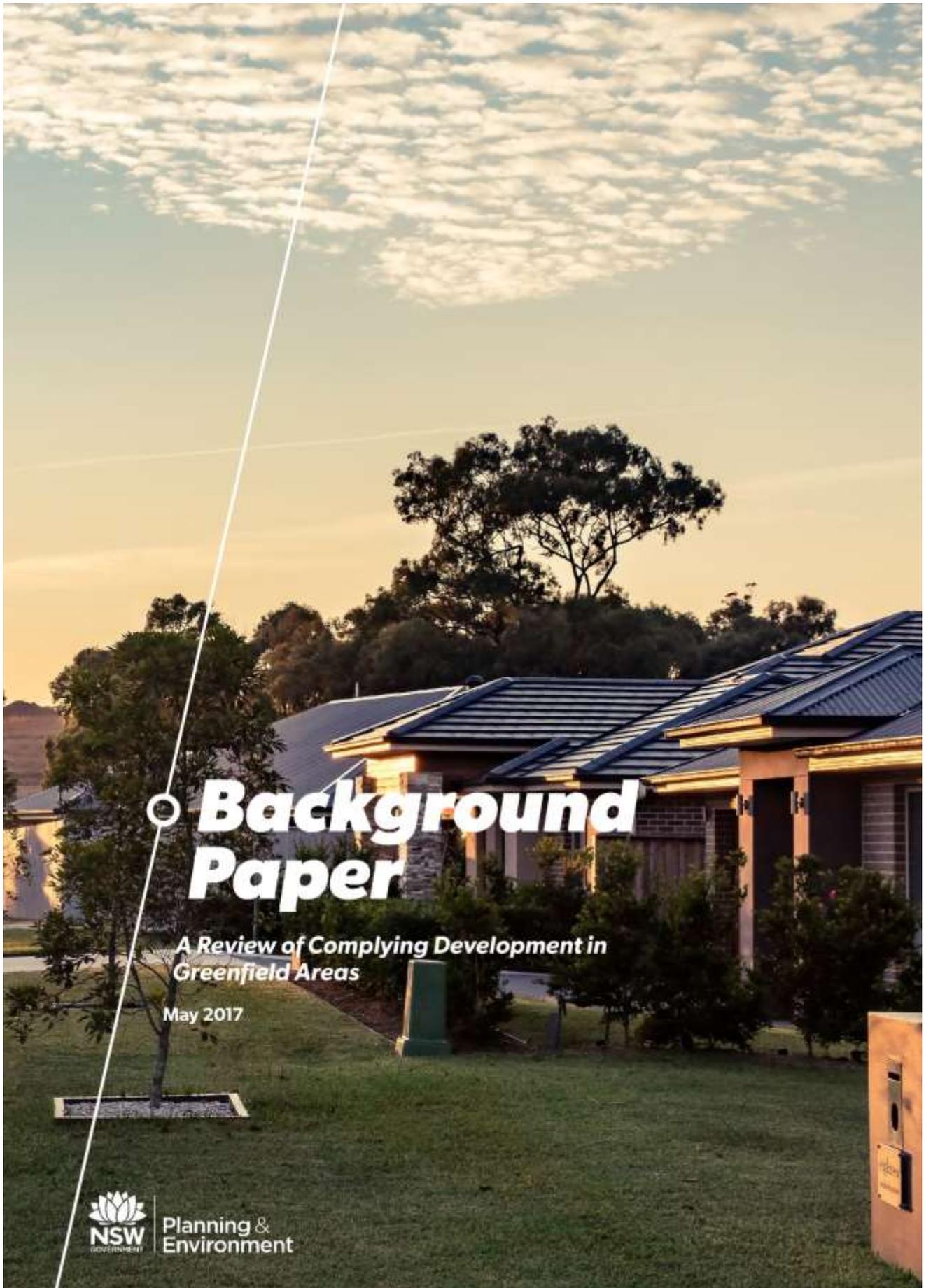
It is also questioned whether the proposed Greenfield Housing Code is inconsistent with the draft South West District Plan, as many of the proposed complying development controls prioritise the supply of housing over the delivery of high quality urban design, amenity and sustainability outcomes.

Concerns are also raised regarding the proposed measures to address the 'barriers' to complying development which include amendments to approvals under the Roads Act, imposing deferred commencement conditions for CDCs on unregistered lots, amending Local Government Act approval regulations, and allowing CDCs to be lodged and approved over registered easements.

Clarification is also sought from DPE regarding the application of the proposed subdivision and masterplan guidelines on existing and future greenfield developments in the Camden LGA.

ORD02

Attachment 2



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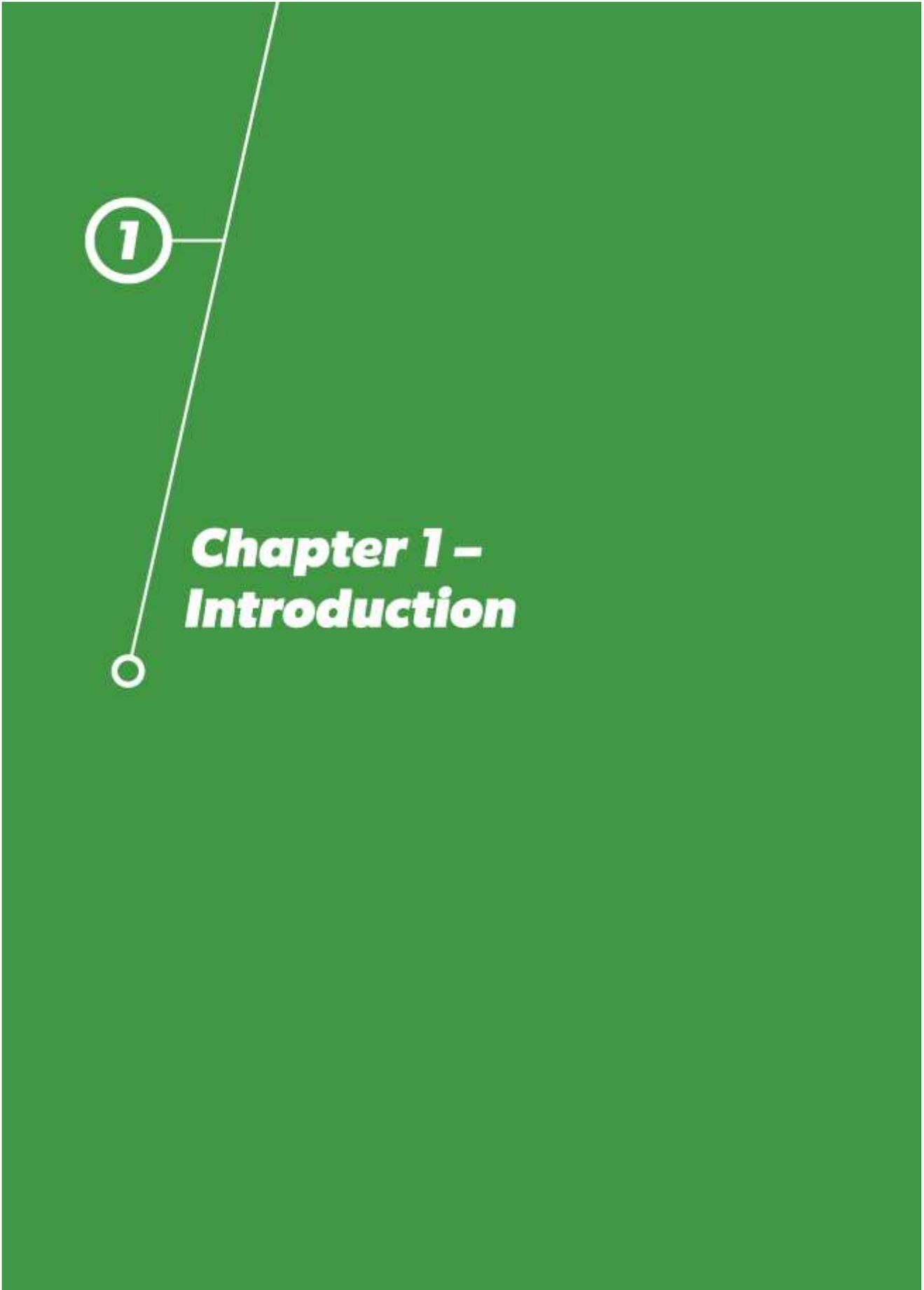
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Contents

Chapter 1 - Introduction	2
1.1 The Need for a Simpler Planning System	3
1.2 A Plan for Growing Sydney	4
1.3 Housing Approvals in New Release Areas	5
Chapter 2 – Overcoming barriers to housing approvals	7
2.1 Overview	8
2.2 Identified Barrier: the inability to build dwelling houses on lots prior to registration of a subdivision plan	11
2.3 Identified Barrier: easements and other instruments under the Conveyancing Act	12
2.4 Identified Barrier: Roads Act Approvals	13
2.5 Identified Barrier: Local Government Act Approvals	14
2.6 Identified Barrier: Interpretation of Development Standards	15
Chapter 3 – Subdivision and Masterplan Guidelines	16
3.1 Overview	17
3.2 The Benefits of Subdivision and Masterplan Guidelines	18
3.3 Subdivision layout approvals - current context	20
3.4 Proposed Subdivision Guidelines	21
3.5 How the Guidelines would be used	22
3.6 Broader Strategic Planning Context	23
3.7 Liveable and sustainable neighbourhoods	26
Chapter 4 – The Greenfield Housing Code	32
4.1 The Greenfield Housing Code	33
4.2 Where the Greenfield Housing Code would apply	34
4.3 Simplified Development Standards	35
4.4 Comparison with the draft Housing Code	39
Appendices	40
Appendix 1 Comparison of the Controls	41
Appendix 2 Stakeholder Issues	43
Appendix 3 Indicative Dwelling Plans	44



1.1 The Need for a Simpler Planning System

The NSW Government is committed to an efficient planning system that provides certainty by simplifying the assessment process for new homes, saving time and money for industry and homeowners.

This forms part of the Department of Planning and Environment's ongoing work to meet the Premier's Priority Target for Faster Housing Approvals, which is to achieve 90% of housing approvals within 40 days by 2019. It also goes to meeting the State Priority for increasing housing supply across NSW by delivering more than 50,000 approvals every year.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows the development of one and two storey dwelling houses and alterations and additions to dwelling houses to be carried out under a fast track approval process called complying development.

Complying development is a cheaper, fast-tracked approval pathway. Provided the proposed development complies with pre-determined development standards, approval in the form of a

complying development certificate (CDC) can be issued within 20 days. The development standards were developed in consultation with stakeholders and are intended to promote good amenity and design, whilst minimising impacts on neighbouring properties through minimum setback and landscaping requirements, and maximum height standards.

There are significant cost savings when carrying out complying development compared to a DA – a cost benefit analysis undertaken for the Department by The Centre for International Economics (CIE) in 2015 found that there are savings of up to \$15,000 for single dwellings if approved under a CDC instead of a DA. For other residential development, such as extensions and alterations, there are estimated savings of up to \$2,600 per application.

There are significant benefits associated with increasing the uptake of complying development in greenfield areas - reduced approval times, reduced development costs and greater certainty - all of which will be explored further in this Paper.



Figure 1: The Hermitage, Gledswood Hills (source: Sekisui House)

The Department of Planning and Environment produces an annual Local Development Performance Monitoring Report (LDPM) which details average assessment times for each council in NSW. The 2014/15 report showed that:

- CDCs now account for 32% of development approvals, up from 29% in 2013-14;
- \$5.24 billion worth of CDCs were approved under the NSW local development assessment system in 2014-15, up from \$4.43 billion in 2013-14, representing an increase of 18%;
- 29,075 CDCs were approved by council or private certifiers, representing a 17.4% increase from 24,770 in 2013-14; and
- CDCs took an average 22 days to determine in 2014-15, an increase of 25% from 18 days in 2013-14 compared to 71 days for a Development Application (DA).

Complying developments have significantly shorter approval times than DAs. The Department is examining opportunities to increase the uptake of residential complying development in greenfield areas by simplifying the development standards and tailoring them to suit these new growth areas.

In addition to simplifying complying development, the NSW Government recognises that it is critical that new release areas (greenfield areas) are well-designed to create distinct and attractive places for people which are environmentally, economically and socially sustainable.

This Background Paper identifies 3 key initiatives to encourage the uptake of complying development in greenfield areas whilst ensuring good design outcomes:

- 1. Removing identified barriers to the take-up of complying development;**
- 2. Providing guidance on well-designed subdivisions for greenfield areas at a strategic,**

precinct and neighbourhood level; and
3. Simplifying and tailoring the development standards for complying development in greenfield areas in a proposed Greenfield Housing Code.

Further information on the proposed Greenfield Housing Code is contained in the Explanation of Intended Effect (EIE) which is exhibited with this Paper.

1.2 A Plan for Growing Sydney

A Plan for Growing Sydney, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and livability – including the delivery of housing, employment, infrastructure and open space. A draft amendment to *A Plan for Growing Sydney*, titled *Towards Our Greater Sydney 2036*, was released in November 2016 to update the original plan released in 2014.

Sydney and NSW are sought after locations as a place to call home. It is therefore not surprising that our population is growing, with NSW projected to grow by more than 100,000 people each year.

By the year 2036, we will need to provide homes for an additional 2.2 million residents. Sydney alone will require an additional 725,000 new homes over the next 20 years just to keep pace with this demand. Many of these homes will be built in new land release areas, or greenfield sites, in the South West and North West growth areas of Sydney.

The proposed Greenfield Housing Code is designed to meet the overarching objectives of *A Plan for Growing Sydney* and meet the housing challenges associated with a growing population.

1.3 Housing Approvals in New Release Areas

Housing in greenfield areas has historically contributed between 20 to 30 per cent of new homes in Sydney, while other growth areas in NSW such as the Hunter Valley, Illawarra and North Coast have also seen a significant number of homes being built in greenfield areas.

Improving the approvals processes for homes in new release areas provides the opportunity to make significant reductions in the average time taken to approve new houses. Faster housing approval timeframes in new release areas can be achieved by allowing houses to be approved under the fast track complying development assessment pathway. Enabling houses to be approved as complying development in greenfield areas is appropriate, given the nature of new release areas, and has the added benefit of enabling local councils to dedicate limited resources to more complex applications that require rigorous merit assessment. In 2014/15, complying development certificates (CDCs) were issued in an average of 22 days, compared to 71 days for a development application (DA).

Given the unique nature of new release areas, housing approval timeframes should be quicker than processing applications in well-established suburbs. The constraints that sometimes complicate infill development (new homes in established areas) are less of an issue in new release areas where whole new communities are taking shape. It is reasonable to expect new homes to be constructed on neighbouring vacant blocks in new release areas.

Complying development is an attractive and viable option for facilitating faster approvals in greenfield areas. Appropriate development standards under this development pathway, which preserve amenity allow well-designed homes to be developed from the resulting building envelopes.

The majority of homes in new release areas comprise standard house designs developed and marketed by house building companies. This type of housing, while largely standardised, has been specifically designed to suit the typical lot and streetscape outcomes planned for new subdivisions.

Standardised development controls for new homes in new release areas would be well suited to the home building industry where a combination of faster approvals and efficiencies from standardised designs can deliver time and construction cost savings. Recent studies undertaken indicate that lot sizes within greenfield areas are reducing in size, with the average lot sold is now only 454sq m, down from 524sq m in 2010.¹

There is an opportunity to improve and strengthen the relationship between the subdivision stage and the house design stage which will assist faster approval timeframes and ensure a good design outcome for new neighbourhoods. This Paper will explore these opportunities.

1.4 Input from Key Stakeholders

The Department has received feedback from the development industry on barriers to the use of the complying development approval pathway in new release areas and other delays in obtaining approvals quickly and easily. The recommendations in this Paper builds on initial input from key stakeholders from the housing industry, home builders, growth area councils, and private certifiers, and incorporates research and external advice. The Department has also conducted workshops with key stakeholders to actively seek input on the barriers to the use of

¹ Source: State of the Land Report 2016, Urban Development Institute of Australia (UDIA)

complying development in greenfield areas, how these barriers can be overcome whilst achieving good design outcomes.

Appendix 2 provides a detailed list of the key stakeholder issues raised during stakeholder workshop sessions held in 2016.

Chapter 2 of this Paper provides a detailed overview of the barriers raised by stakeholders and the Department's proposed approach on how to address them.

The Department welcomes further input during the public exhibition period to inform the next stages of this project.



Figure 2: Brighton Lakes, Moorebank (source: Mirvac)

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Attachment 2

2

**Chapter 2 -
Overcoming
barriers to housing
approvals**

2.1 Overview

Stakeholder consultation carried out by the Department identified a range of factors within the NSW planning system that impede the take-up of complying development and act as barriers to faster housing approvals in greenfield areas.

This Paper discusses proposed changes which could assist with improving the delivery of housing in greenfield areas, not only in terms of cost and efficiency savings for homeowners and industry, but also achieving good design outcomes at the subdivision stage.

Table 1 on the following pages summarises the key barriers and suggested approaches to overcome them.



Figure 3: Brighton Lakes, Moorebank (source: Mirvac)

Table 1 – Summary of identified barriers and proposed approach

Barrier	Issue	Proposed Approach
Complying development cannot be carried out on unregistered lots ¹	<p>Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings.</p> <p>However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which results in delays for a CDC applicant, as the proposal cannot be assessed concurrently while the lot is being registered.</p>	<p>Legislative amendment to allow;</p> <ul style="list-style-type: none"> An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the Environmental Planning and Assessment Amendment Bill 2017; An amendment to the <i>Environmental Planning and Assessment Regulation 2000</i> to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot²; An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards y can be applied to an unregistered lot.³
Easements and other instruments under the Conveyancing Act	<p>In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls).</p> <p>Easements can limit the ability to do complying development in greenfield areas.</p>	<ul style="list-style-type: none"> The Department is considering this issue and welcomes feedback to inform the proposed approach. There may be scope to amend Clause 3.4 of the Codes SEPP to allow complying development despite a registered easement in certain circumstances.

1. An unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision, where that subdivision has been approved under a DA.

2. In this context, an unregistered lot refers to a proposed lot in a subdivision that has been approved under a CDC subject to a condition that the approved work cannot commence until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.

3. In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by an approved CDC.

Road Act Approvals (driveways and connections to public roads) are required prior to the issue of a CDC.	This causes delays in CDC approvals, as they cannot be granted until final consent of the driveway has been granted.	<ul style="list-style-type: none"> The possibility of streamlining approvals to allow driveways to be approved in principle early on at the subdivision or masterplan stage, and the final written consent under the Roads Act not required until prior to construction, rather than prior to the issue of the CDC. Encouraging council to adopt a fast-track approval process under the Roads Act based on standard construction requirements.
Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)	This causes delays to the CDC approvals, as they cannot be granted until a Section 68 approval of the Local Government Act is provided (clause 1.18 (1)(d) Codes SEPP).	<ul style="list-style-type: none"> The Department may issue guidance on the way in which clause 1.18(1)(d) (General Requirements for Complying Development) of the Codes SEPP is intended to operate. Alternatively, the Codes SEPP could be amended to make it clear that CDCs can be issued on vacant lots and/or consideration given to amending the Local Government Act to make it clear that section 68 approvals can be issued on vacant lots. This requires liaison with the Office of Local Government. Another option is to give consideration to prescribing a time period in which a consent authority must determine a Section 68 application . This requires liaison with the Office of Local Government.
Complying development standards are difficult to use/interpret and are not tailored for greenfield areas	Difficulties in interpretation of the complying development standards results in home-owners opting for a DA pathway.	<ul style="list-style-type: none"> The Greenfield Housing Code will contain simplified, tailored development standards for greenfield areas to promote the take-up of complying development in these areas. Given that lots in new release areas are typically smaller and narrower, the Greenfield Housing Code controls will be set out based on lot widths. The Greenfield Housing Code will be written in plain English, with explanatory diagrams to assist applicants to understand the provisions. Development standards will be simplified and structured in accordance with three overarching principles (Built Form, Landscape and Amenity). The number of development standards have been reduced, for example, gross floor area has been removed. Setback and landscape controls and an upper level site coverage control replace this. A detailed explanation and summary of the proposed development standards for the Greenfield Housing Code is set out in the Explanation of Intended Effect.

2.2 Identified Barrier: the inability to build dwelling houses on unregistered lots¹

Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings. However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which could result in delays for a CDC applicant, making a DA a more attractive approval pathway. Initiatives currently progressed under the Environmental Planning and Assessment Amendment Bill 2017 could allow a CDC to be issued subject to a condition that the lot is legally created.

Existing requirements for Complying Development on Registered Lots

The Codes SEPP allows a dwelling house to be built as complying development on a lot only if, at the completion of the development, there will be one dwelling house on the lot². Other development standards for dwelling houses set out in the Code (such as height, setback and landscaping requirements) are framed with reference to the area or boundaries of the "lot" (that is, an existing lot) on which they are to be built.

If a developer wishes to build houses on land that is proposed to be subdivided, the developer could not obtain a CDC to enable that development to be carried out as complying development before the registration of a plan of subdivision. This is because, at the time of issuing the CDC, the certifier would not be in a position to determine that the proposed

house complied with development standards of the kind referred to above in respect of the "lot" on which it is to be built. Even though development consent may have been granted for the proposed subdivision, a CDC could not be issued.

if the lots have not been formally created, this presents a barrier to the take-up of complying development, particularly in greenfield areas. In such circumstances, the DA pathway is a more attractive option.

Option – Legislative amendment: allowing CDCs to be issued before registration of a plan of subdivision

Where development consent has been granted to the subdivision of land, there may be scope to provide for a CDC to be issued for a new dwelling house to be built on any of the proposed lots in the subdivision even though a plan of subdivision has not yet been registered. Under this proposal, the CDC could be issued on the condition, that construction of the house on the proposed lot is not to commence until the plan of subdivision has been registered that creates the lot.

A deferred commencement consent is a consent that is granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in the condition (section 80 (3) of the Environmental Planning and Assessment Act 1979 (EP&A Act)). However, a CDC cannot currently be granted subject to such a condition (as section 80 (3) of the EP&A Act does not apply to complying development).

The Environmental Planning and Assessment Amendment Bill 2017, which was released in January 2017 for public consultation, includes an amendment to the Act that would allow CDCs to be issued subject to a deferred commencement condition (see Schedule 4.1 [8]), by inserting

¹ Lots prior to their creation by the registration of a plan of subdivision.

² See clause 3.8 (1) (a) and clause 3A.9 of the Rural Housing Code in similar terms.

proposed section 85A (9A)). A CDC, under the amendment, could be issued subject to a condition that it does not operate until the applicant satisfies the certifier that the lot is legally created³. This should ensure that the house is built on a lot that meets the minimum dimensions and size requirements and that is positioned on the lot so that it complies with the minimum setback requirements and all subdivision requirements have been satisfied.

Amendments to allow a CDC to be issued for a new dwelling house on a proposed lot would potentially involve amendments to the EP&A Act, the regulations under the Act and the Codes SEPP as follows:

- An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the *Environmental Planning and Assessment Amendment Bill 2017*;
- An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot⁴
- An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards can be applied to an unregistered lot.⁵

³ That is, the plan of subdivision that will create the lot on which the dwelling house is to be erected is registered, being a subdivision that is the subject of a development consent that is in force.

⁴ In this context, an unregistered lot refers to a proposed lot in a subdivision that is the subject of a development consent subject to a condition that it does not operate until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.

⁵ In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by a development consent that is in force.

2.3 Identified Barrier: Easements and other instruments under the Conveyancing Act

In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls). The draft Housing Code, and the proposed Greenfield Housing Code, allow new dwelling houses to be built to either one or both side boundaries depending on the lot size or width.

When considering a subdivision application at DA stage, many councils will require subdivision plans to indicate where zero lot boundary walls will potentially be constructed. In most circumstances, councils will usually impose a condition on the subdivision approvals requiring a section 88B instrument (under the Conveyancing Act) to create an easement to establish a right of access for maintenance (a maintenance easement). The lot that adjoins the zero lot boundary wall is then 'burdened' by the easement.

Stakeholder feedback indicates that a maintenance easement can limit the ability to do complying development (that would otherwise meet the development standards). Clause 3.4(b) of the General Housing Code states that a new dwelling house cannot be carried out as complying development if it is located on a registered easement.

Option: Review of Clause 3.4 of the Codes SEPP

Applying a restriction on the use of an adjoining lot as part of the subdivision approval process, without any certainty that a dwelling will actually be built to the boundary, may restrict the ability of the adjoining lot to use complying development. There is scope to amend Clause 3.4 to allow complying development despite a registered easement, in certain circumstances. The Department is currently exploring these issues.

2.4 Identified Barrier: Roads Act Approvals

Currently, clause 1.18(1)(e) states that before a CDC is issued, written consent from the relevant roads authority (if required under section 138 of the Roads Act 1993 (Roads Act) for the building of any kerb, crossover or driveway must be obtained. Section 138(1) of the Roads Act states that a person must not carry out road works and structures, such as driveways, other than with the consent of the appropriate roads authority. Further, driveways can be undertaken as either exempt or complying development under the State Policy, subject to meeting the relevant development standards - one of these standards requires a Roads Act approval from the roads authority. Councils are generally the relevant approving authority under the Roads Act, as most driveway connections are to local streets.

Some developers and home builder have indicated that the requirement to obtain Roads Act approvals can slow down the process of issuing a CDC, particularly in greenfield areas.

Option: Streamlining approvals

A proposed option could be to allow a two-stage process for driveway approvals. This would allow an 'in principle' concept approval of the driveway location, under the Roads Act for driveways and crossings as part of the subdivision development consent process. Under this proposal, as described in the previous section, to allow a single CDC for all building envelopes at the masterplan and subdivision stage, the proposed locations of the driveways would be approved. The final written consent by the roads authority for the driveway could then be issued once the CDC for individual houses is obtained.

This approach would have the benefit of capturing an approval *in principle* for the location of the majority of the driveways. This is beneficial to developers who will undertake building the entire masterplan including the houses, then to be sold to home-owners. It also will benefit the approach whereby a masterplan will be built substantially by one developer, and subsequent house-builders are responsible for building individual dwellings on single lots. With both these approaches, there is the added benefit of ensuring a coordinated and integrated response to site and infrastructure design of the estate at the subdivision or masterplan stage. Street layouts, building locations, driveway and access locations would all be designed in parallel and approved together.

With an *in principle* approval for the driveways already obtained under the masterplan and subdivision stage, individual home-owners who then construct a dwelling on a lot, with a pre-identified building envelope and driveway, could obtain the CDC approval for the dwelling, with a condition that the driveway can be approved under the Roads Act prior to construction starting, rather than the issue of the CDC. This would be subject to meeting the standard conditions, such as standard construction requirements, under the Act.

In situations where the driveway location or design changes because a different house design is used after the subdivision approval (including the concept driveway approval), another Roads Act approval would be needed prior to obtaining a CDC. Any such requests to make an amendment to driveway locations from the approved masterplan and subdivisions plan (including the driveway locations and building envelopes) would be required to meet the over-arching masterplan objectives.

The ability to obtain an *in principle* Roads Act approval at the subdivision stage could be an incentive for developers due to efficiency savings in obtaining CDC approvals.

Camden Council has implemented a "fast-track" approval process under the Roads Act, based on standard construction requirements. Council staff advise that this practice significantly reduces the time taken to issue Roads Act approvals.

Encouraging other councils to adopt a similar approach to simplify and streamline approvals processes could be pursued.

2.5 Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)

Currently, clause 1.18(1)(d) of the State Policy requires that before a CDC is issued, the development must have an approval, (if required by the Local Government Act 1993), for an on-site effluent disposal system if the development is undertaken on unsewered land, and an on-site stormwater drainage system. Section 68 of the Local Government Act requires council approval for water supply, sewerage and stormwater drainage work.

Some councils don't issue section 68 approvals on vacant land. In these circumstances, council requests that a DA be submitted for a dwelling, and the section 68 request be submitted for the ancillary disposal system. This represents a significant hurdle for increasing uptake of complying development in areas where dwellings are being built on vacant lots.

Option: Clarification on the operation of clause 1.18(1)(d) and section 68 LG Act

The Department may consider issuing policy guidance on the operation of clause 1.18(1)(d). It is not intended that clause 1.18(1)(d) precludes complying development from being carried out on vacant land. Section 68 of the LGA does not require works to be carried out on land with an established use or any use or any type of use:

Alternatively, the Codes SEPP could be amended to clarify that CDCs can be issued in greenfield areas and that consideration also be given to amending the legislation to make it clear that section 68 approvals can be issued on vacant lots. Any changes to the Local Government Act will require consultation and liaison with the Office of Local Government.

Another option is to give consideration to imposing a prescribed time period in which a consent authority must determine a Section 68 application.

2.6 Identified Barrier: Interpretation of Development Standards

Feedback from stakeholder consultation on the development standards within the Codes SEPP has identified that the complying development standards are difficult to interpret and are not tailored to the unique circumstances of greenfield areas. In addition, the Department has received feedback that the current standards both within the Codes SEPP and the Growth Centres SEPP do not reflect particular design features which are preferable in greenfield areas, such as the provision for garages to primary roads and landscape elements.

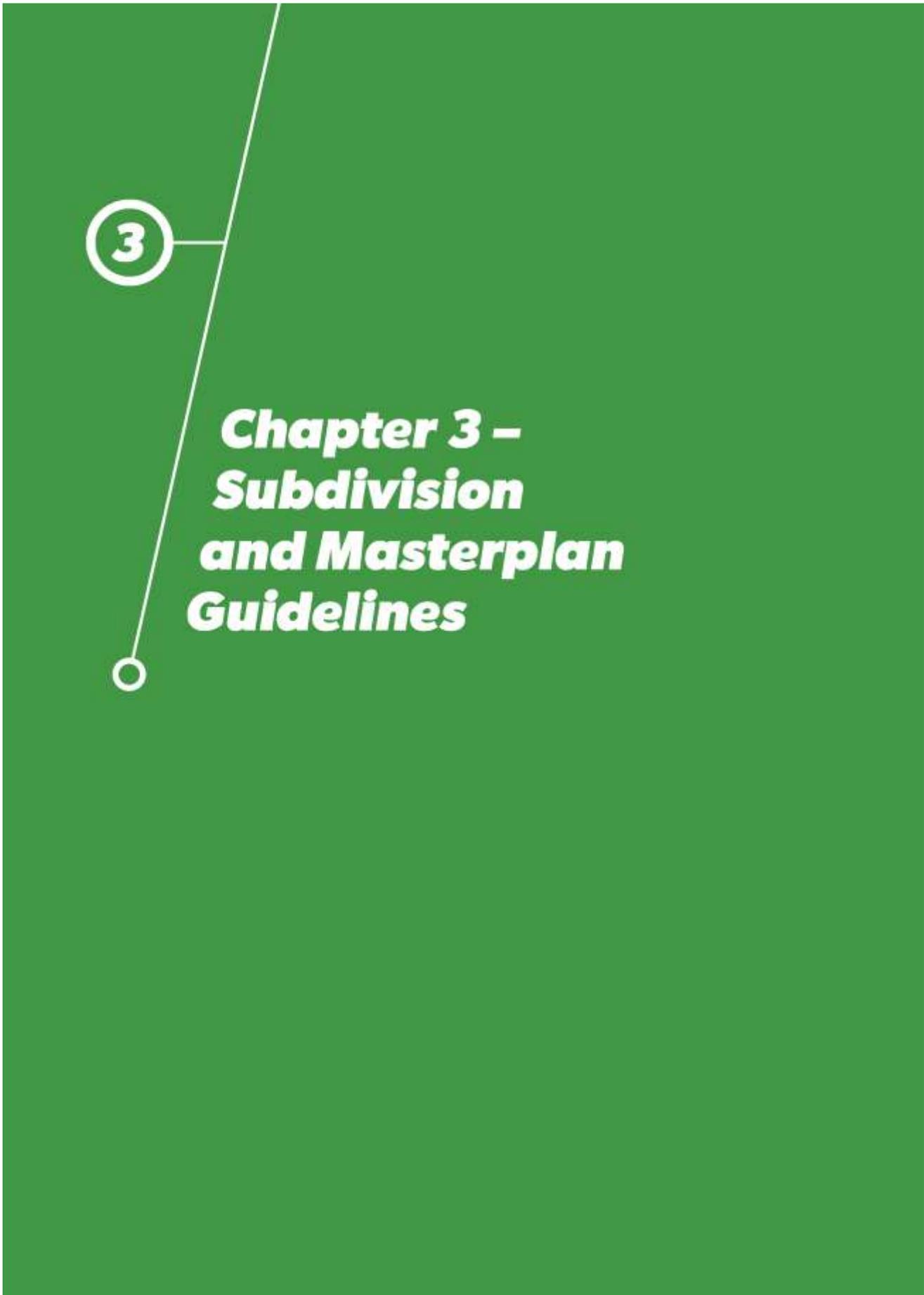
Option: Develop a new Greenfield Housing Code with simplified standards

The development standards proposed for the draft Greenfield Housing Code have been formed in a way which will assist in ease of use and interpretation.

Further information on the draft Greenfield Housing Code is in **Part 4** of this Paper. A detailed explanation of the proposed development standards is in the Explanation of Intended Effect, exhibited alongside this Background Paper.



Figure 4: Brighton Lakes, Macrebank (source: Mirvac)



3.1 Overview

As new release (greenfield) areas generally result in the development of whole neighbourhoods through a staged approach, the design of these developments at a precinct, neighbourhood and block level are equally important as the individual lot and its subsequent dwelling. Currently there is no statewide guidance on well-designed subdivision design. Within Growth Areas, wider masterplan design responds to specific requirements within the Growth Centres DCP. These provide guidance on aspects such as block and lot layout, incorporating subdivision design, movement network and corner lots.

To ensure good design at a wider neighbourhood level, this Background Paper explores opportunities to provide wider holistic guidelines which ensure good built form, landscape and amenity within new master planned neighbourhoods in greenfield areas.

It is intended that the Guidelines would assist:

- Councils in establishing development controls for greenfield areas and assist in assessing applications for new subdivisions;
- Developers in establishing a holistic masterplan for their subdivision. The Guidelines may help inform the development of a developer's own set of guidelines for their site which would be used to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

The Guidelines would have the overall purpose of informing residential-led masterplans to create attractive, sustainable communities, with a distinct character and high levels of residential amenity. A well-designed masterplan brings together all the disciplines which work together to create places,

including urban planning, engineering, sustainable drainage, landscape design, architecture, and urban design. This approach to development of greenfield areas creates unique places that have greater attraction to potential home buyers. This, along with the introduction of initiatives described in **Part 2**, would have the potential to create strong demand for new housing within these areas under a CDC approval pathway.

Broad controls which respond to this include appreciation of the existing natural assets and character, movement framework, built form, open space network and residential amenity. This ensures an integrated approach to creating a new neighbourhood with good level of amenity at the subdivision stage.

In areas of western Sydney where the majority of the greenfield areas have been identified, particular conditions and issues are prevalent, including accessibility to services, amenities and other centres, and environmental conditions such as hotter temperatures and existing landscape and tree cover. These issues, if not addressed in future masterplanning in greenfield areas, could lead to social issues including health and well-being, environmental issues related to urban heat islands, and loss of biodiversity; and economic issues related to land values and market demand.

The following section describes a potential structure for Subdivision Guidelines to provide a holistic approach to greenfield subdivisions to address these issues and create sustainable attractive neighbourhoods for our communities.



Figure 5: *Shawood at the Hermitage* (source: Sekiaui House)

3.2 The benefits of Subdivision and Masterplan guidelines

The introduction of Subdivision and Masterplan guidelines will bring the following benefits to homeowners, council and developers, responding to economic viability, social equity and environmental issues and include:

1. Create places for people

- New neighbourhoods where people want to live with a high quality built and natural environment;
- Character and local distinctiveness is strengthened and enhanced;
- Places developed with a long-term strategic vision plan contribute to people's desire to live in the place and the subsequent creation of strong, long-term communities; and
- Market demand increases through the creation of unique and attractive neighbourhoods.

2. Preserve and enrich the existing environment and landscape

- Retains natural assets including landscape and waterways;
- Reduced flooding risk;
- Improved air and water quality;
- Cooler urban environment;
- Enhances biodiversity;
- Strengthens local distinctiveness; and
- Visual outlook and beauty are enhanced.



Figure 6: The Hermitage at Gledswood Hills (source: Sekisui House)

3. Improve health and well-being

- A clear framework of interconnected streets and laneways, along with a range of activities (local shops, open spaces) increases opportunities to walk and cycle which improves lifestyle and wellbeing;
- Improved air quality achieved by the preservation and enhancement of the natural landscape helps health issues and reduced car dependency; and
- The retention and addition of natural landscapes assists in improving general emotional well-being through the cooling of temperatures, visual appearance and biodiversity.

4. Accessible to all

- A well-designed, accessible street network is inclusive for all, regardless of age or ability;
- A clear hierarchy of streets, laneways, shared surfaces/mews-style and footpaths which cater for those on foot, in vehicles, wheelchairs and bicycles; and
- Streets and neighbourhoods which encourage walk-ability contribute to improving air quality.

5. Allow for diversity and activity

- An attractive combination of housing and local amenity such as local shops/services and open spaces within a new neighbourhood providing residents with improved lifestyles.

6. Create sustained value

- Land values are sustained through the creation of a robust, sustainable and attractive neighbourhood; and
- Allows greater market demand through the development of a sought-after well-designed place.

7. Streamline the process

- Guidelines to assist in a holistic masterplan and subdivision approach allow for a more streamlined approach to the development of a housing estate. This ensures the primary framework (streets, building envelopes, open space) and secondary framework elements (driveways and access points, services, street trees) are dealt with in an integrated manner, contributing to efficiency savings.



Figure 7: New streetscape (source: Sekisui House)

3.3 Subdivision layout and approvals – current context

Urban form and streetscape are primarily established in greenfield areas at the subdivision stage, through lot layout and dimensions, the design of the street network, and requirements for street verges, footpaths and public domain landscaping. Basic development parameters that control building envelopes, landscaped areas and façade treatments are the key provisions that influence how the final built form can contribute positively to the streetscape.

These development parameters respond to the Growth Centres Development Control Plans (Growth Centres DCPs). These include objectives such as ensuring that 'a sense of neighbourhood' is achieved, walkability is promoted, land is utilised efficiently, natural features are reinforced and public open space is integrated.

The development and home building industries will respond to these controls with a range of home designs. Considerations like materials and finishes, while making some contribution to streetscape, are generally discretionary and will change with market preferences and trends.

In greenfield areas, the relationship between subdivision approvals and the subsequent construction of homes is important to the efficient delivery of new homes. Generally, the mix of lot sizes, lot dimensions, orientation and streetscape elements are established at the subdivision stage. The pattern of subdivision is usually established considering the likely housing product, particularly given that the majority of house designs address standard setbacks, height controls and private open space requirements.

There is an opportunity to develop more detailed and holistic subdivision guidelines which respond to the issues experienced in western Sydney related to climate and environmental issues.



Figure 8: Existing subdivision at Cran Park (source: Six Maps)

3.4 Proposed greenfield subdivision and master plan guidelines

Well-designed subdivision plans form part of a holistic masterplan with the framework to deliver the best possible future urban environments. The Department proposes the development of a set of master planning and subdivision guidelines for greenfield areas which would respond to the broader strategic objectives of A Plan for Growing Sydney.

These Guidelines would be developed to ensure that masterplanning of new greenfield developments and the subsequent subdivision are designed to create sustainable places for new communities.

The broad structure of the Guidelines could follow a format of established publications such as the UK publication, *The Urban Design Compendium*¹, which has become an internationally recognised within

¹ *Urban Design Compendium*, English Partnerships, 2000

urban design practice. A suggested structure, based on the compendium structure is detailed below:

- 1. Identifying the Context** – including aspects of community, place, natural resources (water, biodiversity and green cover), connections and vision
- 2. Shaping the Natural and Urban Structure** – the movement framework (including street hierarchy), efficient land use, density, facilities and form, energy and resource efficiency (water management), landscape, open spaces, landmarks, vistas and focal points, blocks and parcels and plots, building size and scale
- 3. Creating Connections** – walking, cycling, public transport, streets, parking and utilities
- 4. Providing Amenity** – solar access, natural daylight, ventilation, public open space
- 5. Detailing the Place** – good public domain, positive outdoor space, active interfaces, building articulation



Figure 9: Hunterford masterplan at Otlands (source: Integrated Design Group Architects)

3.5 How the Guidelines would be used

The Guidelines are intended to provide consistent planning and design standards for masterplanning sites within greenfield areas across NSW, as a way of ensuring good design outcomes for new release areas on greenfield sites. The proposed Guidelines would function at a wider precinct level, a neighbourhood level and a block level, and would guide:

- Councils in establishing new, or adjusting existing, development controls for greenfield areas and assessing applications for new subdivisions. By adopting the guidelines, it will assist councils in achieving better design outcomes for large masterplanned sites; and
- Developers in establishing a holistic masterplan for their site which considers overall frameworks for open space, movement, built form and amenity. The Guidelines may help inform the development of a developer’s own set of guidelines for their site, to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

To aid with the masterplanning of large greenfield sites, the masterplan and subdivision guidelines will provide detailed guidance on best practice approach to developing a new masterplanned community and the approach to design and construction.

There are generally two approaches to developing masterplanned communities at present in NSW - either solely by a developer who will masterplan the entire site, including the design and construction and subsequent houses; or a masterplanned site by a developer, including streets and open spaces with broad concepts for the dwelling types, which are then designed and constructed by housebuilders on individually sold lots. **Figure 10** below illustrates the two approaches. Design guidelines are beneficial to both approaches, and in particular the first, whereby dwellings built under the CDC approach by individual housebuilders may not adhere to the overall vision for masterplanned estate created by the developer.

Both these approaches are illustrated in two case studies at the end of this section.

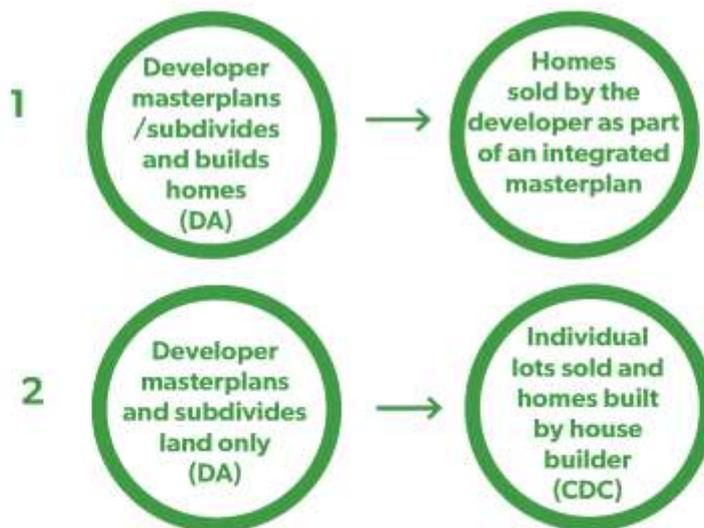


Figure 10: Two approaches to developing masterplanned communities

3.6 Broader strategic planning context

A *Plan for Growing Sydney* is the plan which provides the strategic planning framework for Sydney as its growth continues over the new decades. Alongside this, the Greater Sydney Commission has prepared Draft Precinct Plans which identify three great cities for Sydney, to deliver maximum benefits for existing and new residents. They are the:

- Eastern Harbour City
- Central Parramatta River City
- Western Sydney Parklands City.

This identifies a unique opportunity for urban planning in Western Sydney as it sits on the cusp of major change including infrastructure development and population growth. The Greater Sydney Commission has the three following focus areas which include:

- **Productivity** – a city with more jobs in centres, with more people being able to access their jobs

- within 30 minute commutes of where they live;
- **Livability** – a livable city that helps maintain and improve our quality of life. A city with many different places experiences and greater housing choice.
- **Sustainability** – a city that uses its natural landscape as an asset, builds Greater Sydney's resistance and enhances its waterways and biodiversity.

Towards Our Greater Sydney is the document which outlines a draft amendment to *A Plan for Growing Sydney* and aligns with the vision established in the draft District Plans. The creation of new communities in urban release areas is one of three focus areas to accelerate housing opportunities over the next 20 years.

The introduction of masterplan and subdivision guidelines, to provide design guidelines alongside a new Greenfield Housing Code will support the objectives of the 20 year plans for Sydney.

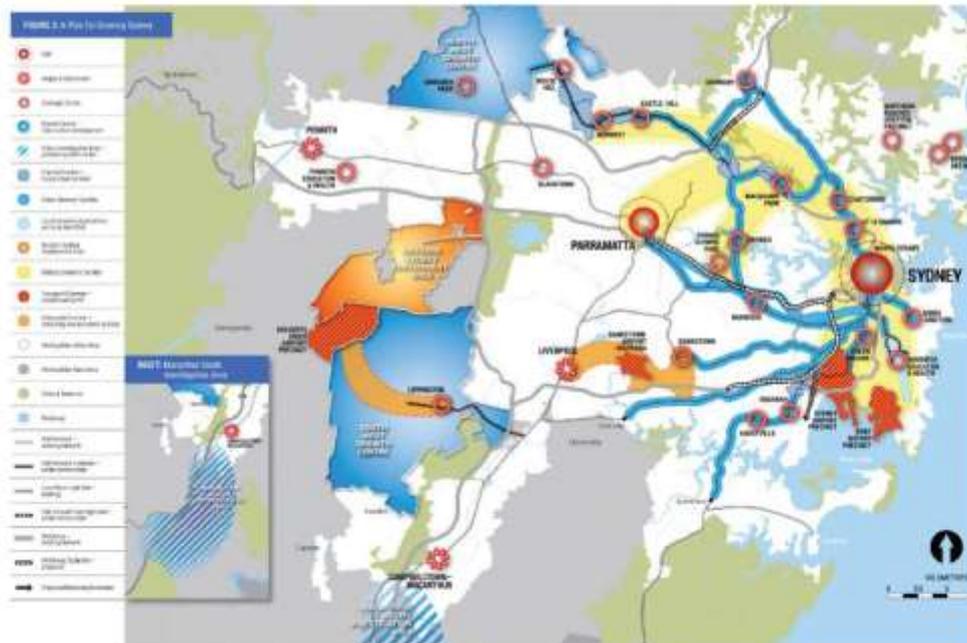


Figure 11: A Plan for Growing Sydney (source: Department of Planning and Environment)

One of the key initiatives of the Greater Sydney Commission is to create Greater Sydney's Green Grid to deliver an interconnected network of open spaces. This will include open spaces, parks, bushland, natural areas, waterway corridors and tree-lined streetscapes in a network that connects our homes to centres, public transport, jobs and recreation. It promotes healthier urban environments, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.

Analysing the open space and environmental values of Western Sydney identifies the Green Grid as an opportunity to develop a vision for infrastructure delivery that sees transport, utilities, development and green infrastructure as interdependent and equally important component for an equitable, livable and resilient metropolis.

There is a significant opportunity at this point of change within Western Sydney, for new release areas, which are predominantly located in the regions around the Central Parramatta River City and the Western Sydney Parklands City to develop new communities with these values in mind.

The draft District Plans reinforces the following objectives for the Green Grid:

- preserve and conserve the natural environment;
- increase access to open space;
- encourage sustainable transport connections;
- promote active living;
- create a high quality public realm; and
- adapt to climate extremes by increasing urban greening and improving air quality.

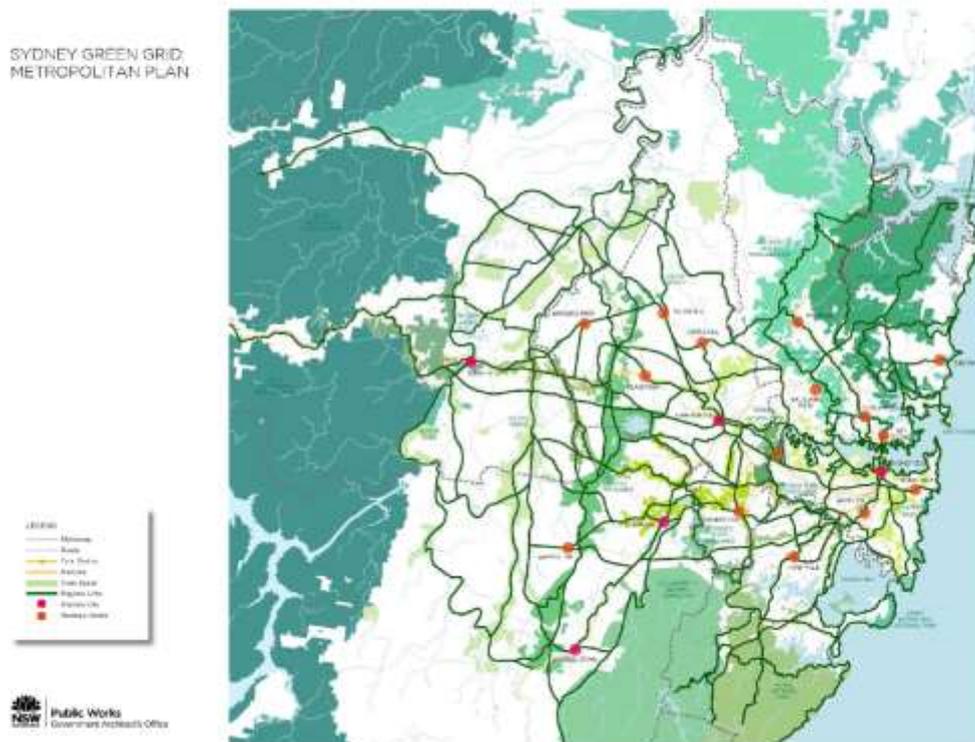


Figure 12: Sydney Green Grid Metropolitan Plan (source: Government Architect's Office)

These objectives can be reflected in the proposed greenfield subdivision guidelines and the development standards for the proposed Greenfield Housing Code. This will enable the best possible environmental outcomes for greenfield developments.

The Environmental Value of the Green Grid

Careful design of future urban development and in particular in greenfield areas, will assist in reducing the impacts to the environment and climate. Urban heat islands are one such impact which are seen though the replacement of natural land surfaces and vegetation with hard nonporous and non reflective surfaces (e.g. dark roofs, car parks, paved areas and bitumen roads) which absorb and trap heat much more than vegetation.

Urban heat can impact communities through:

- health problems: dehydration, heat stress, heat stroke, respiratory problems and mortality; and
- increased greenhouse gas emissions from energy used to cool households.

Trees and vegetation provide a cooling effect through evapotranspiration and shading on hard surfaces that would otherwise absorb heat from direct sunlight. The degree of cooling differs across tree species, with greater leaf cover and water content in the soil and vegetation providing the greatest cooling impact.

Trees will importantly also help to retain and preserve existing biodiversity and wildlife in existing wildlife corridors.

The Social Value of the Green Grid

A number of benefits from the integration of the Green Grid and its effect on the design of individual places includes:

- **Physical and psychological health and wellbeing** – the design of urban landscapes and green infrastructure has been shown to have an impact on health and wellbeing. For example, it may increase opportunities and reduce barriers for activity, social interaction, affect travel behaviour (e.g. cycling paths and walking paths may encourage active transport) and increase opportunities for recreational activity.² This may result in people feeling better, and may have an external impact on society in reducing the prevalence of non-communicable disease.

The estimates above account for this in so far as they are reflected in the values people place on using the facilities. In the following sections we discuss and quantify the additional value not captured in user valuations.

- **Landscape and neighbourhood amenity** – green infrastructure are likely to improve the attractiveness of the area making it a more pleasant place to be.

Some types of green infrastructure, such as bicycle paths and footpaths may result in improved accessibility and provided opportunities for active transport. The value in using this infrastructure depends on connectivity to other parts of the green network and other activities. Connected routes may result in increased active transport and reduced generalised travel costs (either due to faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network (i.e. if individuals switch from road transport to active transport there may a reduction in congestion for other road users).

² Symons, J., Jones, R., Young, C. and Rasmussen, B. 2015, *Assessing the Economic Value of Green Infrastructure: Literature Review*. Climate Change Working Paper No 23. Victoria Institute of Strategic Economic Studies, Victoria University, Melbourne.

3.7 Liveable and sustainable neighbourhoods

Establishing a holistic vision for the site and the potential place that can be created is a fundamental starting point for any possible development within a greenfield area. This vision, supported by an overall clear urban design framework forms the masterplan, which functions to create attractive and sustainable neighbourhoods.

Master planning establishes the parameters for the site including the street network, open space, connection to existing natural elements, landscape, and built form, all which respond to the vision for the area and a defined set of design principles.

1. Identifying the Context

An appreciation of the existing constraints and opportunities of the site and surrounding area.

Place

Understanding the existing qualities of place are important, including the regional identity, connections to surroundings, the local character, morphology of the place, natural features. It also includes an understanding of the socio-economic profile of the area.

Natural Resources and Assets

Identifying landscape assets to prepare and structure of the landscape.

Connections

Understand existing access and linkages and observe the quality of movement.

Vision

Creating a strong vision for developing a place is crucial to the success of a good masterplan. Value can be created through the design of a place which integrates a network of attractive streets and open spaces and well-designed houses. Constraints that might exist on the site can be overcome. And the site's context has a strong part to play in adding value and creating place.

2. Shaping the Natural and Urban Structure

The natural and urban structure is important in creating integration, functional efficiency, environmental harmony, a sense of place and commercial viability.

Movement framework

This includes understanding the existing movement assessment, designing a walkable neighbourhood, developing a clear street network of primary streets, secondary streets, laneways and mews and footpaths. The street grid is of importance in establishing a clear and legible structure for



Figure 13: Brighton Lake, Moorebank (source: Mirvac)

movement through the neighbourhood. Ensuring street trees are incorporated as part of the street network.

Green movement infrastructure is important. Well-designed bicycle paths and footpaths assist accessibility and provided opportunities for active transport, connecting to other activities. Connected routes may result in increased active transport and reduced generalised travel costs (as a result of faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network.

Mixing Uses

The important in creating any new place are the integration of uses which help to establish the neighbourhood unit. Different uses within a master planned community provide amenity within close proximity and add interest and character to new precincts. This can include a small village centre which may incorporate a small amount of mixed uses, recreational areas. Areas of different housing (detached houses or terraces) and varied landscape also assists in creating character.

Density, facilities and form

The link between density and facilities, form and interior space is important when developing a successful built form outcome. Considerations of desired outcomes for streetscapes are important.

including arrangement of dwellings such as detached or pairing to allow appropriate spaces between. This needs to be balanced with dwelling layouts and room functions.

Energy efficiency

Energy efficiency includes solar orientation – (turn houses towards the north), daylight access; water – collect, store and recycle rainwater, integrated water management; wind – work with the wind; waste – do more with less.

Landscape

Landscape considerations include open space and landscape design; public access to open space networks, wildlife and biodiversity, topography, microclimate, biodiversity and green cover, good street trees, including a street tree canopy to improve streetscape and walkability; trees to rear gardens to establish a contiguous tree canopy across rear back gardens.



Figure 14: Shawood at the Hermitage (source: Sekisui House)

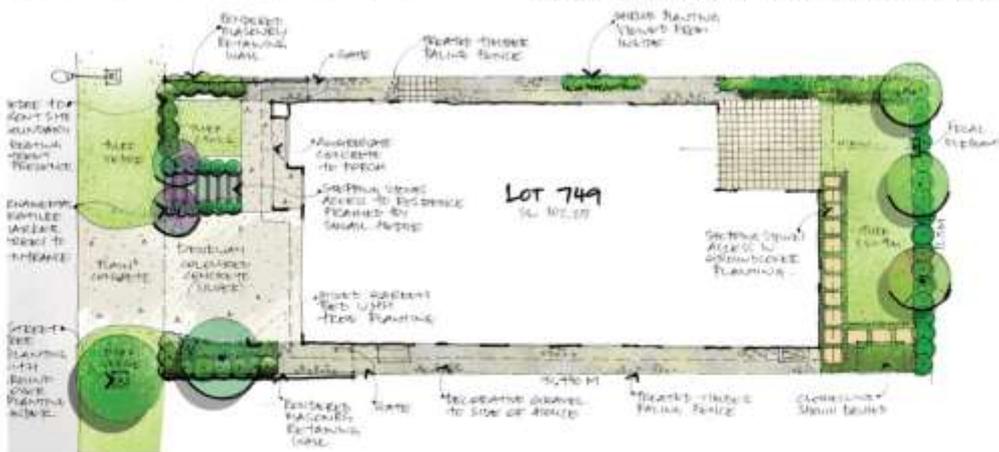


Figure 15: Landscape Plan at the Hermitage (source: Ground Ink Landscape Architects)

Landmarks, Vistas and Focal Points

Landmarks, vistas and focal points are important in creating distinctiveness and assist with wayfinding. Landmarks includes aspects such as making it easy to find your way around, show the way and emphasise the hierarchy of place. Vistas include a clear network of routes or paths and facilitate easily usable connections between places and focal points form places to gather.

Block design

Good design of perimeter blocks ensures that all lots face the street, respect neighbour’s privacy, line the perimeter, and encourage continuity of street frontage. Block size should be kept to a minimum, and shape should allow for functionality and access, and facilitate sunlight and daylight into rear gardens and habitable rooms.

Laneways, shared surfaces or mews should be integrated into the block design to allow car access and servicing from the rear, reduce block size, and assist density, and restrict the number of driveways along the primary access road, which impacts the quality of streetscape by limitations in street planting and increasing garages and driveway hardstandings.



Figure 16: Rear lane, Brighton Lakes (source: Mirvac)

Lots and subdivision

Good subdivision design ensures that the key variables of aspect, size, shape and density in combination with site characteristics such as topography and slope to achieve a range of lot sizes and energy efficiencies. This promotes and facilitates good pedestrian activity, bicycle use.

A solar-efficient subdivision will ensure that the overall development is significantly more energy efficient than conventional development because once the lots are correctly aligned and proportioned, individual houses in general will perform better with comparatively less effort. Lots should be designed so that one axis is within 30 degrees east and 20 degrees west off true solar north.

Good lot design will maximise and protect solar access for each dwelling house. This is achieved by defining appropriate lot size, shape and orientation. The building envelope incorporating the setbacks and height take ensure that solar access is preserved.

Figure 17 below illustrates this.

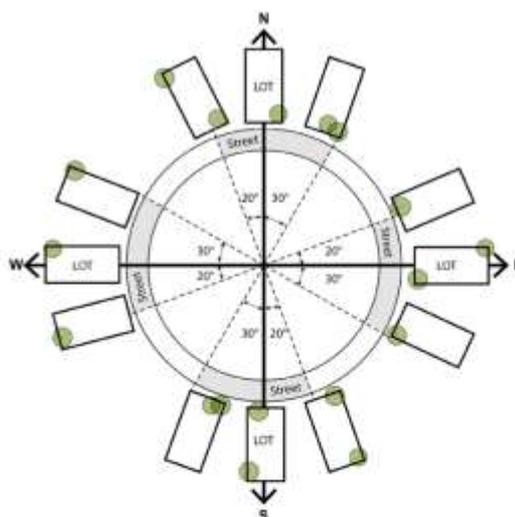


Figure 17: Optimum orientation for lots

3. Creating Connections

Connections are important in terms of linking up, movement choices, forming a clear street hierarchy, creating a sense of place, safer routes for all, providing better parking management and improving parking issues.

Walking

Allow the development of pedestrian and cycle friendly streets and walkable safe neighbourhoods.

Cycling

Design for convenient cycling from home to activities.

Servicing

Service from streets and laneways, making services subservient to layout.

Streets and Traffic

Consideration of hierarchy of street types; main routes, streets as social places, functionality, traffic calming and pedestrian crossings, parking and servicing, parking standards and location of parking are all important. Equally important is the ability for streets and traffic to be designed in a manner to incorporate street trees.



Figure 18: Cycleways at the Hermitage (source: Sekisui House)

4. Detailing the Place

Positive Outdoor Space

Creation of meaningful and attractive public open space.

Building Lines and Setbacks and creating a sense of enclosure through built edges.

Animating the Edge

Active frontages allow for activity, richness and beauty. They allow engagement with the public realm and good passive surveillance. Dwelling layouts that incorporate key habitable rooms such as living rooms or studies that overlook the street. Studios over garages can activate rear laneway areas.

Building Size and Scale

The development standards for the building envelope ensure that the setbacks, building depths, widths and heights provide the appropriate scale and massing to the streetscape and preserve amenity considerations such as solar access.

Consideration of a different built form to mark corners is important. Internal dwelling layout is an important consideration to ensure good amenity both internally and within the streetscape. Examples are illustrated in **Appendix 3**.

A Thriving Public Realm

This includes the creation of social spaces and distinctive places, such as the incorporation of footpaths, well-designed street furniture, signage and lighting.

Private and public space

Clearly defined delineation and transition between the public domain and private open spaces to ensure privacy.

The two case studies in the following section illustrate two new masterplanned communities in new growth areas in north-western Sydney, which have incorporated clear design principles into the masterplan to achieve good design outcomes.

Case Study 1: The Hermitage, Gledswood Hills (Sekisui House)

The Hermitage at Gledswood Hills is an example of a masterplanned community, created by a lead developer under phased development in conjunction with other housebuilders. It has considered good design guidance in relation to subdivision and dwelling design in order to respond to a clear vision of the new community and place to be created.

Design Guidelines prepared by the lead developer are incorporated within all sales contracts to ensure that the vision for the site is maintained. This includes helping to create a community with attractive streetscapes and residential settings, and ensure that the standard of dwelling design is of the highest quality to meet current and future occupants' needs. A development such as this, designed with clear design criteria, ensures that values in all terms, are sustained.

The Guidelines supplement the Council DCP, providing specific details for the site to ensure complementary design requirements for the site. Some examples of the requirements under the guidelines include:

- requiring two trees to be planted in the front garden and one to the rear;
- criteria including front facades, including building articulation, facade diversity and iconic lots;
- garages;
- colours, materials and finishes;
- driveway locations; and
- fencing types to front and side fences on corner lots.



Figure 19: The Hermitage, Gledswood Hills (source: Sekisui House)

Case Study 2: Brighton Lakes, Moorebank (Mirvac)

Brighton Lakes near Liverpool, a new masterplanned community of approximately 300 homes, has been designed to provide a way of life that is both healthy and safe, with high levels of pedestrian and bicycle access, integrated open spaces and parklands, and a connection with the Georges River.

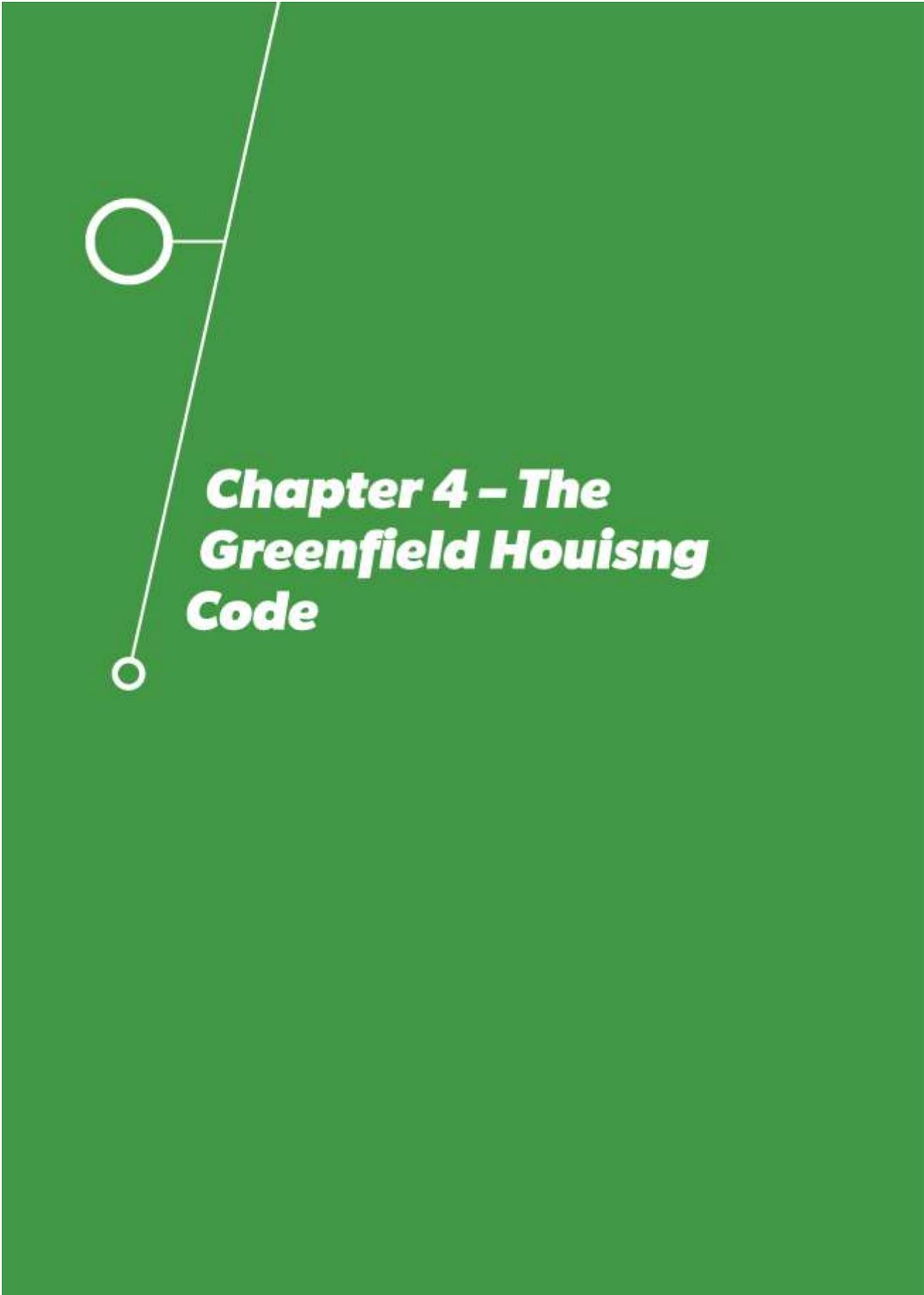
The development has been designed and developed by one developer, from the open spaces, streets types through to the individual dwellings. This has allowed an element of control over the design outcome and to ensure that the dwellings are designed to support objectives for different character precincts within the development. It allows a range of housetypes to be incorporated within the masterplan, increasing diversity, which is appealing from an urban design perspective and also from a buyer perspective.

Key elements of the masterplan include:

- varied street types - primary streets, local neighbourhood streets and laneways all designed with street trees or landscape incorporated;
- varied housetypes which allow diversity in the streetscape
- all dwellings are within close proximity of public open spaces.



Figure 20: Brighton Lake, Moorebank (source: Mirvac)



4.1 The Greenfield Housing Code

In response to stakeholder feedback that the development standards for complying development in the General Housing Code are difficult to apply and are not tailored to greenfield sites, where lot sizes are typically smaller and narrower, the Department has prepared a draft Greenfield Housing Code.

The Code contains tailored development standards in plain English, with explanatory diagrams to assist with interpretation and navigation of the Code. A detailed explanation of the proposed development standards in the Greenfield Housing Code is set out in the Explanation of Intended Effect, which is exhibited alongside this Background Paper.

A new Greenfield Housing Code would provide a clear and consistent set of development standards to enable fast tracked housing approvals for new release areas across NSW. Consistent with the simplified Housing Code, the new Greenfield Housing Code will be written in easy to understand, plain English, and based on a simple system of controls that apply to lots in four different lot bandwidths.

The standards will be tailored to suit conditions of greenfield sites by incorporating:

- setback controls which align to current market conditions;
- landscape controls which allow a good level of deep soil landscaping to encourage planting to rear gardens; and
- a tree to the front and rear gardens to provides tree cover where it previously may not have existed on the site.

Transition Period

The Department is aware that home builders and developers have designed new housing developments based on the current development standards in the General Housing Code and relevant council LEPs and DCPs.

The Department proposes to allow a transition period of three years between the application of the existing policies for residential complying development (General Housing Code, soon to be replaced with the new Housing Code) and the introduction of the new Greenfield Housing Code for new release areas.

This would allow home builders and developers to deliver on their existing products and give them enough time to design new dwellings to complying with the development standards in the Greenfield Housing Code.

Issues raised by stakeholders

The consultation undertaken with stakeholders has raised a number of issues in relation to the take-up of complying development in greenfield areas. These issues range from the simplicity of the standards through to certain elements of the approval process. A detailed list of these issues is contained within

Appendix 2.

These concerns have been taken into account in developing the standards for the new Greenfield Housing Code.

4.2 Where the Greenfield Housing Code would apply

The Greenfield Housing Code is proposed to apply to land defined as a residential release area under clause 136AB of the EP&A Regulation, and any other greenfield release areas nominated by councils. Clause 136AB includes land within:

- an urban release area identified within a local environmental plan that adopts the applicable mandatory provisions of the Standard Instrument;
- a land release area identified under the Eurobodalla Local Environmental Plan 2012;
- any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 to State Environmental Planning Policy (Major Development) 2005 (now referred to as SEPP (State Significant Precincts) 2005).

There are also a number of greenfield areas across the State that have been released by councils for residential urban development that could benefit from the simplified controls in the proposed new Greenfield Housing Code.

The Department invites feedback from councils, landowners and industry on any other areas where the new Code should apply.

Neighbour notification requirements for new Code

Current neighbour notification requirements under Clause 130AB (pre-approval notification) and Clause 136AB (pre-construction notification) of the Regulations will continue to apply to development carried out under the proposed Greenfield Housing Code.



Figure 21: New park at Rouse Hill (source: Oculus)

4.3 Simplified Development Standards

The approach to the development standards for the proposed Greenfield Housing Code has been simplified by categorising them in three over-arching design quality principles – development standards pertaining to Built Form, developing standards pertaining to Landscape and development standards pertaining to Amenity.

Ensuring good design is critical to delivering development that minimises adverse impacts on surrounding properties.

All standards are proposed to fall under three over-arching design quality principles of **Built Form, Landscape and Amenity**.

These principles have been derived from the nine design quality principles which form *State Environmental Planning Policy 65 (SEPP 65) Design Quality Principles*.

Built form incorporates context and neighbourhood character, density and visual appearance.

Landscape incorporates the principle of sustainability;

Amenity incorporates other related principles of safety and housing diversity and social interaction.

Figure 22 below illustrates the nine quality principles and the approach to simplify to three key principles for use within the Code structure.



Figure 22: Nine design quality principles, as identified under SEPP 65 simplified to three main principles for the Code

Built Form Development Standards

These encompass principles of future context and neighbourhood character, built form and scale and visual appearance. These principles respond to the natural and future built surrounds of an area and to deliver an appropriate built form outcome to respond to an area's desired future character. Well-designed buildings respond to and enhance the qualities an area including the adjacent sites, streetscape and neighbourhood.

A well-designed built form has good proportions and a balanced composition. Good design has a variety of material, colours and textures, integrated in a sympathetic manner.

The visual appearance of a well-designed dwelling responds to the future local context, particularly desirable elements. The built form development standards also allow for a well-defined private domain which interfaces positively with the public domain providing good safety, through opportunities to optimise passive surveillance of public and communal areas.

Landscape Development Standards

These standards ensure that the landscape and house operate as an integrated and sustainable system resulting in attractive houses 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.

Good landscape design enhances the dwelling'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 enhances usability, privacy and opportunities for social interaction, equitable access, respect for neighbours amenity, provides for practical

establishment and long term management.

These standards promote elements of sustainability including areas of deep soil to encourage planting and trees to front gardens to provide shade and ameliorate effects of increased hotter weather events and urban heat islands.

Amenity Development Standards

Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and ease of access for all age groups and levels of mobility. These standards promote elements of sustainability through good levels of solar access and natural ventilation and access to private outdoor space.

Applying the Development Standards to the principles

For simplicity of use within the Code structure the standards have been grouped and identified under one of the three over-arching principles.

Figure 23 on the following page illustrates how the standards relate to the principles.

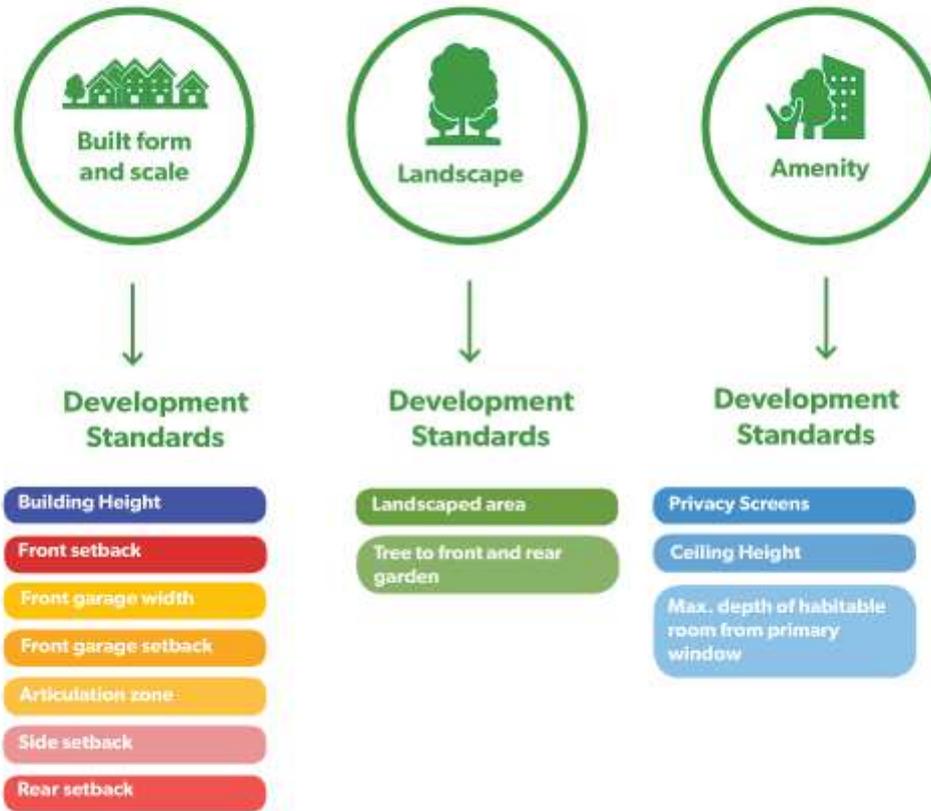


Figure 23: Development standards applicable to the principles

Simplified Structure of the New Code based on Three Principles

The structure of the new Code will be simplified, with relevant development standards based on the three principles. Development standards will also be reduced, and the new Code written in plain English with explanatory diagrams to ensure that it is easy to read, understand and use.

Figure 24 on the following page, demonstrates how the new Code has been simplified and the number of controls reduced, compared to the draft Housing Code and the Growth Centres SEPP and DCPs. This includes 'grouping' of key standards such as setbacks or standards related to articulation so they are located under the one main heading.

	Draft Housing Code	Growth Centres DCP	Proposed Greenfield Code
BUILT FORM	Height	Height	Height
	Gross Floor Area		
		Site coverage (ground & upper)	Site coverage (upper only)
	Front setbacks	Front setbacks	Setbacks including front, rear and side
	Rear setbacks	Rear setbacks	
	Side Setbacks	Side Setbacks	
	Corner Setbacks	Corner Setbacks	
	Rear garage setbacks	Rear garage setbacks	
	Front garage setbacks	Front garage setbacks	Articulation including garage setback and garage width
	Front garage	Front garage	
Articulation zone	Articulation zone		
LANDSCAPE	Landscaped Area	Landscaped Area	Landscaped Area including tree to front and rear garden
		Principle Private Open Space	
AMENITY	Privacy screens		Privacy screens
		Solar access	Maximum depth of habitable rooms
			Ceiling heights (attics)

Figure 24: Comparison of the Standards

4.4 Comparisons with the draft Housing Code

Key differences between the draft Housing Code and the site and envelope standards proposed in the Greenfield Housing Code include:

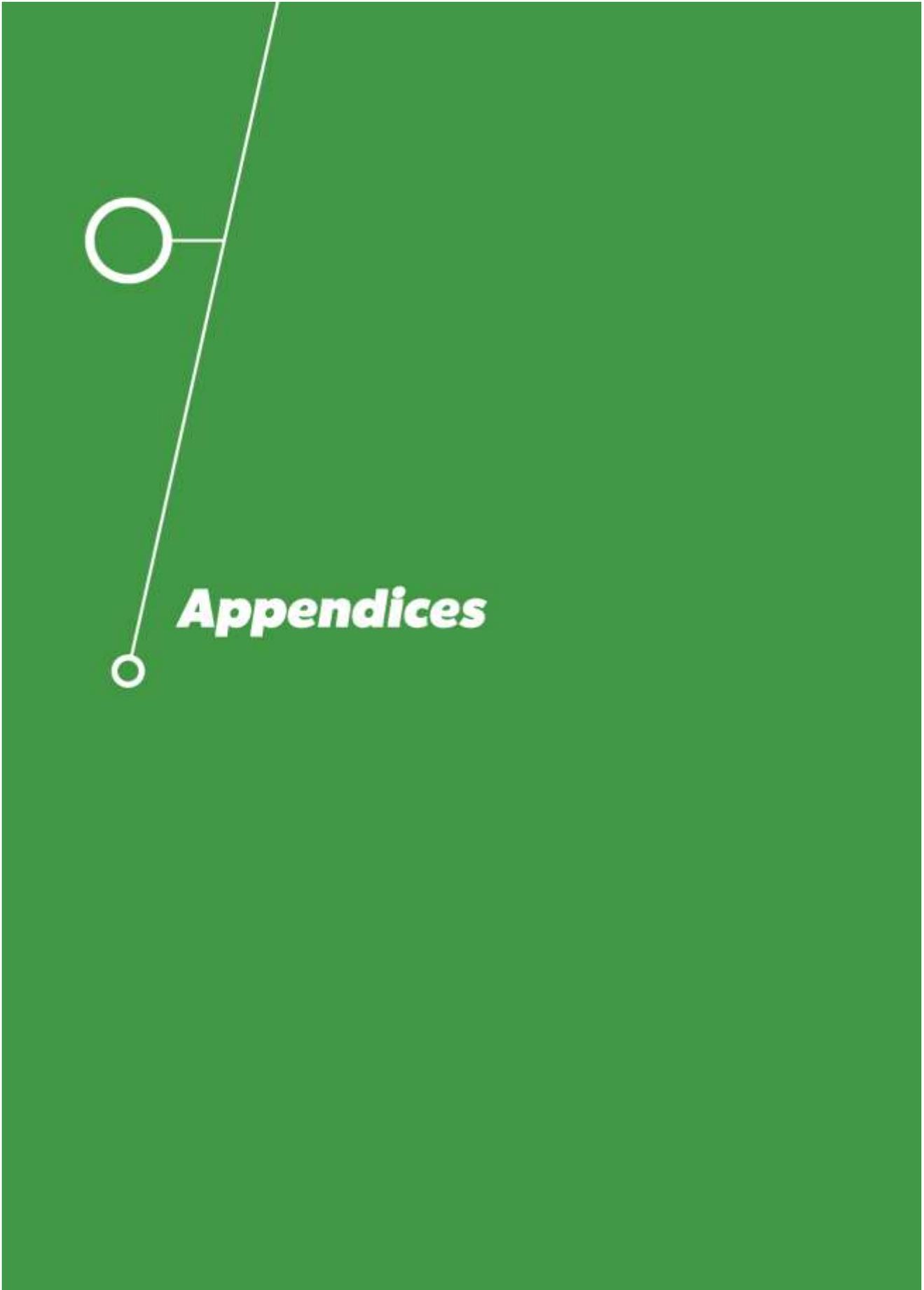
- The controls are based on lot width only rather than lot area to cater to the standard lot types typically found in greenfield subdivisions;
- The controls for front setbacks are a numerical standard. The standard to average the setbacks with neighbours has not been incorporated, as in many cases within new greenfield areas, two adjoining neighbours do not exist. There is also typically less apprehension about a neighbour's development including relationship to setback, as new dwellings are expected in new release areas. This is in contrast to typical development undertaken through the Housing Code, where the neighbour average is still appropriate to minimise impacts on existing and/or established neighbourhoods;
- The proposed front setback controls are consistent for all lot width types, which creates the opportunity to maximise usable private open space in the backyard and increase building separation at the rear;
- Minimum rear boundary setbacks are the same for all lot widths for both single and double storey houses to ensure appropriate building separation and to ensure landscaped area and rear yard space can be integrated;
- The approach to second storey side setbacks is to remove the formula as appears in the Housing Code and incorporate a single numerical control. This follows the approach of the Growth Centres DCP;

A new control to limit the maximum depth of habitable rooms is intended to assist solar access and daylight amenity into new dwellings in greenfield areas.

Appendix 1 provides a detailed comparison with the Simplified Housing Code and the Growth Centres DCP.



Figure 25: Brighton Lakes (source: Mirvac)



Appendix 1 - Comparison of the Standards

Control	Draft Housing Code	Blacktown GC DCP/SEPP	Draft Greenfield Code
Max Building height	8.5m	8.5m/9m	8.5m
Max Site Coverage	No controls	Lots <7m wide: 40% (upper level only) Lots 7-9m wide: 50% (upper level only) Lots 9-15m wide: 60% (ground floor) 40% (upper floor <375m ² lots) 35% (upper floor >375m ² lots) Lots >15m wide: 50% ground floor 30% upper floor	Lots 6-7m wide: 50% (upper level only); Lots >7-10m wide: 40% Lots >10-15m wide: 35% (upper floor <375m ² lots) Lots >15m wide: 30% upper floor
Max gross floor area	200-300m ² : 75% of lot area <300m ² : 25% of lot area + 150m ² to a max. 450m ²	No controls	No controls
Minimum landscaped area	200-300m ² : 15% <300m ² : 50% of lot area minus 100m ²	Lots <9m wide: 15% of site area Lots 9-15m wide: 25% of site area Lots >15m wide: 30% of site area	200-300m ² : 15% <300m ² : 50% of lot area minus 100m ²
Front setbacks	200-300m ² : 3m 300-900m ² : 4.5m 900-1500m ² : 6.5m	3m (<7m wide) 3.5m (fronting open space) 4.5m	6-<7m wide: 4.5 metres (to front building façade); 3m to articulation zone >7-10m wide: 4.5 metres (to front building façade); 3m to articulation zone >10-15m wide: 4.5 metres (to front building façade); 3m to articulation zone 15m+: 4.5 metres (to front building façade); 3m to articulation zone

Control	Draft Housing Code	Blacktown GC DCP	Draft Greenfield Code
Articulation zone	1.5m (inside front setbacks above)	1.5m (inside front setbacks above)	1.5m
Corner lots side setback	2m	1m	<7m wide: 1m >7m wide: 2m
Side setbacks	0m both sides (6-8m wide)	0m both sides (<9m wide)	Lower (6-7m) Side A:0m Side B:0m Upper Side A:1.5m Side B:0m
	0m/0.9m (8-12.5m wide)	0m/0.9m (9-15m wide) 1.5m (second storey)	Lower (7-9m) Side A:0m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m (<10m wide)	0.9m (single storey) 1.2m (double storey) (Lots <9m wide)	Lower (>10-15m) Side A:0m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m + 25% of building height above 5.5m (<10m wide)		Lower (over 15m) Side A:0.9m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m + 25% of building height above 4.5m (10-18m wide)		
Rear setbacks	3m (up to 4.5m high)	4m (ground floor)	Single storey: 3m
	8m (above 4.5m) (300-900m ² lots)	6m (upper floors)	Two storey: 6m
	10m (<300m ²)	No minimum dwelling setback for lots <7m wide	
	0m for 50% of boundary with a rear lane		0m
Rear garage setback	0m (<300m ²) for up to 50% of lot width 0.9m up to 3.3m high (300-900m ²) or 0m for 50% of boundary length	0.5m	

Appendix 2 – Stakeholder Issues

As discussed in this Paper, the Department has undertaken this work as a result of stakeholder concerns about the barriers for use of complying development in greenfield areas:

- Developers or home builders will often choose a DA process, because the process of determining whether the house fits the criteria for complying development can be complex.
- In many cases, particularly for two-storey homes, complying development standards are not aligned with contemporary house designs or the preferences of homebuyers in new release areas.
- Some of the development standards in the General Housing Code and the proposed draft Housing Code are too restrictive for greenfield housing types, such as the current side, rear and front setback requirements, and restrictions on double garages for lots below 12.5m wide.
- Development standards in some cases are difficult to interpret (both under the General Housing Code and under other instruments and DCPs) and this is adding to assessment timeframes.
- The lot size bands in the General Housing Code do not allow for an equitable range of dwelling sizes across the different lot sizes. Councils also generally allow larger homes to be built in new release areas than are permitted under the current State Policy.
- Controls and approvals processes under a range of different local controls and in the North West and South West Priority Growth Areas differ, and these differences make it difficult to standardise home designs.
- The controls under the Growth Centres SEPP and DCPs are better aligned with contemporary house design for greenfield areas and enable homeowners to build the home that they prefer.
- Some developers/home builders will lodge bulk development applications where they are marketing house and land packages, and will sometimes lodge DAs prior to registration of the lots through the subdivision process.
- Timeframes for approvals vary, but councils in growth areas generally have a “fast-tracked” or priority approval stream, meaning faster approvals for new homes in new areas compared to established areas.
- Related approvals (like approvals under the Roads Act for driveways and s68 of the Local Government Act for on-site sewer and storm water disposal systems) that are in some cases required prior to release of a CDC, but which are normally provided concurrently with the assessment of a DA, add complexity and time to the approval process, meaning it is often simpler to lodge a development application.
- Private certifiers appear to issue CDCs in less time than councils, however, it is unclear to what extent delays (like requests for further information) are counted in these approval timeframes.
- There is a lack of awareness among home buyers of the complying development option.

Stakeholder feedback indicates there is a case for simplification of the controls that apply to new dwelling houses, and for standardisation of controls across different jurisdictions and planning instruments. There are also issues relating to approvals processes and the relationship between subdivision approvals and the subsequent construction of new homes.

Appendix 3 - Example Housetype Plans

The housetype plans on the following pages illustrate some of the possible outcomes for housing layouts within greenfield areas. **Figure 26** illustrates a dwelling type with double garage to the front and a small living area by the front door. Integration of some habitable space at the front of the dwelling is preferable as it provides natural surveillance to the street, and also assists to activate the streetscape. **Figure 27** illustrates an alternative garage arrangement located to the rear (either from secondary road or rear laneway), which increases the frontage of habitable rooms to the street, and also improve the streetscape by reducing driveways which limit street tree potential.



Total House Area 242.0m²
 Lot area 500m²

Legend

- | | |
|------------|-----------------------|
| 1. Entry | 9. Study |
| 2. Lounge | 10. Family |
| 3. Living | 11. Principal Bedroom |
| 4. Dining | 12. Ensuite |
| 5. Kitchen | 13. Bedroom |
| 6. Laundry | 14. Bedroom 3 |
| 7. Garage | 15. Bedroom 4 |
| 8. WC | 16. Main bathroom |

Figure 26: Housetype 1 - garage to the front (source: Sekisui House)



Total House Area 264.0m²
 Lot area 527m²

Legend

- | | |
|------------|-----------------------|
| 1. Entry | 9. Study |
| 2. Lounge | 10. Principal Bedroom |
| 3. Living | 11. Ensuite |
| 4. Dining | 12. Bedroom 2 |
| 5. Kitchen | 13. Bedroom 3 |
| 6. Laundry | 14. Bedroom 4 |
| 7. Garage | 15. Main bathroom |
| 8. WC | |

Figure 27: Housetype 2 - garage to the rear (source: Sekisui House)



Have Your Say

The NSW Government is committed to delivering housing to meet the needs of a growing population in NSW. The State Policy provides a fast-tracked approval pathway for delivering new housing as complying development.

Feedback and discussion is encouraged to further explore the Department's proposed options in respect to overcoming barriers to the take-up of complying development in greenfield areas.

All feedback and submissions will be reviewed and the results will be used to inform any changes to the State Policy or other legislation.

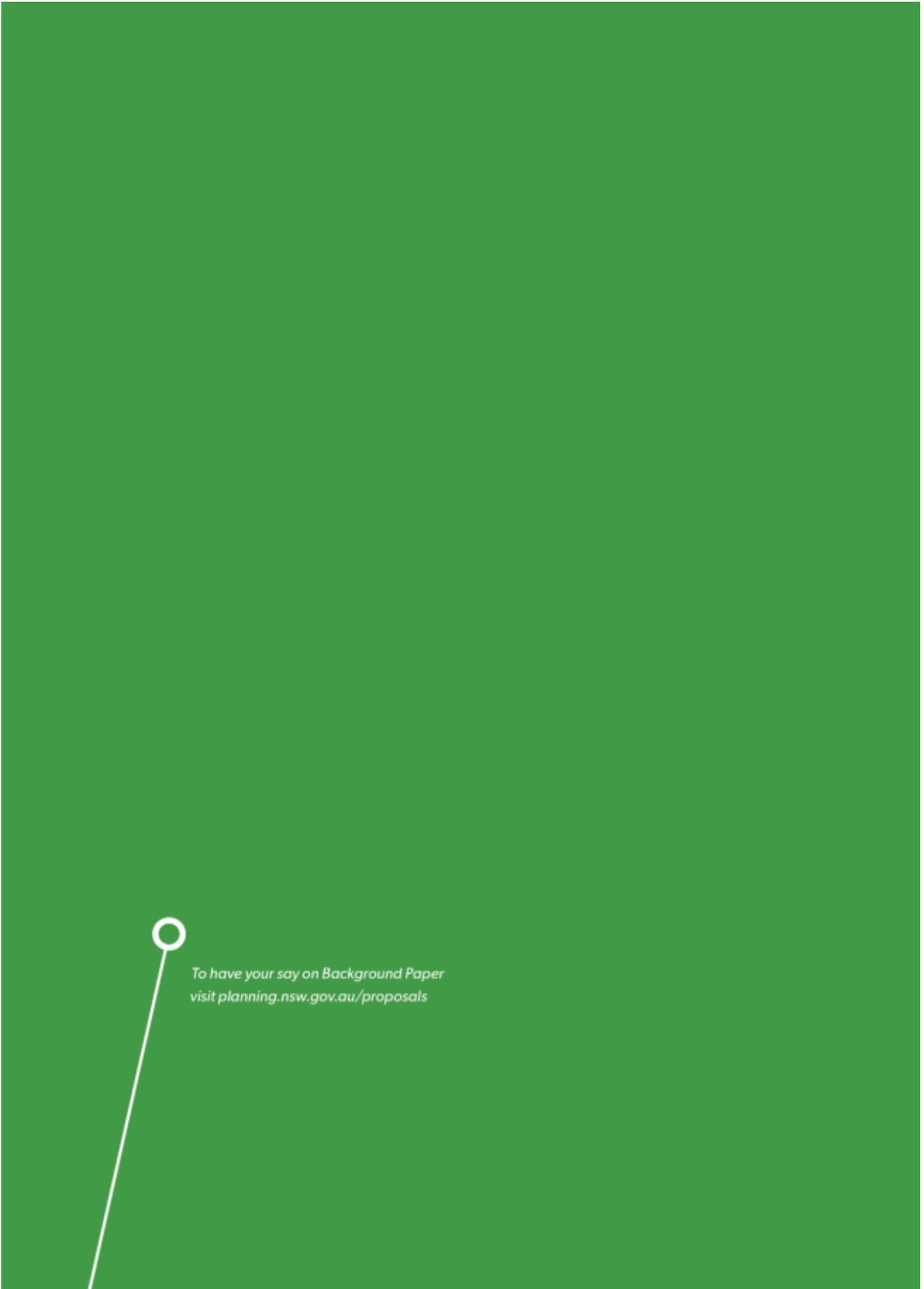
Further information on the Policy can be found on the Department's website www.planning.nsw.gov.au and the Department's NSW Planning Portal at www.planningportal.nsw.gov.au or by calling 1300 305 695.

If you cannot make a submission online, you can write to us via:

Email: codes@planning.nsw.gov.au
Mail: Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001

ORD02

Attachment 2



To have your say on Background Paper
visit planning.nsw.gov.au/proposals



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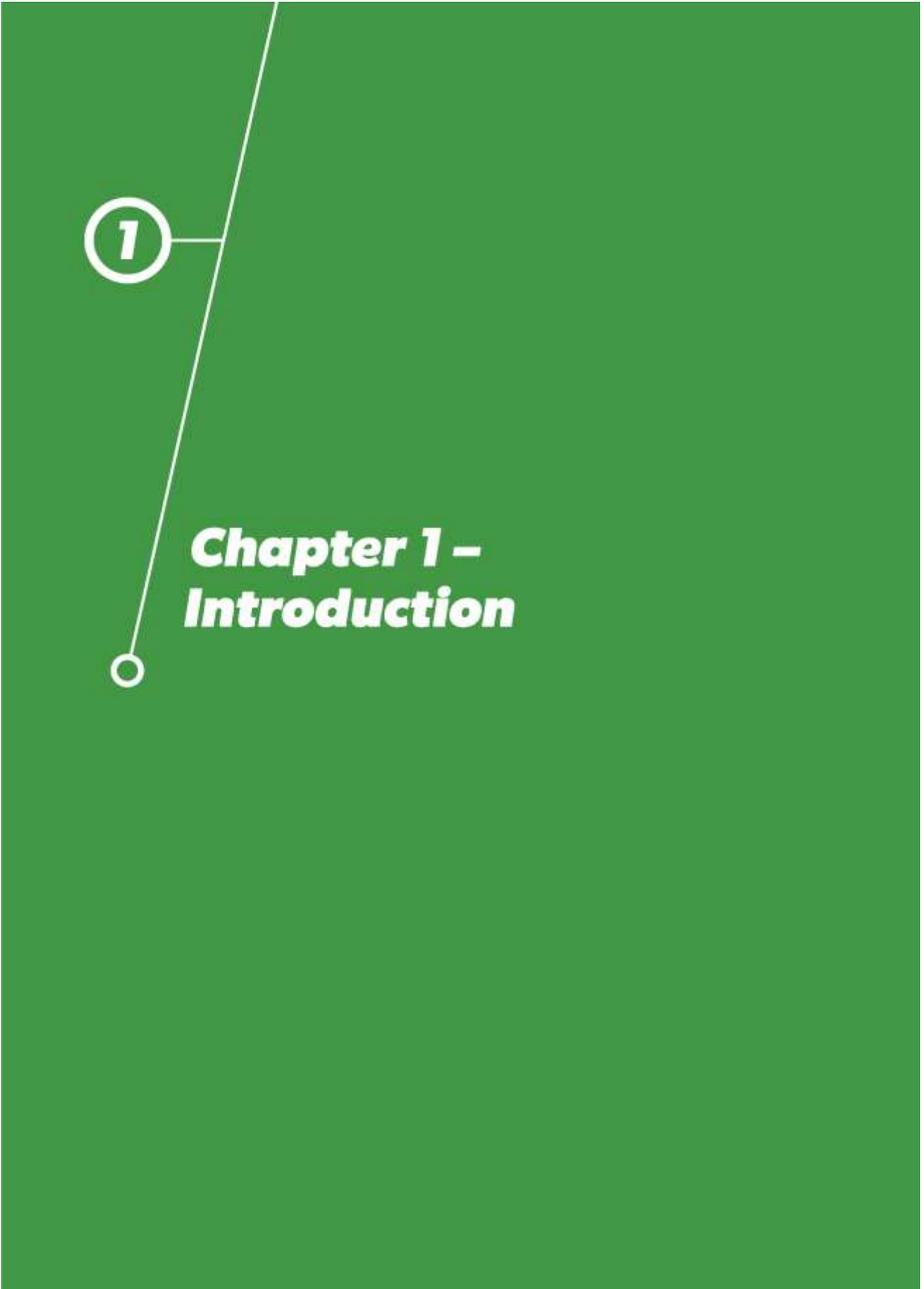
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Contents

Chapter 1 - Introduction	2
1.1 What is an Explanation of Intended Effect?	3
1.2 Context	4
1.3 Objectives and Intended Outcomes	5
1.4 Summary of Key Elements	5
Chapter 2 – The Greenfield Housing Code	6
2.1 Where the Greenfield Housing Code would apply	7
2.2 Proposed Structure of the Greenfield Housing Code	11
2.3 The intent of the proposed Development Standards	12
2.4 Comparison of the Standards	14
2.5 Proposed Development Standards	15
2.6 Other Development Standards	20
2.7 Standard conditions of approval	20

ORD02

Attachment 3



1.1 What is an Explanation of Intended Effect?

Section 38 of the *Environmental Planning and Assessment Act 1979* (the Act) requires the Minister, before recommending the making of an environmental planning instrument by the Governor, to take such steps, if any, as the Minister considers appropriate or necessary to publicise an Explanation of the Intended Effect (EIE) of the proposed instrument and to seek and consider submissions from the public on the matter.

This EIE has been prepared for the purposes of section 38 and forms an explanation of the intended effect of the proposed amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP).

The proposed amendments will introduce a new 'Greenfield Housing Code' into the Codes SEPP.

This EIE accompanies a Background Paper – *A Review of Complying Development in Greenfield Areas*, which discusses barriers to the take-up of complying development and identifies options to facilitate faster housing approvals and ensure good design outcomes in greenfield areas.

The introduction of a new Greenfield Housing Code supports the ongoing work to meet the Premier's Priority Target for Faster Housing Approvals, which is to achieve 90% of housing approvals within 40 days by 2019 and the State Priority to increase housing supply across NSW by delivering more than 50,000 approvals every year.



Figure 1: Brighton Lakes, Moorebank (source: Mirvac)

1.2 Context

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) allows for the development of 1-2 storey dwelling houses, attached and detached development and alterations and additions to be carried out under a fast track approval process called complying development.

Provided the proposed development complies with pre-determined development standards, approval in the form of a complying development certificate (CDC) can be issued on average within 20 days; compared to 71 days on average for a development application (DA). The development standards were developed in consultation with stakeholders and are designed to preserve neighbourhood amenity through setbacks, landscaping and height controls to reinforce the principles of good design. Complying development is an effective and low cost way to streamline the approvals process and improve housing affordability.

There are significant benefits associated with increasing the uptake of complying development in greenfield areas - such as reduced approval times, reduced development costs and greater certainty - all of which are explained in detail within the Background Paper.

Complying developments can be approved significantly faster than DAs. Accordingly, the Department of Planning and Environment (the Department) is examining opportunities to increase the uptake of residential complying development in greenfield areas by simplifying the development standards and tailoring them to suit these new growth areas.

There are also significant cost savings when carrying out complying development compared to a DA – a cost benefit analysis undertaken for the Department

by The Centre for International Economics (CIE) in 2015 found that there are savings of up to \$15,000 for single dwellings if approved under a CDC instead of a DA.

The 2014/15 Local Development Performance Monitor report showed that:

- CDCs now account for 32% of development approvals, up from 29% in 2013-14;
- \$5.24 billion worth of CDCs were approved under the NSW local development assessment system in 2014-15, up from \$4.43 billion in 2013-14, representing an increase of 18%;
- 29 075 CDCs were approved by council or private certifiers, representing a 17.4% increase from 24 770 in 2013-14;
- CDCs took an average 22 days to determine in 2014-15, an increase of 25% from 18 days in 2013-14.

Current barriers to the uptake of complying development have been identified, such as driveway approvals, complex development standards, and the ability to obtain a CDC prior to lot registration. These issues are explored in more detail in the Background Paper.

In addition to simplifying complying development, the NSW Government recognises that it is critical that new developments in greenfield areas are well designed to create distinct and attractive places for people which are environmentally, economically and socially sustainable.

1.3 Objectives and Intended Outcomes

The draft Greenfield Housing Code is intended to fit within the existing Codes SEPP and will be subject to the existing land based exclusions and general requirements that applies to the existing General Housing Code. The definitions contained within the Codes SEPP will also apply to the Greenfield Housing Code.

Consistent with the Department's review of the General Housing Code, it is proposed that the draft Greenfield Housing Code will also be written using plain English and structured in an easier to use format with explanatory diagrams to assist with interpretation.

The new Code will provide simplified, tailored development standards with a focus on good design outcomes to promote more residential housing in new release areas to be carried out under the fast-tracked complying development approval pathway.

1.4 Summary of the Key Elements

The key elements of the Greenfield Housing Code are:

- consistency of rear setbacks with those permitted under Growth Centres DCPs and the Codes SEPP;
- consistent front setbacks for all lot widths and removal of the front setback averaging rule currently required under the General Housing Code of the Codes SEPP;
- simplification of side setbacks to ground and upper levels;
- allowance of a double garage on lots that are 10m wide and over (permissible to two storey houses only on 10m wide lots); and
- criteria for determining different development standards is to be based on lot width rather than lot area, which is more relevant to greenfield areas.

The Department also proposes to include

development standards in the new Code, which will contribute to improving streetscape, building design quality and amenity outcomes. These include:

- a maximum depth of 6m for any habitable room from a window; and
- the requirement to plant a tree in the front and rear setbacks of the lot.

Transitional Period

The Department is aware that home builders and developers have designed new housing developments based on current development standards in the General Housing Code and the relevant council LEPs and DCPs.

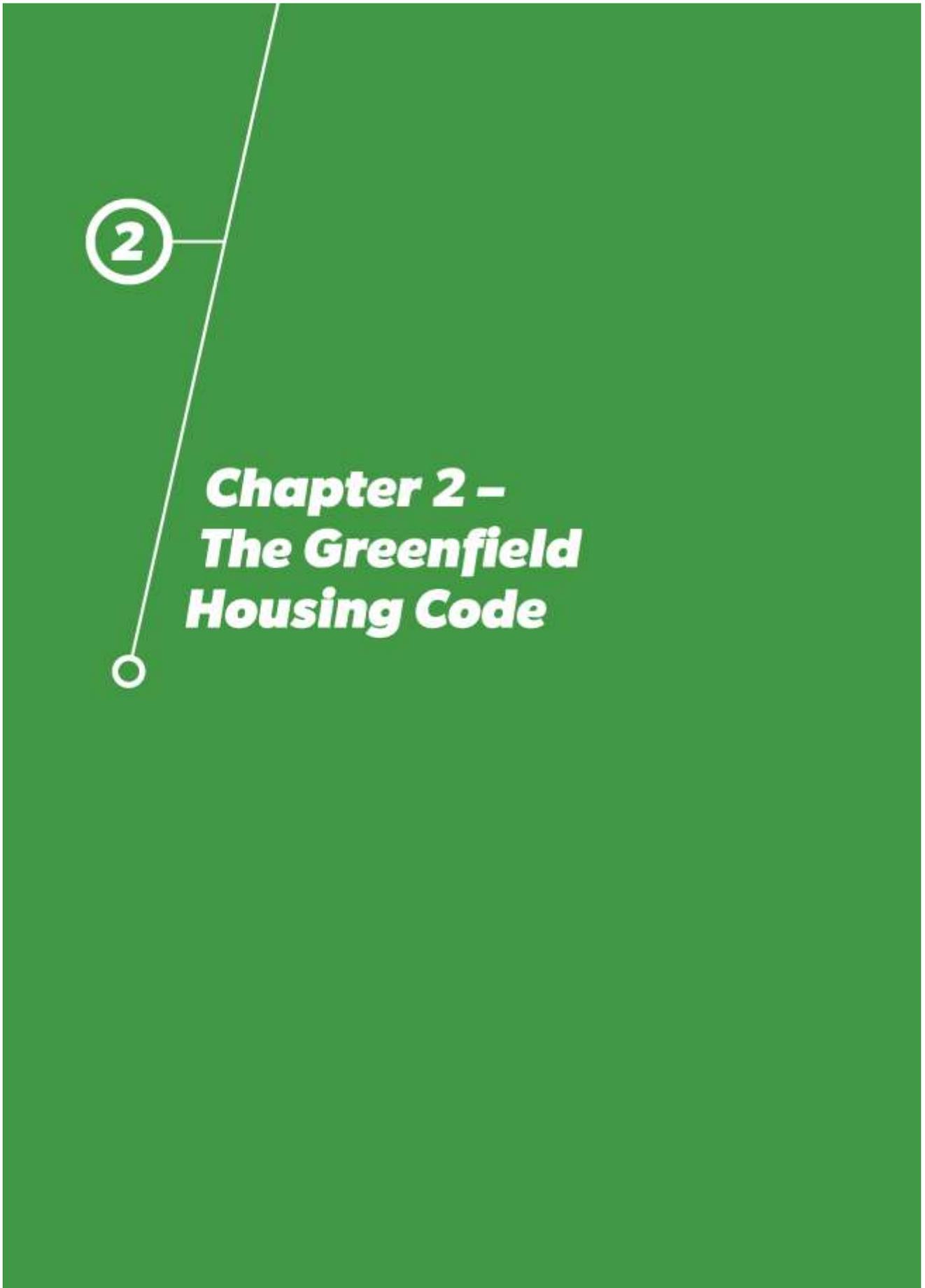
The Department proposes to allow a transition period of three years between the application of the existing policies for residential complying development (General Housing Code, soon to be replaced with the Simplified Housing Code) and the introduction of the new Greenfield Housing Code for new release areas. This would allow home builders and developers to deliver on their existing products and give them enough time to design new dwellings to comply with the development standards in the Greenfield Housing Code. The DA pathway will continue to be available.



Figure 2: Shawood at The Hermitage, Gledswood Hills (source: Sekisui House)

ORD02

Attachment 3



2.1 Where the Greenfield Housing Code would apply

The Greenfield Housing Code is proposed to apply to land defined as a residential release area under clause 136AB of the *Environmental Planning and Assessment Regulation 1979* (EP&A Regulation), and any other greenfield release areas nominated by councils and identified in a schedule to the Code. Clause 136AB includes land within:

- an urban release area identified within a local environmental plan that adopts the applicable mandatory provisions of the Standard Instrument;
- a land release area identified under the Eurobodalla Local Environmental Plan 2012;
- any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (now referred to as SEPP (State Significant Precincts) 2005).

There are also a number of greenfield areas across

the State that have been released by councils for residential urban development that could benefit from the simplified controls in the proposed new Greenfield Housing Code. The Department invites feedback from councils, landowners and industry on any other areas where the new Code should apply.

The Code would apply to new dwelling houses in defined residential release areas on land which follows all of the criteria listed below:

- in a residential zone – R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, and RU5 Village;
- has been granted subdivision consent;
- a minimum of 6 metres wide measured at the building line (as defined by the State Policy);
- a minimum of 25 metres lot depth from the frontage to a primary road to the rear lot boundary;
- a minimum lot size of 200 m².

All of the above requirements need to be met in order to use the Greenfield Housing Code. They are illustrated in the following **Figures 4, 5 and 6**.



Figure 3: Brighton Lakes, Moorebank (source: Mirvac)

Figure 4 below illustrates the minimum dimensions for a lot to be applicable under the Greenfield Housing Code.

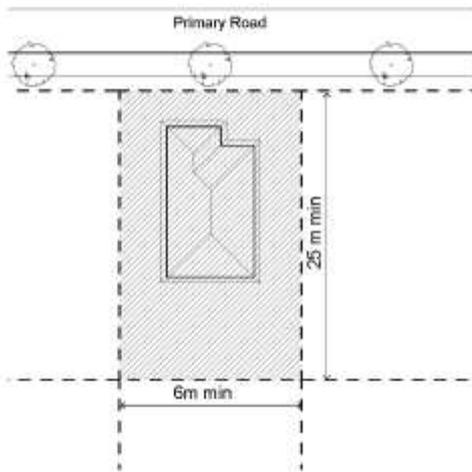


Figure 4: Minimum dimensions for applicable lots

The Greenfield Housing Code would apply to standard lots, corner lots, parallel lots and battle-axe lots as currently defined under the draft Housing Code. These are illustrated in **Figure 5** adjacent and are listed as follows:

- standard lots - with one frontage to a primary road;
- corner lots - with one frontage to a primary road and a second frontage to a secondary road;
- parallel road lots - with one frontage to a primary road and a second frontage to a parallel road;
- and
- battle-axe lots - with driveway access only to a primary road.

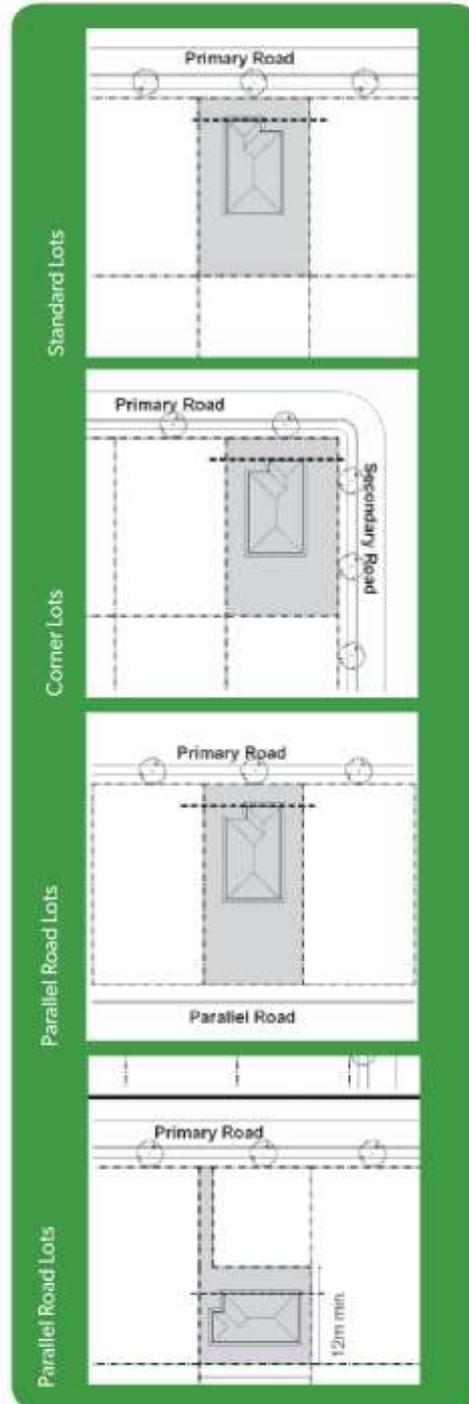


Figure 5: Four different lot conditions

While battle-axe lots are not common in new release areas, they are proposed to be included in the Greenfield Housing Code. There are some circumstances where battle-axe lots occur in new release areas, including lots which directly front public land such as a park and irregular shaped land parcels.

The same controls are proposed to apply to battle-axe lots. Determining the orientation of setbacks is the key difference as there is usually no frontage to a primary road. The primary lot boundary (the boundary where the front setback controls apply) is defined for battle-axe lots as:

- the boundary that adjoins a public road (excepting the boundary of a battle-axe access handle) or land reserved or otherwise identified for public recreation, or public infrastructure; and
- where there is no frontage as described above, the boundary closest to the primary street from which the property gains vehicular access (excluding the boundary of any part of the lot that is an access handle).

Figure 6 below illustrates the required minimum dimensions for a battle-axe lot.

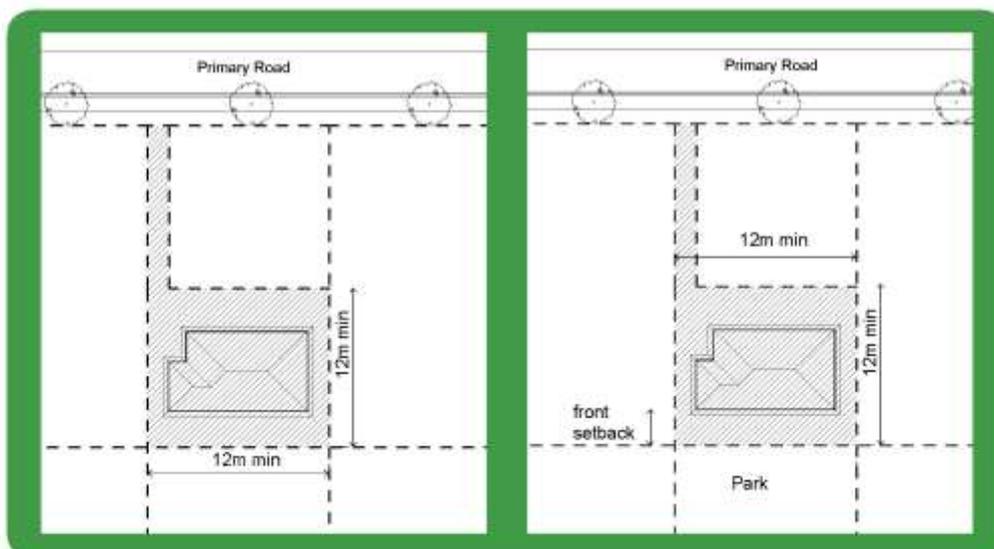


Figure 6: Minimum dimensions for battle-axe blocks

Alterations and additions

The Code would also apply to alterations and additions, allowing changes to houses in new release areas to be carried out as complying development. To remove any future uncertainty, it is important that the same development standards apply to any alterations or additions to houses that are constructed in accordance with the Code.

Secondary dwellings

Secondary dwellings in greenfield areas are intended to be carried out in greenfield areas under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Housing SEPP). These secondary dwelling controls are currently proposed to be transferred to the Codes SEPP.

Bushfire and flood prone land

The same conditions and requirements for development on bushfire prone land and flood control lots under the draft Housing Code would apply to complying development under the Greenfield Housing Code. These clauses provide additional requirements for siting and construction of development for lots that are bushfire prone or identified as a flood control lot by the local council.



Figure 7: Brighton Lakes, Moorebank (source: Mirvac)

2.2 Proposed Structure of the Greenfield Housing Code

To address stakeholder concerns that the Codes SEPP is complex to use and understand, the Department will simplify the structure, language and standards that apply to greenfield areas and align these standards with the development controls of the Growth Centres SEPP and DCPs.

The controls are proposed to be presented based on lot widths. There are 4 proposed categories of lot widths. All primary controls would be set out in a table format with accompanying diagrams that illustrate how the controls apply to lots with different configurations.

This structure is different to how the controls are presented in the draft Housing Code, which is intentional given the unique nature of greenfield areas, where lot width and depth are more relevant to housetype designs. The Code will be simpler to use in greenfield areas if controls are based on lot dimensions, rather than lot area.

The development standards for the Greenfield Housing Code are intended to be divided into the following lot width bands:

- lots that are from 6 metres wide to 7 metres wide;
- lots that are greater than 7 metres wide to 10 metres wide;
- lots that are wider than 10 metres to 15 metres wide; and
- lots that are wider than 15 metres.

The general structure for the Greenfield Housing Code aligns with the proposed divisions as in the draft Housing Code,

The structure of the proposed Greenfield Housing Code is listed as follows:

Division 1 - sets requirements for Complying Development under this Code.

Division 2- sets out development standards for new dwelling houses and attached development (such as balconies and attached garages).

Division 3 - sets out development standards for detached development (such as detached garages and carports).

Division 4 - contains similar development standards for associated works and standard conditions for complying development in Greenfield Housing Code.



2.3 The intent of the proposed development standards

The development standards in the proposed Greenfield Code are divided under the three design quality principles of Built Form, Landscape and Amenity. Standards under these three principles establish a complying building envelope which ensures good levels of amenity are achieved.

Controls are proposed to be set based primarily on the width of the lot at the front building line (the front setback). Standards such as landscape area and upper level site coverage, which control the amount of development on the lot, are based on the lot area.

The development standards have been formed based on the standards contained within both the Simplified Housing Code and the Growth Centres DCP. The aim is to simplify the standards so that they are easier to use. This simplification includes both the number of the standards to be incorporated and the way in which they will be presented in the Code.

Built Form Development Standards

The proposed built form standards (refer to Tables 1, 2 and 3) include:

- maximum building height;
- maximum upper level site coverage;
- minimum front setback (including minimum front garage setback);
- minimum side setback (single and double storey and corner lots);
- minimum rear setback (single and double storey)
- maximum rear garage height;
- minimum rear garage setbacks;
- maximum rear garage width;
- maximum garage door width; and
- maximum driveway width.

The combination of building height, setbacks and articulation zones are the most effective way to establish good streetscape outcomes and ensure

appropriate built form, amenity, privacy and environmental outcomes within lots and dwellings.

Front and rear setbacks ensure good relationships to street and neighbouring properties. Side setbacks contribute further to amenity in terms of privacy and solar access and are intended to ensure a good built form outcome. Upper level setbacks and an upper level site coverage ensure the bulk and scale of the dwelling is appropriate and allow for good solar access to rear gardens and habitable rooms.

Landscape Development Standards

Environmental benefits provided by increased landscaped areas include climate change mitigation, carbon storage and sequestration, air and water pollution mitigation, better drainage and soil protection.

Increased vegetation on a block by block basis will also contribute to soil formation, biodiversity habitats for species as well as oxygen production, with very clear benefits in relation to visual amenity, landscape and sense of place.

The proposed landscape standards (refer to Table 4) include:

- minimum landscape area (including minimum requirements within front setback); and
- provision of a tree to the front and rear garden

Landscape development standards control the amount of landscape area that is required on a lot. This ensures that there is adequate area for deep soil planting and facilitates tree planting within front and rear gardens. This improves the conditions discussed within the Background Paper of hotter temperatures (particularly experienced in Western Sydney) by providing shade.

This standard, along with the setback standards (Built Form) limit the building footprint on the site and the overall site coverage.

In addition to this, the requirement of a tree to the front and rear garden benefits the urban environment, in relation to air quality, climate and biodiversity. They also contribute to the streetscape and improve the experience of pedestrians.

Amenity Development Standards

The proposed amenity development standards (refer Table 5) include:

- no windows and doors to be located within a wall that is less than 900mm from a boundary;
- minimum ceiling height; and
- maximum depth of habitable room from a window.

Amenity development standards ensure adequate levels of amenity to both the proposed dwelling and its relationship with adjoining dwellings including solar access, daylight access and privacy. These in turn help to facilitate good dwelling layouts.

The following section (section 2.4) illustrates the proposed standards, and how they differ from the Housing Code and the Growth Centres DCP. It also illustrates how are to be presented in a simpler form, with standards grouped under key headings.



Figure 8: Brighton Lakes, Moorebank (source: Mirvac)

2.4 Comparison of the Standards

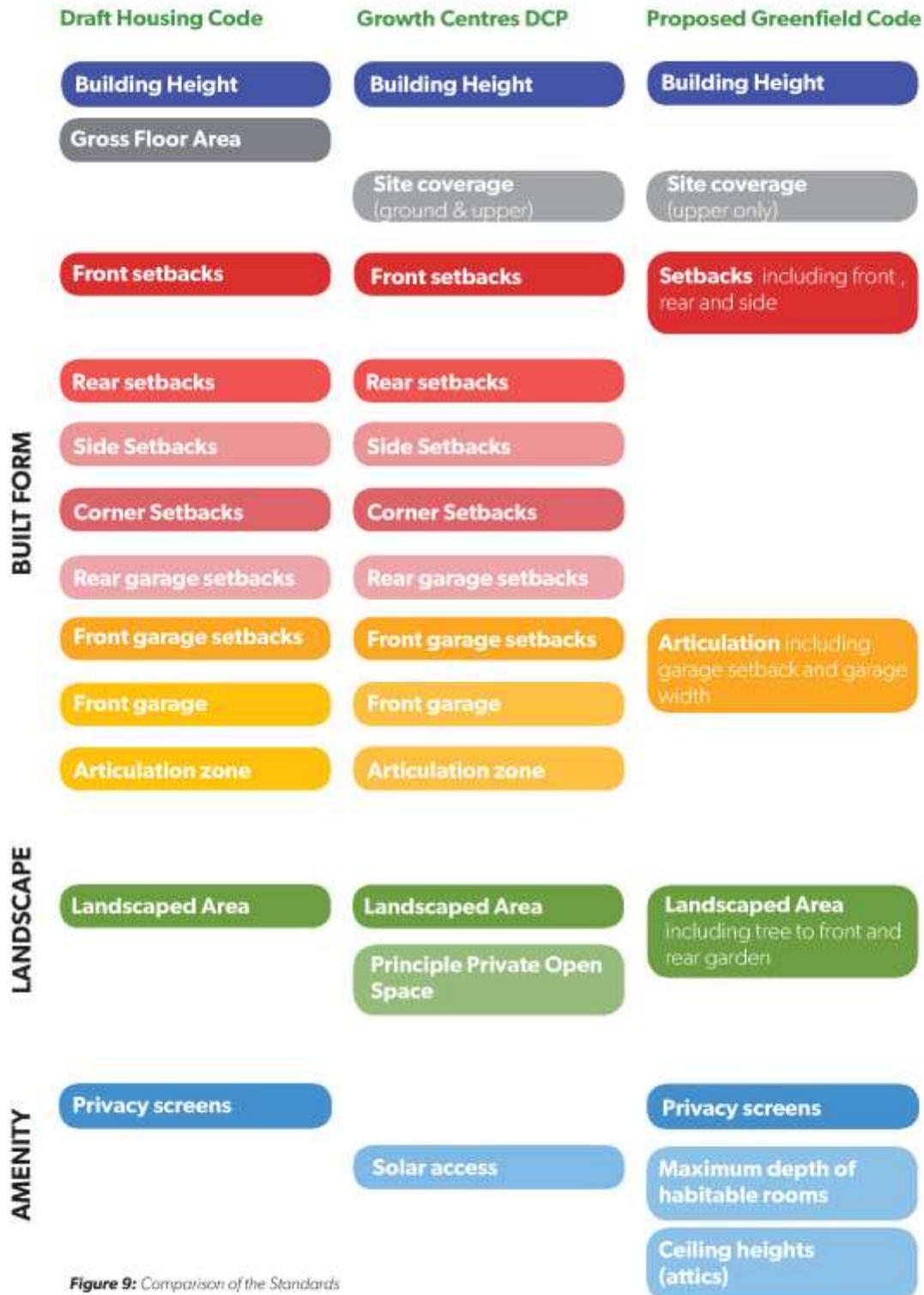


Figure 9: Comparison of the Standards

2.5 The Proposed Development Standards

Table 1 – Summary of proposed Built form standards

Control	Lot width (measured at front setback line)			
	6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Maximum Building Height (dwelling)	8.5m	8.5m	8.5m	8.5m
Site coverage	Upper level - no more than 50% of lot area	Upper level - no more than 40% of lot area	Upper level - no more than 35% of lot area	Upper level - no more than 30% of lot area
Minimum front setback	4.5 metres (to front building façade); 3m to articulation zone;	4.5m (to front building façade); 3m to articulation zone;	4.5 m (to front building façade); 3m to articulation zone;	4.5 m (to front building façade); 3m to articulation zone;
Minimum front garage setback	N/A (rear garages only)	5.5 m	5.5 m	5.5 m
Minimum side setback (ground level)	Side A:0m Side B:0m	Side A:0m Side B:0.9m	Side A:0m Side B:0.9m	Side A:0.9m Side B:0.9m
Minimum side setback (upper level)	Side A:1.5m Side B:0m	Side A:1.5m Side B:0.9m	Side A:1.5m Side B:0.9m	Side A:1.5m Side B:0.9m
Maximum built to boundary wall for all development on site	20m or 50% of lot depth (which ever is the lessor). The remainder setback along the boundary is 0.9m	15m or 50% of lot depth (which ever is the lessor)	11m or 50% of lot depth (which ever is the lessor)	n/a
Minimum rear setback (single storey)	3m	3m	3m	3m
Minimum rear setback (double storey)	6m	6m	6m	6m
Corner lots - Minimum secondary street side setback	1m	2m	2m	2m

Side boundary A and side boundary B are nominated by the applicant or nominated on the plan of subdivision / precinct plan. Where the boundaries are nominated by the applicant the following criteria must be applied:

- a) where the adjoining development is built to the boundary this boundary is to be nominated as Side A;
- b) where the adjoining development is setback less than 1.5m from the boundary but not built to the boundary, this boundary is to be nominated as Side B;
- c) where there is adjoining development only on one side, the other side is to be nominated the alternate;
- d) a corner lot has two side boundaries and no rear boundary

Table 2 – Additional controls for rear garages

Control	Lot width (measured at front setback line)			
	6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Maximum Building Height (dwelling)	3.3m	3.3m	3.3m	3.3m
Minimum side setback	0m on both sides for a max. length of 6.5m	0m on one side for a max. length of 6.5m; 0.9m on one side	0m on one side for a max. length of 6.5m	0m on one side for a max. length of 6.5m
Minimum rear garage setback (to lane)	0m	0m	0m for a maximum length along rear boundary of 6.5m	0m for a maximum length along rear boundary of 9 metres

Table 3 – Additional controls for front garages

Control	Lot width (measured at front setback line)			
	6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Maximum garage door width (at the front of the property)	N/A (rear loaded garages only)	7-9m: Single 3.2m 10m: Double 6m (to 2 storey dwellings only)	Double - 6m	50% of the facade width to a maximum of 7.2m
Maximum driveway width (at the front property boundary)	N/A (rear loaded garages only)	3.0m	4.8m (double) 3.0m (single)	4.8m
Maximum garage door width (access from secondary road only)	7.2m max	7.2m max	7.2m max	7.2m max

Table 4 – Landscape Controls

Control	Lot width (measured at front setback line)			
	6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Landscaped area (min. 1.5m wide)	Lot area 200-300m ² :15% of lot area >300m ² :50% of lot area minus 100m ²	Lot area 200-300m ² :15% of lot area >300m ² :50% of lot area minus 100m ²	Lot area 200-300m ² :15% of lot area >300m ² :50% of lot area minus 100m ²	Lot area 200-300m ² :15% of lot area >300m ² :50% of lot area minus 100m ²
Landscaped area (min. 1.5m wide) within front setback	75% of area of the front setback (excluding articulation elements)	75% of area of the front setback (excluding articulation elements)	50% of area of the front setback (excluding articulation elements)	50% of area of the front setback (excluding articulation elements)
Provision of tree	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)

Table 5 – Amenity Controls

Control	Lot width (measured at front setback line)			
	6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Windows, doors and other openings	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary
Minimum ceiling heights*	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room
Maximum depth of habitable room from primary window	6m	6m	6m	6m

*When calculating the area of a room in an attic, any part where the ceiling height is less than 1.8m is not counted. For alterations and additions, existing ceiling heights can be retained.

Figures 10 and 11 on the following pages illustrate the indicative intent of the standards.



Figure 10: Indicative proposed standards

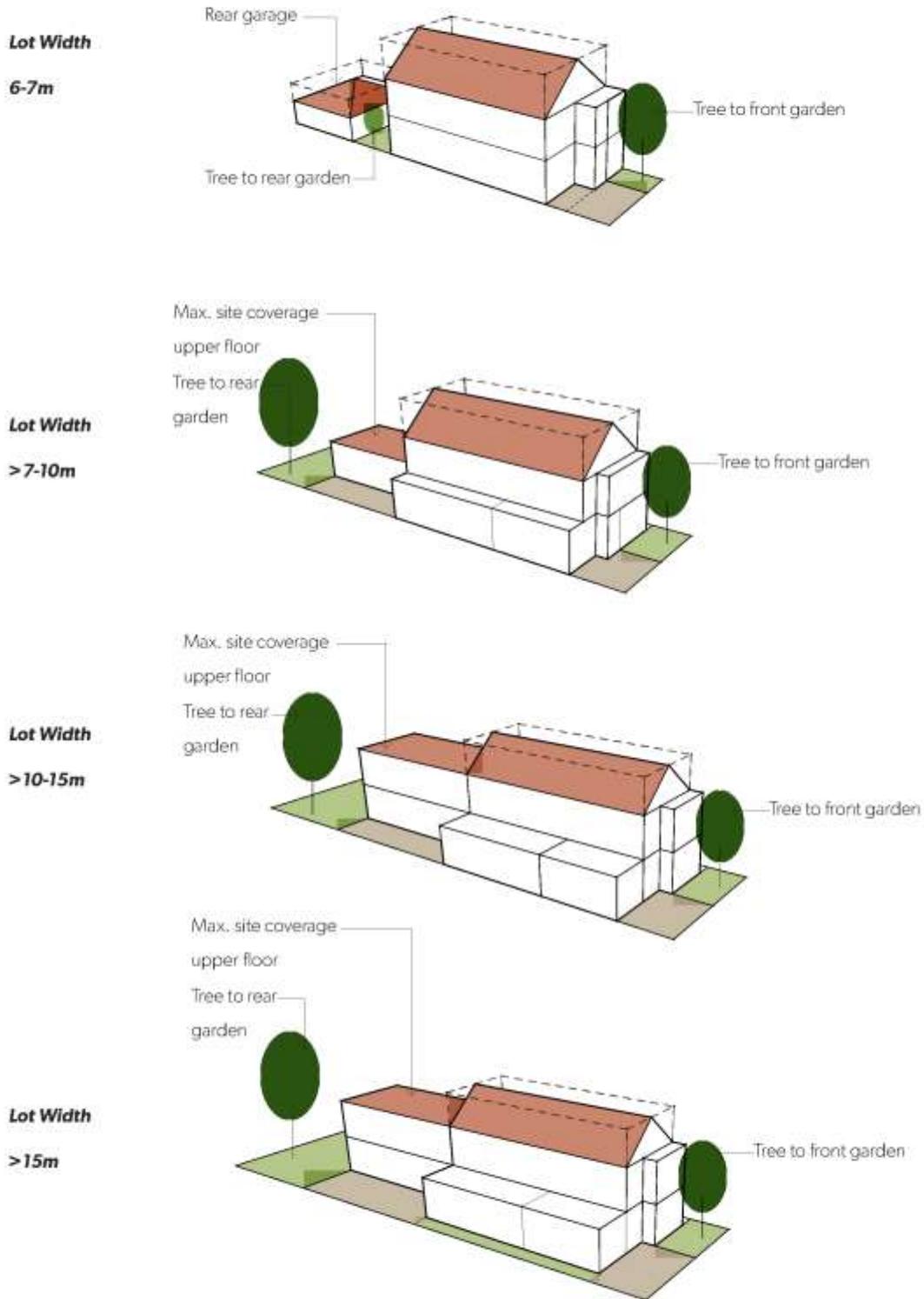


Figure 11: 3D indicative views

2.6 Other Development Standards

Other development standards contained in the draft Simplified Housing Code that address ancillary issues are proposed to be included in the Greenfield Housing Code. Some of these standards, such as requirements for storm water drainage collection and disposal, and requirements for protection of adjoining walls, could be standard conditions for complying development.

Requirements for setbacks from protected trees are typically not an issue when a house is first constructed in a new subdivision, as trees that are retained are normally located on public land. However, this provision is to be included in the Greenfield Housing Code to capture any situations where there are protected trees adjacent to a lot on which complying development is proposed.

2.7 Standard conditions of approval

It is proposed that the standard conditions of approval for complying development under the Greenfield Housing Code will include those current standard conditions of approval under the draft Housing Code and additional conditions specific to greenfield areas. The following is a summary of some of the proposed conditions of approval.

Construction Waste

The Department has received feedback that in certain greenfield areas of Sydney, councils are regularly required to clean up construction waste materials that have been illegally dumped. It has been estimated by one council that the cost to dispose of illegally dumped construction materials was over \$200,000 in the 2015 financial year. This figure covered the cost of disposal and not any staff time to investigate the illegal dumping.

To address this issue, the Department proposes a condition requiring the preparation of a waste management plan before construction starts and evidence of tipping receipts from a waste facility for all construction waste associated with that CDC issued under the Greenfield Code.

Currently the Industrial and Commercial Code in the State Policy includes conditions of consent requiring that a waste management plan and tipping receipts are presented to the certifier for industrial and commercial developments approved as complying development. However, this requirement does not apply to residential developments.



Figure 12: Brighton Lakes, Moorebank (source: Mirvac)

In addition, the following requirements are proposed for the management of construction waste for residential complying developments approved under the new Greenfield Housing Code:

- a garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. It must have a tight fitting lid and be suitable for the reception of food scraps and papers;
- identify potential reuse/recycling opportunities of excess construction materials;
- retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities;
- any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads;
- all vehicles entering or leaving the site must have their loads covered;
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads;
- at the completion of the works, the work site must be left clear of waste and debris.

Deferred Commencement

The Background Paper *Review of Complying Development in Greenfield Areas* is exhibited alongside this EIE, and discusses in detail barriers to the take-up of complying development in greenfield areas with recommended options on how to overcome these barriers.

One identified barrier is the inability to obtain a CDC prior to lot registration – unlike a DA which can be granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in that condition (for example, lot registration). An applicant wishing to build a house in a new release area under the DA pathway could obtain consent prior to lot registration – unlike a CDC.

A way to overcome this barrier is to allow CDCs to be issued for a new dwelling on the condition that the lot is legally created prior to the completion of the development. A deferred commencement condition is where the consent does not operate until the applicant satisfies the consent authority that the lot has been registered. A CDC can be issued with a deferred commencement condition, specifying that construction of the dwelling cannot commence until the lot (as identified on the approved plan of subdivision) is registered.

Further detail on this proposal is set out in the Background Paper, which is exhibited alongside this EIE.



Have Your Say

The NSW Government is committed to delivering housing to meet the needs of a growing population in NSW. The State Policy provides a fast-tracked approval pathway for delivering new housing as complying development.

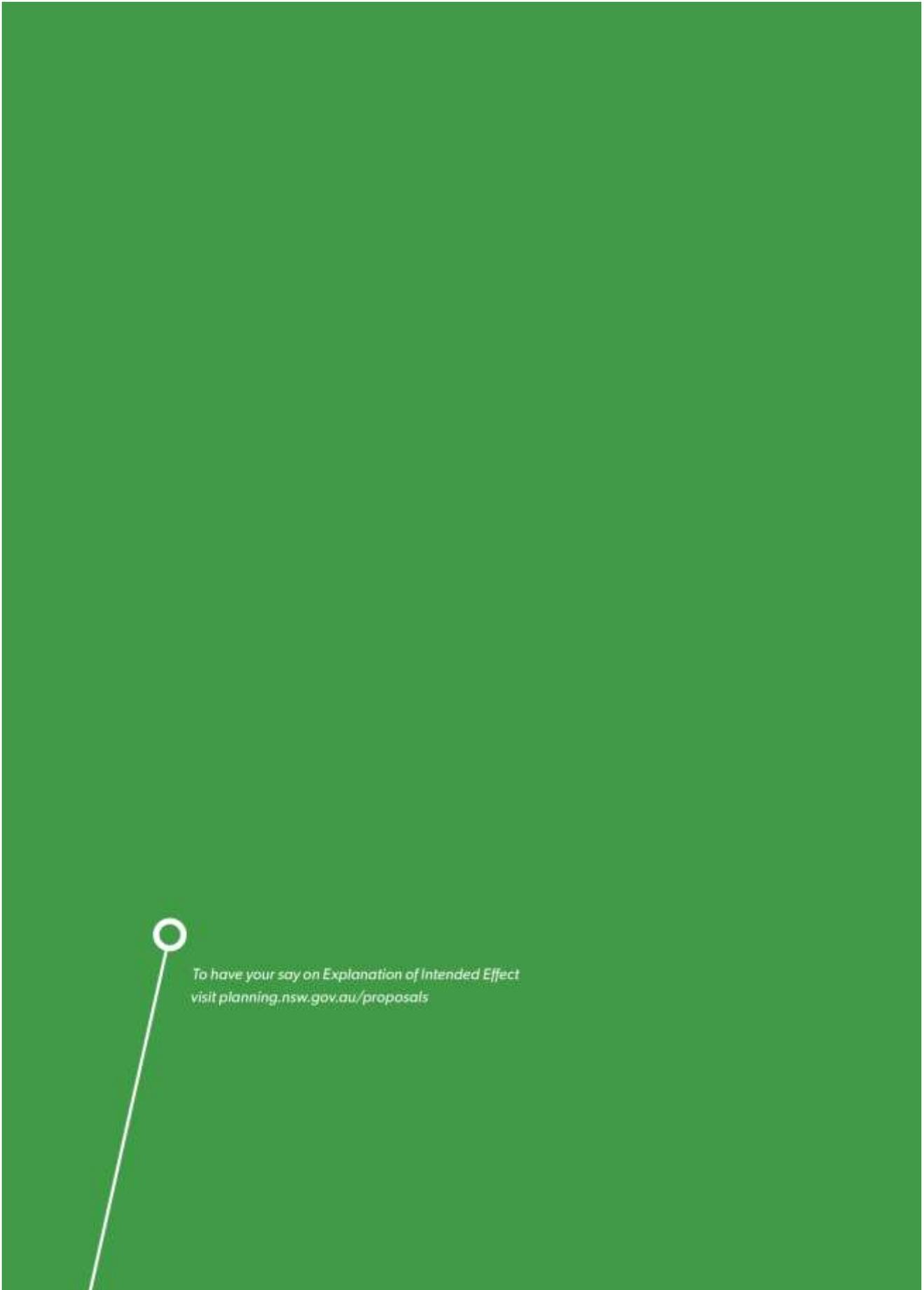
Feedback and discussion is encouraged to further explore the Department's proposed options in respect to overcoming barriers to the take-up of complying development in greenfield areas.

All feedback and submissions will be reviewed and the results will be used to inform any changes to the State Policy or other legislation.

Further information on the Policy can be found on the Department's website www.planning.nsw.gov.au and the Department's NSW Planning Portal at www.planningportal.nsw.gov.au or by calling 1300 305 695.

If you cannot make a submission online, you can write to us via:

Email: codes@planning.nsw.gov.au
Mail: Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001



Attachment 4 – Table Comparison

	Draft Greenfield SEPP	Growth Centre DCP >=9m and <=15m	Code SEPP
Max building height	8.5m	Varied see LEP	8.5m
Ground Floor Site Coverage	No site coverage required	60% (single Storey)	55% (lots between 300 and 450m ²)
Upper level Site Coverage	6-7m wide 50% >7-10m wide 40% >10-15m wide 35% >15m 30%	35%	N/A
Minimum Front Setbacks		No notable differences	
Minimum front garage setback		No notable differences	
Side Setbacks Ground floor	6-7m – Side A 0m Side B 0m >7-10m – Side A 0m Side B 0.9m >10-15m – Side A 0m Side B 0.9m >15m – Side A 0.9 Side B 0.9m	0m and on detached boundary 0.9m and 1.2m double >4.5m wide lots - 7-9m 0m - 9-15m 0m and 0.9m - >15m 0.9m	Overall very complex. See point 6 above 6-10m for any part of the building with a height of up to 5.5m— 0.9m, and (ii) for any part of the building with a height of more than 5.5m—0.9m plus one-quarter of the height of the building above 5.5m. 10-18m - for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m.
Side Setbacks Upper Floor	6-7m – Side A 1.5m Side B 0m >7-10m – Side A 1.5m Side B 0.9m >10-15m – Side A 1.5m Side B 0.9m >15m – Side A 1.5m Side B 0.9m	0m upper floor >4.5m wide lots - 7-9m 0.9m single storey 1.2 double storey - 9-15m 0.9m and 1.5m - >15m 0.9m side A 1.5m side B	Complex - see above
Rear Setback	3m (single storey) 6m (Double storey)	0.5m rear lane <4.5m wide lots All other lots - 4m ground 6m upper	3m (up to 4.5m high) 8m (above 4.5m 300-900m ² lots) – Should remain at 8m not be reduced to 6m, 10 (<300m ²)
Rear Garage Setback	0m to 50% of boundary length	0.5m	0m to 50% of boundary length
Maximum Floor Area	N/A	N/A	270m ² (lots between 300 and 450m ²)
Landscaped Area	15% - 200-300m ² 50% for lots >300m ² minus 100m ²	15% >4.5m 15% - 7-9m 25% - 9-15m 30% - >15m	10% for lots between 200-300 15% (lots between 300 and 450m ²) 20% for lots between 450-600 30% for lots 600-900
Private Open Space	N/A	N/A	N/A
PPOS	Not stated	20m ²	16m (6-10m) 24m ² (more than 10m)
Secondary Setback	1m 6-7m wide lots 2m lots >7m	2m	2m (between 200m ² - 600m ²)
Solar Access	N/A	50% of PPOS (inc adjoining)	N/A
Garage Door width	7.2m secondary setback??	>=9m-12.5m Single garage	3.2m if lot width 8-12m 6m if lot more than 12m wide



Ordinary Council Meeting

23/05/2017

8.7 Submission from Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary

Reporting Officer

Senior Strategic Planner
City Development

Community Strategic Plan

Objective	Strategy
2. A Strong Local Economy	2.1 Encouragement of balanced development within the city

Officer's Recommendation

1. That Council communicate to the Department of Planning and Environment its strong opposition to the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area, in the absence of any comprehensive accessibility and employment land strategies.
2. That Council advise Wollondilly Shire Council of its current position.

Purpose

To request Council's endorsement to forward a submission to the Department of Planning and Environment advising that Council does not support the inclusion of the subject land at Menangle within the Greater Macarthur Priority Growth Area boundary.

Report

Council has received correspondence from the Department of Planning and Environment inviting Council to comment on a request from Mirvac on behalf of SouWest Development for a 577 hectare site at Menangle to be included within the boundary of the Greater Macarthur Priority Growth Area. The subject site is located within the Wollondilly Local Government Area (LGA). See map in attachment 1.

The Department of Planning and Environment publicly exhibited the Greater Macarthur Land Release Investigation (GMLRI) documentation in 2015. An analysis/assessment of 2,378 hectares of land within a Menangle and Douglas Park precinct was included within this documentation, but was not subsequently included within the boundaries of the Greater Macarthur Priority Growth Area. The GMLRI documentation noted that the precinct as a whole has the following potential yield:

- 133 hectares of land suitable for future residential development and a further 346 hectares of land that is currently encumbered but could possibly be developed resulting in approximately 7,200 new dwellings
- 226 hectares of unencumbered land suitable for future employment uses and a further 270 hectares of encumbered land.

Ordinary Council Meeting

23/05/2017

The land subject to the Mirvac submission is located within the northern section of this precinct and proposes approximately 350 residential lots and associated employment uses as part of a stage 1 development, and a further 5,000 residential lots within future stages 2 and 3.

The analysis of the Menangle and Douglas Park precinct included within the GMLRI documentation noted three key land use constraints, being issues relating to mining, heritage conservation and the impact of poultry clusters on future development. The Mirvac submission has concentrated on addressing these issues only and has not provided any information with regard to any other matters.

It is considered that one of the major issues for Council is the impact of traffic generated by this proposal specifically within the short term.

The GMLRI recognises that any large scale release of the Menangle and Douglas Park precinct would require the construction of significant traffic infrastructure including:

- new access to Hume Highway (M31)
- potential alignment with Macquariedale Road including new bridge over the Nepean River
- connection to the proposed Outer Sydney Orbital via Finns Road.

However, the GMLRI also considered that any small scale development in Menangle Village could be supported by the existing transport network. This presumably means traffic access from Menangle is proposed to be via Menangle Road through the Campbelltown LGA. This is clearly unacceptable at the current time for the following reasons:

- it is unclear what defines small scale development
- whilst major roadwork's are planned within the Menangle Park Urban Release Area which include access to the Hume Highway and upgrading of Menangle Road north to the Macarthur Centre, these works are still in the planning stages and have not been finalised
- there are currently no plans for the upgrading of Menangle Road south of the proposed intersection of the Hume Highway and Menangle Road
- there is no indication of the likely impact of additional traffic around the Macarthur Centre as a result of any development of the Menangle and Douglas Park precinct
- significant higher order holistic district level accessibility commitments negotiated by Council with the State Government could be impacted.

It is also of concern that there appears to be no specific employment strategy in place to ensure a reasonable level of self-containment and potentially diminished out migration passenger vehicle movements.

Wollondilly Shire Council has also advised that it has major reservations with regard to this proposal.

Ordinary Council Meeting

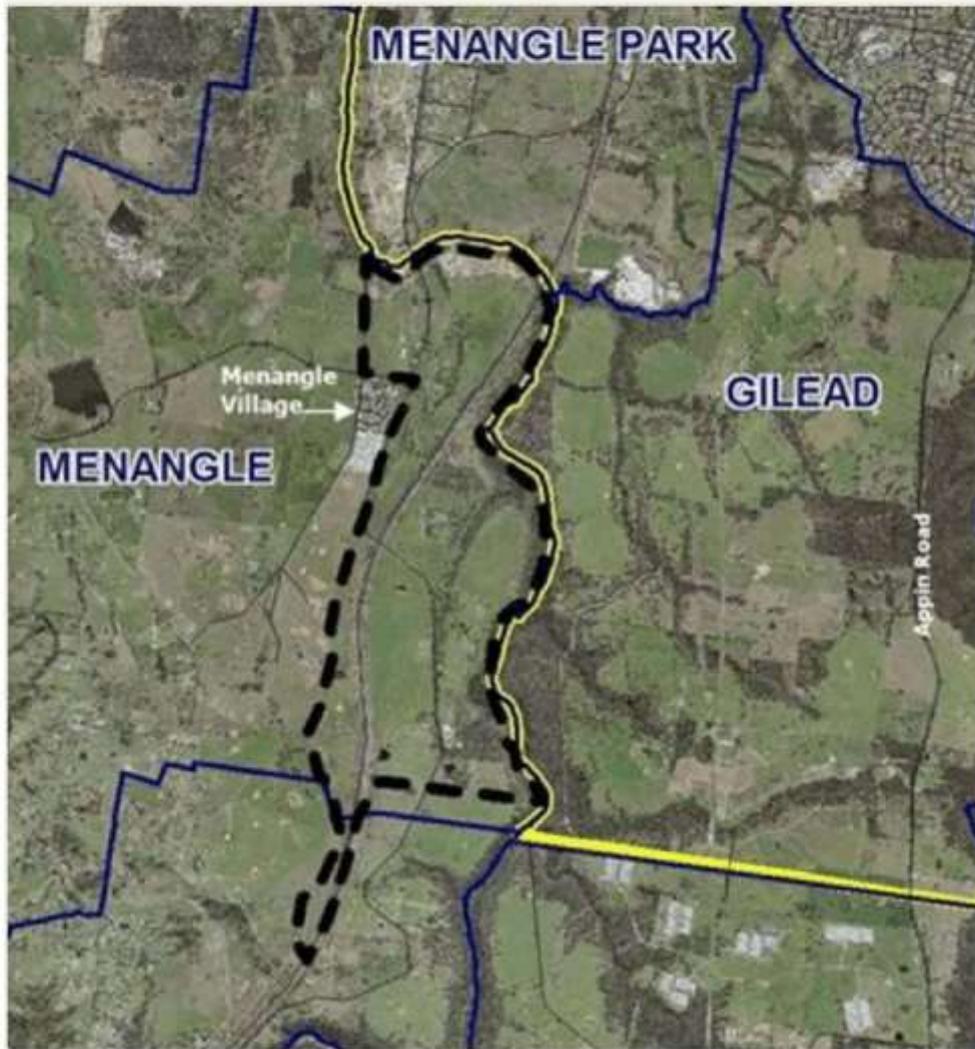
23/05/2017

Conclusion

It is considered that due to the major issues raised in this report with regard to the deficiency of information and clear lack of commitment to the provision of appropriate traffic infrastructure and employment strategies, that Council not support the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area.

Attachments

1. Location of subject land (contained within this report)



Subject land to Mirvac's submission - dashed line defines area of subject lands

8.7 Submission from Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary

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

1. That Council communicate to the Department of Planning and Environment its strong opposition to the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area, in the absence of any comprehensive accessibility and employment land strategies.
2. That Council advise Wollondilly Shire Council of its current position.

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

A Division was recorded in regard to the Resolution for Item 8.7 with those voting for the Motion being Councillors G Bricevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, G Greiss and R George.

Voting against the Resolution were Councillors B Thompson and T Rowell.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

PE3

Request to Include Land at Menangle in Greater Macarthur Investigation
19 TRIM 8520 & 6814

Planning & Economy

EXECUTIVE SUMMARY

- The purpose of this report is to advise Councillors on a request from the Department of Planning and Environment to comment on a submission from Mirvac to the Department seeking to include additional land within the proposed Greater Macarthur Priority Growth Area.
- Mirvac's proposal is for around 350 residential lots and associated employment uses in Stage 1 and for around 5,000 residential lots in stages 2 and 3.
- The Department of Planning and Environment has not done any community consultation in regard to this proposal.
- Council's comments to the Department need to be made by 18 May 2017.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council object to the inclusion of this proposal within the Greater Macarthur Priority Growth Area.

REPORT

GREATER MACARTHUR INVESTIGATION AREA HISTORY

In December of 2014 the Department of Planning and Environment released their metropolitan strategy "A Plan for Growing Sydney". This plan which identified a potential new Priority Growth Precinct known as Greater Macarthur that included the Appin and Wilton areas. The maps within the Plan was not clearly defined and there were 2 different versions of the map within the Plan.

In late December, 2014 the Department of Planning and Environment wrote the letter at Attachment 4 to Council inviting Council to participate in investigations into the Macarthur South Investigation Area.

In March, 2015 Council considered a report on the Draft Growth Management Strategy and the Impact of a Plan for Growing Sydney. The minutes of this meeting are at Attachment 5. Of particular relevance are points 3 and 7 of this resolution which say:

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

"3. That it be noted, in relation to the investigation work into the Macarthur South area that Council has yet to establish its position regarding the inclusion or exclusion of certain localities in the potential new Growth Centre.

7. That Council advise the Joint Regional Planning Panel of this resolution and suggest that any planning proposal currently being considered by the Panel be deferred pending completion of the investigation study into the Macarthur South area."

This point 7 relates to the Station Street Planning Proposal, which is referred to as Stage 1 in the Mirvac Proposal.

During 2015 the 'Macarthur South Investigation Area' became known as the 'Greater Macarthur Investigation Area'.

In September 2015, the Department released the Greater Macarthur Land Release Investigation – Preliminary Strategy and Action Plan ("Preliminary Strategy"). This investigation included the land subject of the current Mirvac proposal and extended from Menangle Park to Appin and Wilton. Two precincts within the investigation area (i.e. Wilton Junction and Mt Gilead/Menangle Park) were identified for future urban release. The Preliminary Strategy and proposed amendments to State Environmental Planning Policy (Sydney Growth Centres) ("Growth Centres SEPP") were placed on exhibition in late 2015.

Council considered a report on the exhibition material at the 16 November, 2015 Ordinary Meeting. The minutes of this meeting are at Attachment 6 to this report. The Council resolution was lengthy and included the following points of particular relevance to this current proposal:

- *Council write to the JRPP and raise concern about the appropriateness of considering the Station Street Planning Proposal before 2036 given the lack of suitable infrastructure and impending growth in Menangle Park.*
- *Council oppose the land north of Douglas Park being identified as a future industrial site given:*
 - *air quality issues previously identified in the Macarthur Regional Study 1991*
 - *the scenic quality of the area and proximity to the Nepean River*
 - *The isolation from road and rail infrastructure*
 - *The extent of employment lands identified elsewhere in the study area in particular Maldon.*

Planning & Economy

Attachment 2

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

- *Council opposes the inclusion of a proposed double lane road from Menangle Park through to Douglas Park, which will need to be constructed over the Nepean River, under a heritage listed rail bridge and through a village that does not have the space to accommodate four lanes and falls within a Landscape Conservation Area. Council opposes the map reference called Douglas Park North.*
- *Council ensure that all heritage reports held in relation to Menangle Village be forwarded to the Department of Planning for their consideration.*
- *Beyond 2036, the Department of Planning investigate growth options consistent with Council's Growth Management Strategy which seeks preservation of agricultural land, biodiversity conservation and rural living through the separation of towns and villages in line with Council's desire for classification as peri-urban.*

On 29 July, 2016 the then Minister for Planning, Rob Stokes made the following announcement:

- (a) *The Growth Centres SEPP has been amended to include Wilton New Town as a Priority Growth Area.*
- (b) *The Mt Gilead/Menangle Park precinct has been expanded to included West Appin and the Glenfield to Macarthur Corridor for re-exhibition purposes.*

A copy of the revised precinct referred to as the Greater Macarthur Priority Growth Area forms Attachment 7 to this report. It is noted that Menangle is outside the mapped priority growth area.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

The previous Council considered a report on the Greater Macarthur Priority Growth Area at their meeting 8 August 2016, where they resolved:

That the comments relating to the Greater Macarthur Priority Growth Area and draft amendments to State Environmental Planning Policy (Sydney Growth Centres) outlined in this report and summarised below be forwarded to the NSW Department of Planning for their consideration:

- *Given the land supply is likely to meet the housing demand well beyond 2036, West Appin should not be included as a Priority Growth Area. Beyond 2036, the Department of Planning investigate growth options consistent with Councils Growth Management Strategy which seeks the preservation of agricultural land, biodiversity conservation and rural living through the separation of towns and villages in line with Council's desire for classification as a peri urban area.*
- *The inclusion of Appin West with 18,000 dwelling capacity contravenes the Department of Planning's comments that Wilton Junction promises to be ".....distinctly anti-sprawl in its aesthetic" (Page 37 of PE1 – Council Agenda). It is the view of this Council that the inclusion of Appin West will in effect become urban in-fill between Wilton Junction and Campbelltown, markedly increasing Sydney's urban sprawl footprint.*
- *Funding priority should be given to other priorities in the road network for Appin, prior to any funding commitment to the additional east-west link connecting Appin Road to the Hume Highway.*
- *The upgrade of Appin Road between Appin village and Campbelltown and completion of the Appin Bypass should be undertaken in association with land release at Mt Gilead and Menangle Park.*
- *Any benefit which flows to Appin village in terms of negotiated Voluntary Planning Agreements and/or Special Infrastructure Contributions for land release should extend beyond road upgrades and address utility and social infrastructure needs.*
- *Greater strategic direction is required in relation to the assessment of existing planning currently before Council and the Joint Regional Planning Panel.*

Planning & Economy

Attachment 2

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

- *In relation to the Consultation Update (June 2016), Council express concern regarding the 'request for inclusion map' which extends well beyond the property boundary of the developer seeking to be included in the investigation area for Greater Macarthur Priority Growth Area.*
- *Whilst there has been an increase in the time for submissions we note our concerns regarding the timing of this is poor in relation to the local government elections caretaker mode.*

Council most recently considered the Greater Macarthur Priority Growth Area at its meeting on 17 October 2016. The report presented to this meeting was to provide the newly elected Council the opportunity to consider the Greater Macarthur Priority Growth Area. At this meeting it was resolved:

1. *That Council reaffirm the comments relating to the Greater Macarthur Priority Growth Area and draft amendments to State Environmental Planning Policy (Sydney Growth Centres) as resolved at the Council meeting on 8 August 2016 and attached to this report.*
2. *That Council request staging priority be given to locations within the Growth Centre that are supported by adequate public transport provision either existing or planned. For example priority should be given to development adjacent to Railway Stations in the Glenfield to Macarthur Corridor over sites distant of Railway stations.*
3. *That no development south of Rosemeadow should be undertaken prior to the upgrade of Appin Rd and the provision of a by-pass for the existing Appin Village.*
4. *That a subsequent submission be sent to the Department of Planning outlining any additional comments from Council if required.*
5. *That another road and transport link between Camden and Campbelltown be highlighted as a major priority.*

Planning & Economy

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

West Appin High Level Infrastructure Investigation

At its meeting of 19 May 2014 Council considered a report addressing (i) the impact of including the land west of the Nepean River into the West Appin Precinct Area in respect to rural uses and landscape protection, threatened ecological communities and its proximity to the Nepean River and riparian corridors and (ii) the environmental attributes at a high level.

Council subsequently resolved as follows:

1. *That the information contained in this report be received.*
2. *That Council write to the NSW Department of Planning & Environment:*
 - (i) *Advising that Council does not support the inclusion or consideration of any land west of the Nepean River – including the land comprised in the Planning Proposal for employment lands at Moreton Park Road, Menangle – as part of the high level infrastructure investigation currently being undertaken for a potential West Appin Masterplan.*
 - (ii) *Requesting that the land west of the Nepean River be removed from the investigation area referred to by the Terms of Reference for Proponent Submission for the West Appin High Level Strategic Infrastructure Investigation, issued by the Department to Walker Corporation and dated 23 December 2013.*
3. *That Walker Corporation (on behalf of the West Appin proponents), the proponents for the Planning Proposal for employment lands at Moreton Park Road, Menangle and the Sydney West Joint Regional Planning Panel be advised of the above.*

MIRVAC PROPOSAL

Stage 1 - Station Street

Stage 1 of the Mirvac Proposal is the site of a current planning proposal in Station Street, Menangle. The Sydney South West Planning Panel is the relevant planning authority for this planning proposal, taking over from the Sydney West Joint Regional Planning Panel in November 2016 when the Draft South West District Plan was placed on public exhibition.

This proposal seeks to rezone land at Menangle as identified in Attachment 6 to this report. This will enable the construction of approximately 350 dwellings, and includes the adaptive re-use of important heritage buildings on the land and a 1 hectare business zone adjoining the railway station.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

There appears little point including this proposal within the Greater Macarthur Priority Growth Area. This proposal is already well advanced through its own planning process and the inclusion of this proposal in the priority growth area will not alter this situation. The planning merit assessment of this proposal can be made without inclusion in the Greater Macarthur Priority Growth Area.

It is noted that the Station Street proposal will be the subject of a report to Council soon in regard to potential changes to the Wollondilly Development Control Plan, 2016 and in regard to a potential Voluntary Planning Agreement. Currently staff are waiting on additional information in regard to these 2 matters.

Stages 2 & 3 - Around 5,000 Residential Lots

This is a new proposal that has not previously been considered by Council.

The submission (Attachment 2) made by Mirvac is limited in detail, reflective of it being a submission to a high level investigation. The submission heavily relies on comments made in the Greater Macarthur Land Release Investigation.

The submission at Attachment 2 does not make reference to the views of Wollondilly Council expressed through previous resolutions. The submission does not appear to give any detailed consideration to the Menangle Landscape Conservation Area. While there is an attached heritage report from AECOM that mentions the Landscape Conservation Area, that is all it does. The report does not include any assessment of the impacts of replacing the rural environment with houses and how that would affect the heritage significance of the landscape conservation area. The AECOM report does not make any recommendations to address the landscape conservation area.

The submission at Attachment 2 includes the following statement: "Limited existing surrounding road infrastructure upgrades are required." This statement is not backed up by any studies.

The details provided do indicate that "the site has absolute frontage to the foreshore of the River to be activated and enhanced". The submission does not consider the scenic protection areas identified under Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River.

Council staff met with representatives of Mirvac on 31 March, 2017. At this meeting Council staff articulated some of their concerns with the submission, particularly in regard to the Stage 2 and 3 proposal. In response Mirvac provided the additional information that can be found at Attachment 3 to this report. The following is commentary on key issues related to the Stage 2 and 3 proposal.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

Growth Management Strategy (GMS) 2011

The Stage 2 and 3 proposal is completely inconsistent with the Wollondilly GMS 2011 in that:

- It is not identified on the Structure Plan for Menangle
- It is far in excess of the Housing Target for the Macarthur South area identified in the strategy. The housing target for this area within the strategy will be achieved by developments already approved, including Durham Green, Bingara Gorge and North Appin. The development at Wilton, an identified priority growth area, will mean that the growth targets for Macarthur South are well exceeded.
- The proposal is inconsistent with the position on Macarthur South discussed in the GMS.

Housing Supply

The Draft South West District Plan identifies a 5 year housing target for Wollondilly of 1,550 dwellings. No longer term targets are provided. Existing approved developments will easily result in the achievement of this target. As housing supply in Wollondilly is not an issue, and all other Councils in the South West District are also confident of achieving their housing targets, there would need to be significant strategic advantage to a site that has not already been identified in a planning strategy for it to be considered.

For the subject site, an investigation of relevant issues not only fails to find any strategic advantage, it uncovers several reasons why development of this stage 2 and 3 proposal is undesirable, as discussed below.

How Many Lots?

The stage 2 and 3 proposal is described in Attachment 2 as being for "approximately 5,000 residential lots based on an assumed density of 15 dwellings per hectare".

The plan "Gross Developable Area" appears twice in attachment 2, once with the logo EMM and once with the logo AECOM. This plan identifies the site as having a total area of 577.7 hectares. Of this, 130 hectares is removed from the gross developable land, presumably mainly due to flood and vegetation constraints leaving a net developable area of 447.7 hectares. In response to Council's questions additional information at Attachment 3 suggests the area of open space may "potentially equate up to 230 hectares" and refers to an annexure without surveyed sizes.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
15 May 2017

**PE3 – Request to Include Land at Menangle in Greater Macarthur
Investigation**

This leaves the total development yield unclear. If the proposal is for 447.7 hectares as indicated in Attachment 2, then at 15 dwellings per hectare the actual yield would be about 6,700 dwellings. One of the differences between the plans in the 2 Mirvac submissions is the addition of the heavily vegetated Lot 3 and 4 DP 248225 to the more recent plan as 'public open space. Even if the maximum possible open space is achieved as detailed in Attachment 3, the likely yield is well in excess of 5,000 dwellings.

Heritage Conservation Area

A significant part of the Stage 2 proposal is within the Menangle Landscape Conservation Area, as can be seen in Attachments 3 and 8. The initial submission did not address this in any detail. A more detailed response is provided in Attachment 3 which in summary notes that there are no controls in Wollondilly Development Control Plan 2016 for the Heritage Conservation Area that the proposal is not inconsistent with any LEP controls and clause 5.10(b) of the LEP relates to requirements "prior to issuing a development consent". It is further considered in the report that much of the conservation area would be retained as open space.

The concept structure plan in Attachment 3 to this report however, identified significant areas of proposed R2 zoning in the area covered by the Landscape Conservation Area.

It is agreed that the clauses in the LEP are aimed at the development consent stage.

In Wollondilly there are existing approvals in place sufficient to achieve dwelling targets and other significant planning proposals in progress and planning work occurring within declared growth areas to achieve long term housing supply. In this environment, it is difficult to support any incursion of residential development on this scale into the landscape conservation area, particularly where that development is not identified in Council's Growth Management Strategy.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

Scenic Protection

The site includes land within the Scenic Protection Area identified along the Nepean River under the Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River. This plan in particular provides the following additional matter for consideration by a consent authority for such land:

The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the River or the surrounding visual catchment (this requires consideration of the proposed form and siting of buildings, of the colours and materials used and of landscaping).

While some of the land referred to above is open space, this issue has not been addressed in the submission. In particular there is no information to identify the "surrounding visual catchment" and therefore no ability to determine whether or not future development would be able to be supported.

Additional to this the proposal is highly visible from the M31 Hume Highway. Attachment 10 to this report is a map which shows in yellow the land visible from the Hume Highway. The preservation of rural views and vistas is an important component of living in Wollondilly and a requirement of the Draft South West District Plan. This is especially so at Menangle with the riverine scenic corridor and the landscape conservation area. The replacement of this rural heritage landscape with housing would significantly impact the rural feel of Menangle and the rural entrance to Sydney from the south west.

Draft District Plan

The information provided in Attachment 3 provides a detailed response to the Draft District Plan, including housing supply, productivity priorities, liveability priorities and sustainability priorities.

Unfortunately the submission does not address the plan in respect of how it applies to the Metropolitan Rural Area. The site is entirely located within the metropolitan rural area. Sustainability Priority 6 in the draft South West District Plan is "Discourage urban development in the Metropolitan Rural Area" and goes on to say that relevant planning authorities should not support planning proposal affecting land currently within an RU (rural) zone or E (environmental) zone unless they are identified in a regional or district plan as urban investigation areas or have been identified under sustainability priorities 7 and 8. Neither of these situations apply to this site which is outside the current boundary of the Greater Macarthur Priority Growth Area.

Planning & Economy

Attachment 2

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

Investigation and Consultation

Development at Wilton was supported by Council after lengthy planning work and investigation, community consultation and expert advice. The level of documentation provided for Wilton was substantial and involved master planning. As a result of significant investigation and specialist studies, and after years of work and consideration, Council was supportive of the inclusion of Wilton within a priority growth area.

No such detailed investigation or community consultation has occurred in regard to this site.

Poultry Farm

The poultry farm at Appin has been identified in the Draft South West District Plan as part of an agricultural cluster at Appin. This 'poultry cluster' at Appin was also identified in the original Greater Macarthur Land Release Investigation.

The land containing this poultry cluster is literally just across the river from the Stage 2 and 3 proposal. This can be clearly seen on the proponents plans, e.g. the 'gross developable area' plan in Attachment 2 to this report.

The south easterly wind is a very common wind at Appin and would blow from this poultry farm towards the proposed development.

No information has been provided to demonstrate that future residents would not be subject to odours from the poultry farm.

Loss of Agricultural Land

The NSW Agricultural Land Classification Atlas identifies some high class agricultural land within the proposal site.

The loss of high class agricultural land for a proposal that has not been identified in Council's Growth Management Strategy is not supported.

Lack of connectivity - Rail

The proposal includes statements alluding to the suitability of the site due to its proximity to the Menangle Railway Station.

The difficulty with this is that the southern extremities of the site are 4km in a straight line from Menangle Railway Station. Almost all of the stage 2 and 3 proposal is more than 800m, standard accepted walking distance from the Railway Station.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

The Railway Station itself has significant limitations. The platform length is only suitable for 2 carriages. This may support a small village, but not a new town of more than 15,000 people. Any expansion of the Railway Station is constrained by its listing on the State Heritage Register and by the lack of any commuter car parking.

The majority of the Stage 2 and 3 proposal is not well connected to public transport and therefore fails to meet the liveability criteria promoted in the South West District Plan.

Road Infrastructure

The original submission at Attachment 2 makes the following claim (page 5):

'Limited existing surrounding road infrastructure upgrades are required'.

In response to concerns raised by Council officers, a more detailed response was provided and can be seen in Attachment 3. This response acknowledges upgrades required at the intersection of Station Street, Menangle with Menangle Road and Woodbridge Road, at the intersection of Station Street and Moreton Park Road and at a new intersection on Menangle Road north of Station Street.

The rest of the further information refers to potential upgrades of State Roads which will be funded through special infrastructure contribution schemes (SICs) with the State Government.

This response does not acknowledge that Menangle Road south of the Nepean River is not a State Road. It does not acknowledge that there would be an impact on other local roads like:

- Woodbridge Road and Finns Road to gain access to Camden, Narellan and the South West Growth Centre.
- Menangle Road to gain access to Douglas Park and the Southern Highlands via Picton Road.
- Moreton Park Road and Douglas Park Drive which is the shortest route to Wollongong.

There is no information in the Mirvac submission to identify potential local road infrastructure shortfalls and no commitment to upgrading any of these roads. Without an understanding of whether or not the proposal will result in the capacity of these roads being exceeded, it is not possible to recommend support to this proposal.

Planning & Economy

Attachment 2

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
15 May 2017

**PE3 – Request to Include Land at Menangle in Greater Macarthur
Investigation**

Multiple Fronts to Development

Wollondilly Council has supported large scale urban development at Wilton for reasons including that it will lead to greater local provision of higher order goods and services. The development on a large scale in other nearby locations, like Menangle or Appin, could dilute the targeted growth at Wilton and work against the achievement of Council and the communities objectives in this regard.

Other Potential Land Uses

Given that there are no current high level strategic documents supporting the urban development of this site, it is also appropriate to consider the sites long term potential uses.

There was a previous proposal for use of some of the land in the Stage 2 and 3 Mirvac proposal for an inland railport, taking advantage of the proximity of the main southern railway and M31 to each other. This proposal was not supported by Council and was also not supported by the Sydney West Joint Regional Planning Panel at their meeting on 27 March, 2014. A copy of the minutes of the panel meeting is at Attachment 11 to this report. In summary, the reasons for their decision were:

1. *The panel has considered the planning proposal, and at this stage considers the planning proposal to be premature in the absence of more detailed strategic analysis of the framework for development of Macarthur South, including employment, housing, infrastructure and transport arrangements.*
2. *Any investigation should be undertaken in conjunction and aligned with the investigations already underway in the Macarthur South area. In particular, the boundaries of the West Appin Investigation Area should be amended to incorporate the subject lands proposed for employment purposes.*
3. *For the above reasons, the panel unanimously recommends the proposal should not proceed to gateway determination.*

That further investigation of Macarthur South, occurred, as detailed in this report. The outcome of that investigation was that this site was not included in the proposed Greater Macarthur priority growth area. No information has been provided that justifies a change to this position. If the site was included for predominantly residential development now, then this would preclude potential strategic employment uses of this site which may potentially be required for long term planning, ie beyond 2056.

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

Draft Community Strategic Plan

The proposal is inconsistent with Council's position on growth outlined in the draft Community Strategic Plan.

CONSULTATION

This report is the response to the Department of Planning and Environment's 'consultation' with Council. They have not arranged any consultation on this particular proposal.

Council has received a petition to 'save Menangle'. This petition relates to the proposal for 350 lots and employment uses in Station Street, Menangle. Given the terms of that petition, it is unlikely that the community of Menangle would be supportive of this proposal.

FINANCIAL IMPLICATIONS

No funding has been allocated for this project/item. This report was able to be prepared with existing staff resources.

The short time frame for comments has prevented any detailed assessment of the potential impacts of this proposal on Council's adopted budget or draft developer contributions plan.

Haphazard land use planning has the potential to be significantly detrimental to Council's long term financial planning and will influence the ability to deliver appropriate infrastructure at the right time for development. This proposal is not consistent with any current long term planning strategy.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Letter from Department of Planning and Environment requesting comments
2. Mirvac Submission
3. Additional Mirvac Information provided 5 April 2017
4. Letter from Department of Planning 22 December 2014
5. Council minutes from 16 March 2015
6. Council minutes from 16 November 2015 in relation to Greater Macarthur Investigation
7. Revised (now current) map of Greater Macarthur
8. Map of Menangle Landscape Conservation Area from Council meeting agenda August 2013
9. Map showing proposed zones for Station Street Planning Proposal
10. Map from Wollondilly Vision 2025 showing land visible from M31
11. Record of decision – Sydney West Joint Regional Planning Panel – 27 March 2014

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

RECOMMENDATION

1. That Council advise the Department of Planning and Environment that it does not support the inclusion of the stage 1 Mirvac proposal in the Greater Macarthur Priority Growth Area as this proposal is already well advanced through its own assessment process.
2. That Council advise the Department of Planning and Environment that it does not support the inclusion of stage 2 and 3 of the Mirvac proposal in the Greater Macarthur Priority Growth Area as.
 - The proposal is inconsistent with Council's Draft Community Strategic Plan.
 - The proposal would have an unreasonable and unsatisfactory impact on the Menangle Landscape Conservation Area.
 - The proposal is contrary to Council's Growth Management Strategy.
 - The proposal is contrary to the South West District Plan, particularly in regard to its strategies for the metropolitan rural area.
 - The proposal would be highly visible to the M31 Hume Highway and dramatically alter the scenic vistas from the Highway for visitors to Sydney.
 - The proposal is contrary to Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River which discourages large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. Most of the land is within the surrounding visual catchment.
 - The proposal would have a significant impact on agricultural land and potential impacts on the Appin poultry cluster.
 - There is insufficient road infrastructure in place to service this development and insufficient information to determine the level of upgrade required.
 - The site is elongated, and the distance from much of the site to Menangle Railway Station means that residents would still be car dependant. There are also concerns about the ability of the Heritage listed Menangle Railway Station to be upgraded to cater for increased patronage.
 - There has not been any detailed planning or environmental studies to support the proposal and no master planning exercise has been undertaken.

Planning & Economy

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater Macarthur Investigation

- Having multiple large scale development fronts in a peri-urban area could detract from the communities goals of getting higher order goods and services through significant urban growth in the Wilton Priority Growth Area.
- Wollondilly is able to achieve its housing targets through other sites already approved. There is planning work being undertaken on proposals consistent with Council's Growth Management Strategy and within the declared Wilton Priority Growth Area that ensure that Wollondilly's share of housing supply will be achieved in the short, medium and longer terms.
- The proposal is inconsistent with previous Council resolutions which were informed by reports to Council and community views.
- There is no evidence to demonstrate that the best strategic long term use of the land is for residential purposes. The best long term strategic use of the land is for agricultural purposes, and if urban uses are required in the long term, then it is more likely that employment uses rather than residential uses are the best use of this land, due to the proximity of the railway and freeway to each other in this location.

Planning & Economy

Attachment 2

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 May 2017, commencing at 6.30pm

 Planning and Economy

PE3 **Request to Include Land at Menangle in Greater Macarthur Investigation**
 19 TRIM 8520 & 6814

Cr Khan returned to the meeting at 7:09pm.

Cr Deeth left the meeting at 7:09pm due to a previously declared Conflict of Interest in this item.

79/2017 **Resolved** on the Motion of Crs Lowry and Banasik:

1. That Council advise the Department of Planning and Environment that it does not support the inclusion of the stage 1 Mirvac proposal in the Greater Macarthur Priority Growth Area as this proposal is already well advanced through its own assessment process. *Further, it should be noted that Council has not demonstrated any support for this Proposal to this point.*
2. That Council advise the Department of Planning and Environment that it does not support the inclusion of stage 2 and 3 of the Mirvac proposal in the Greater Macarthur Priority Growth Area as.
 - The proposal is inconsistent with Council's Draft Community Strategic Plan.
 - The proposal would have an unreasonable and unsatisfactory impact on the Menangle Landscape Conservation Area.
 - The proposal is contrary to Council's Growth Management Strategy(GMS). *The GMLRA should consider growth options that are consistent with Council's GMS which seeks preservation of agricultural land, biodiversity conservation and rural living through the separation of towns and villages in line with Council's desire for classification as a peri-urban area.*
 - The proposal is contrary to the South West District Plan, particularly in regard to its strategies for the metropolitan rural area and *to the green grid specifically the identification of the Camden Park and Menangle to Georges River Open Space Corridor.*
 - The proposal would be highly visible to the M31 Hume Highway and dramatically alter the scenic vistas from the Highway for visitors to Sydney.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 May 2017, commencing at 6.30pm

 Planning and Economy

- The proposal is contrary to Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River which discourages large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. Most of the land is within the surrounding visual catchment.
- The proposal would have a significant impact on agricultural land and potential impacts on the Appin poultry cluster.
- There is insufficient road infrastructure in place to service this development and insufficient information to determine the level of upgrade required. *Further no plan is in place to mitigate existing road constraints, this includes Menangle Rd, Station St for northbound traffic limited by the existing heritage village, heritage railway bridge, and Douglas Park Drive for southbound traffic.*
- The site is elongated, and the distance from much of the site to Menangle Railway Station means that residents would still be car dependant. There are also concerns about the ability of the Heritage listed Menangle Railway Station to be upgraded to cater for increased patronage.
- There has not been any detailed planning or environmental studies to support the proposal and no master planning exercise has been undertaken.
- Having multiple large scale development fronts in a peri-urban area could detract from the community's goals of getting higher order goods and services through significant urban growth in the Wilton Priority Growth Area.
- Wollondilly is able to achieve its housing targets through other sites already approved. There is planning work being undertaken on proposals consistent with Council's Growth Management Strategy and within the declared Wilton Priority Growth Area that ensure that Wollondilly's share of housing supply will be achieved in the short, medium and longer terms.
- The proposal is inconsistent with previous Council resolutions which were informed by reports to Council and community views.

 Planning and
Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 May 2017, commencing at 6.30pm

 Planning and Economy

- *There is no evidence to demonstrate that the best strategic long term use of the land is for residential purposes. The best long term strategic use of the land is for agricultural purposes. The land in question is home to high grade agricultural soils, 1:100 year flood zones, current licenced water rights from the Nepean River and access to rail and road transport ensuring low food miles to the CBD. With the predicted increase in population, council considers the retention of productive land to be a high priority and has critical strategic planning merit. Along with the high concentration of agricultural heritage buildings, high concentration of endangered ecological communities and the Elizabeth Macarthur Agricultural Institute and Camden Park Estate next door, going into the future, the current zoning for primary production/agriculture, is logical and essential.*
- *The proposal and heritage report fails to meaningfully acknowledge the presence of Gilbulla, surrounding heritage assets and landscape and address the proposals impacts. The desktop report from AECOM fails to also identify many other heritage assets not within the PP but none the less will be impacted within the landscape conservation area.*
- *Heritage views have not been considered, specifically between Camden Park Estate/EMAI and the Creamery. Further that the relational context and linkages between existing heritage assets and the landscape within which they sit and their value as a whole (Betteridge 2012) has not been identified or considered in AECOM's heritage report.*
- *The proposal fails to acknowledge the existence and the location of 20 Coal Seam Gas Wells within 2km of the proposal and their impact, particularly regarding the coexistence issues with residential and the 2km buffer zones now required. Council notes that no other residential rezoning in the State of NSW has been approved within the 2km buffer. It should also be noted that there is no clear plan as to when these wells will be capped and that AGL reserve the right to sell the lease to a third party.*
- *The Federal Department of Environment and Energy is currently conducting the National Assessment of Chemicals Associated with Coal Seam Gas Extraction Study which will examine human health and environment risks. The Greater Macarthur Land Release Area should incorporate any findings in developing further pathways for development near CSG.*

 Planning and
Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 May 2017, commencing at 6.30pm

 Planning and Economy

 Planning and
Economy

- *Air quality issues previously identified in the Macarthur South Regional Study 1991.*
 - *Mining coexistence issues have not been resolved with the southern part of the planning proposal with the neighbourhood/employment lands and southern residential area to be impacted by existing approved mining operations being works for and associated with long wall 706, 707B and 708B shown in the plan attached to correspondence from South 32 dated 30 March 2017.*
 - *There are significant physical barriers to this site formed by the railway line, Hume Highway (M31) that will significantly impede internal connectivity and permeability and also raises concerns about the desirability of having new residential lands wedged between the railway and the freeway having regard to potential noise and air quality issues.*
 - *Due to its significant potential to alter the suitability of land for various land use types, no decisions should be made on land release within the proposed Greater Macarthur Priority Growth Area until the location of the Outer Sydney Orbital (M9) has been published in a long term transport strategy for NSW.*
 - *There is insufficient commitment and information to demonstrate that school facilities will be provided in time for any additional population generated by this proposal.*
3. *That a copy of the Council report and resolution be forwarded to the Great Sydney Commission South West District Planning Authority and Department of Planning and Environment.*
 4. *That a copy of the Council report and resolution be forwarded to the Hon. Anthony Roberts Minister of Planning and Environment, the Hon Member for Wollondilly Jai Rowell, The Hon. Lou Amato, MLC.*
 5. *That the results of our lobbying be reported back to a Council Meeting.*
 6. *That Council write to the Menangle Progress Association and thank them for their submission. That the government consider the Menangle Progress Association's submission.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Banasik, Briggs, Khan, Law, Lowry, Landow, Hannan and Gould

ORD05

Attachment 1



Monthly Report

Camden Council

May 2017

Investment Exposure

Standard & Poor's downgraded much of the Australian bank sector during the month. In particular BoQ, Rural Bank & Bendigo-Adelaide were downgraded from A- to BBB+. This reflected a reduction in "standalone credit profiles" – largely due to a fear that a major property market correction was imminent.

Council's investment portfolio is directed to the higher rated ADIs, and this is expected to continue. ING has a reduced capacity due to being a foreign subsidiary.

Separating long and short-term assets shows the following capacity:

Short Term Institutional Exposure By Credit Rating					
ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
BankWest	\$8.00M	A-1+	25.0%	7.4%	\$19.23M
CBA	\$11.00M	A-1+	25.0%	10.1%	\$16.23M
NAB	\$17.00M	A-1+	25.0%	15.6%	\$10.23M
AMP	\$5.00M	A-1	15.0%	4.6%	\$11.34M
Macquarie	\$1.00M	A-1	15.0%	0.9%	\$15.34M
Suncorp	\$15.70M	A-1	15.0%	14.4%	\$0.64M
BoQ	\$4.00M	A-2	10.0%	3.7%	\$6.89M
Bendigo-Adelaide	\$3.00M	A-2	10.0%	2.8%	\$7.89M
Rural	\$7.00M	A-2	10.0%	6.4%	\$3.89M
ING^	\$5.00M	A-2	5.0%	4.6%	\$0.45M
Total	\$76.70M				

Long Term Institutional Exposure by Credit Rating					
ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$14.50M	AA-	15.0%	13.3%	\$1.84M
NAB	\$1.50M	AA-	15.0%	1.4%	\$14.84M
Rabobank^	\$3.20M	A+	5.0%	2.9%	\$2.25M
Macquarie	\$1.00M	A	15.0%	0.9%	\$15.34M
BoQ	\$10.50M	BBB+	5.0%	9.6%	-\$5.06M
Bendigo-Adelaide	\$1.50M	BBB+	5.0%	1.4%	\$3.95M
Total	\$32.20M				

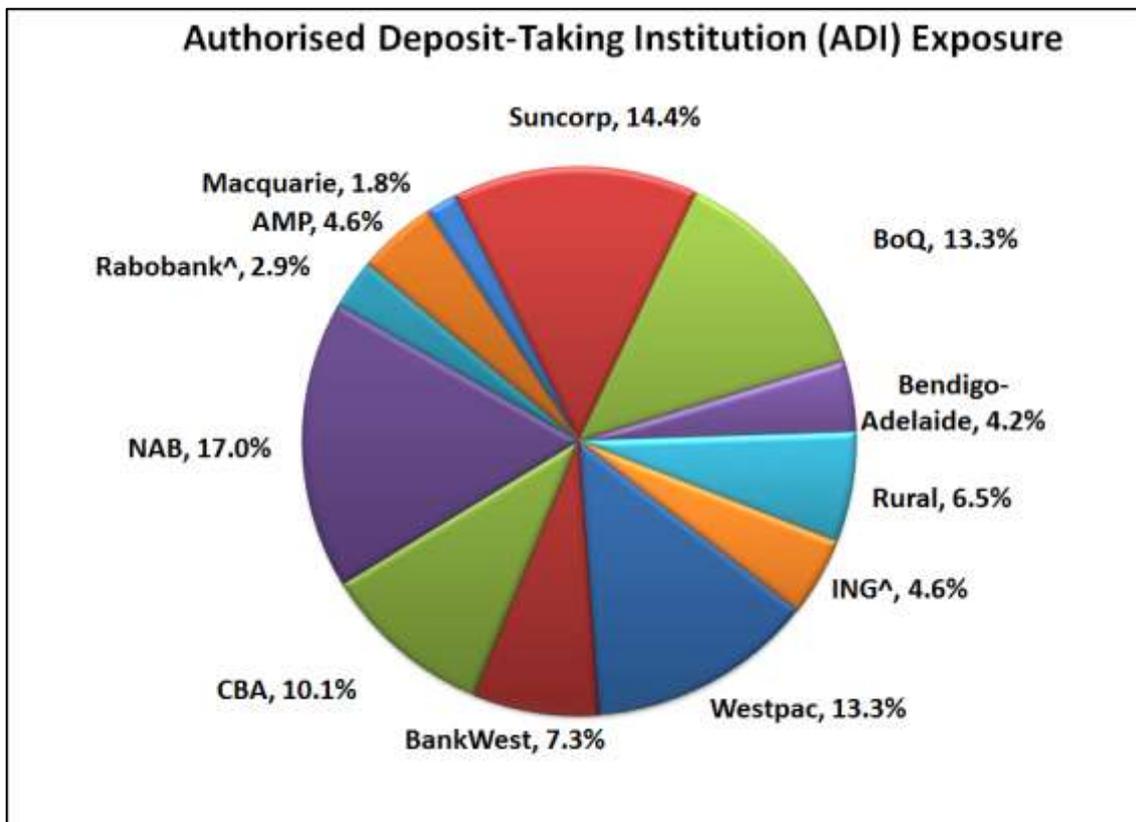
^Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

Collectively, and when grouping by long or short term, each category is in line with target levels except for BoQ:

Total Exposure By Credit Rating				
S & P Long Term Rating	S & P Short Term Rating	Exposure \$M	Policy limit	Actual
AAA	A-1+	\$36.00M	100.0%	33.1%
AA	A-1	\$37.70M	75.0%	34.6%
A	A-2	\$23.20M	30.0%	21.3%
BBB	A-3	\$12.00M	10.0%	11.0%
Total		\$108.90M		100.0%

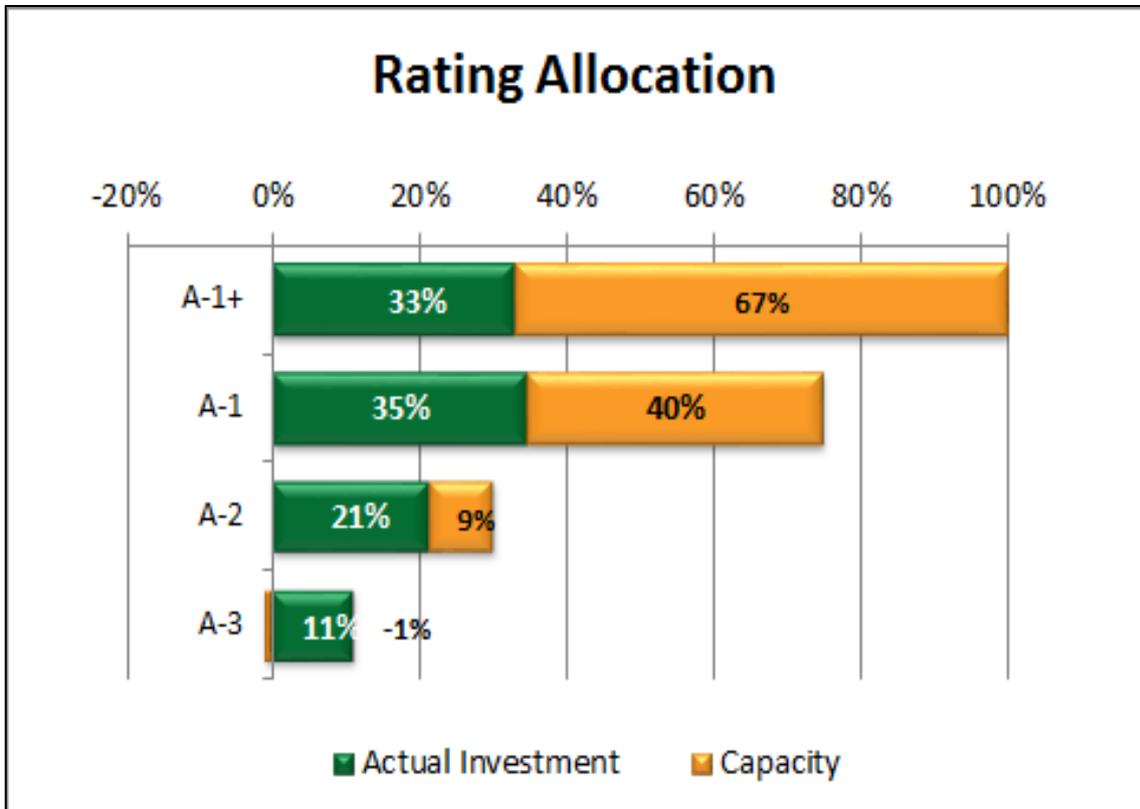
BoQ has already been reduced during the month, but further maturities are not scheduled until later in the year. The current intention is not to break excess deposits because this would result in unnecessary break fees payable by Council. The intention is to halt new investments with BoQ and divest maturing investments as soon as practicable.

The counterparties are quite diverse across the larger banks (notably NAB and Suncorp, which were unaffected by the rating downgrades):



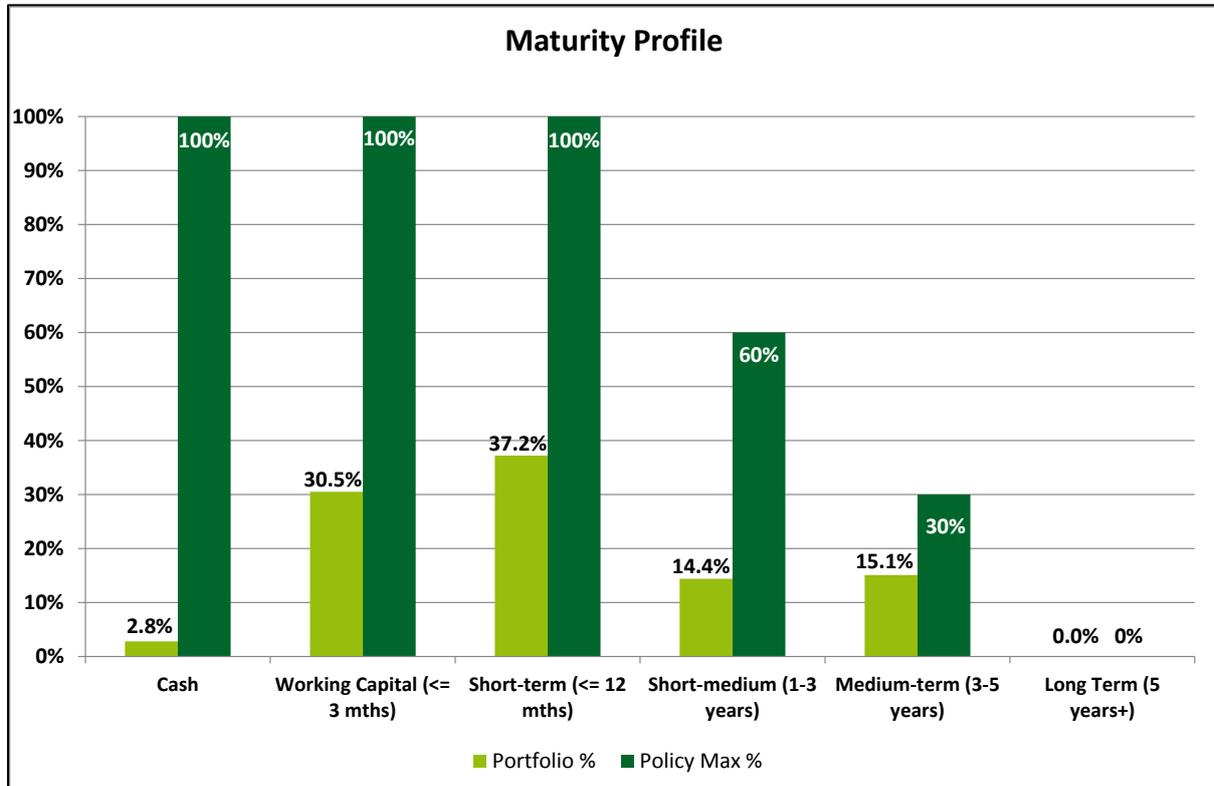
Credit Quality

A-1+ (the domestic majors) and A-1 (the higher rated regionals) rated ADIs are the largest share of Council's investments. There is capacity to invest across the entire credit spectrum.



Term to Maturity

The portfolio remains adequately liquid with approximately 2.8% of investments at-call and another 30.5% of assets maturing within 3 months. There is still high capacity to lengthen investments, and recent purchases of longer-term maturities have resulted in the following mix currently:



The RBA left the cash rate unchanged in May, as expected. The board commented on low underlying CPI and wages growth, low non-mining investment, higher unemployment rate, over-supply of apartment completions and low rental, and mortgage rate increases by the banks – all pointers to an easing in guidance. However, they continue to agree with Treasury that the economy is set to recover to 3% trend growth – despite recent data showing just +1.7%.

2016-17 Budget

INTEREST RECEIVED DURING 2016/17 FINANCIAL YEAR					
	May	Cumulative	Original Budget	*Revised Budget	Projected Interest
General Fund	\$138,432	\$1,382,029	\$1,400,000	\$1,400,000	\$1,500,000
Restricted	\$146,086	\$1,575,649	\$700,400	\$1,650,000	\$1,700,000
Total	\$284,518	\$2,957,678	\$2,100,400	\$3,050,000	\$3,200,000

*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

Source of Funds Invested	
Section 94 Developer Contributions	\$46,852,202
Restricted Grant Income	\$1,605,980
Externally Restricted Reserves	\$10,983,273
Internally Restricted Reserves	\$28,468,909
General Fund	\$20,989,636
Total Funds Invested	\$108,900,000

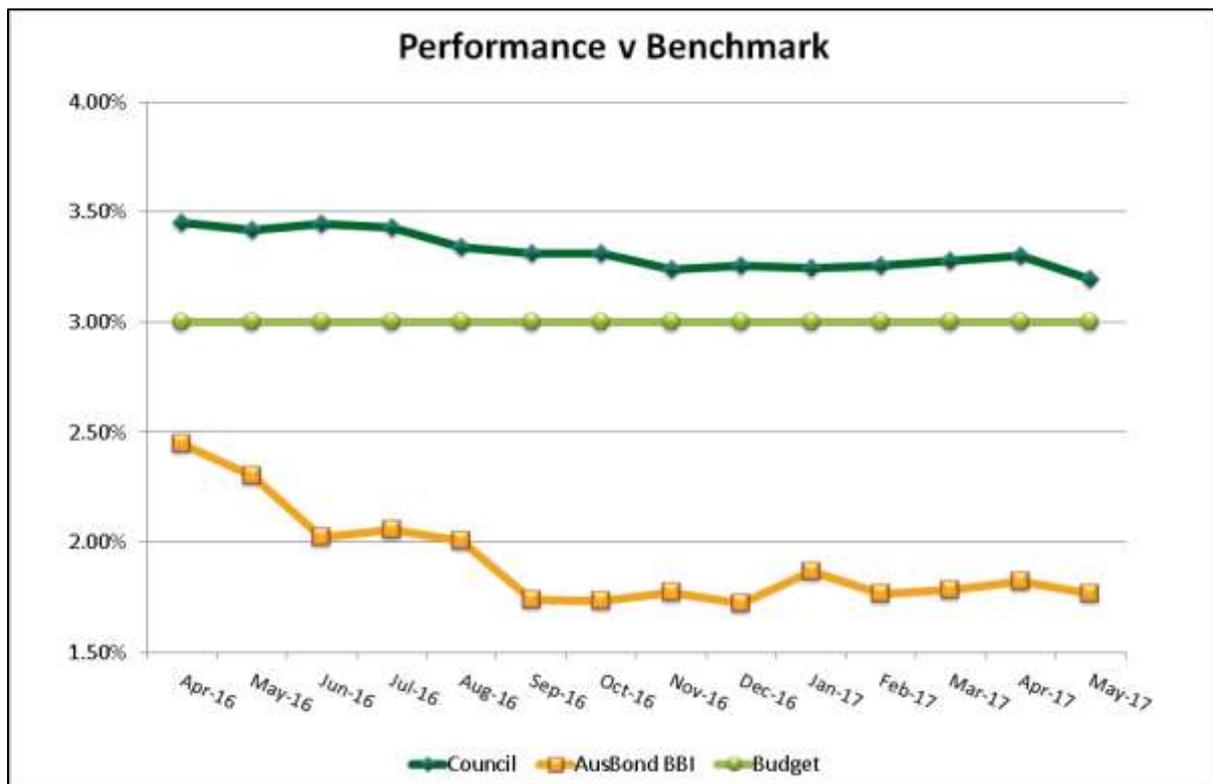
Council's investment portfolio has increased by \$6.2 million since the April reporting period. The increase primarily relates to the fourth rates instalment for the 2016/17 financial year and Section 94 cash receipts received in the May period.

Interest Summary

The portfolio's interest summary as at 31st May 2017 is as follows:

NUMBER OF INVESTMENTS	86
AVERAGE DAYS TO MATURITY	468
AVERAGE PERCENTAGE	3.20% p.a.
WEIGHTED PORTFOLIO RETURN	3.19% p.a.
CBA CALL ACCOUNT *	1.20% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	1.99% p.a.
BUDGET RATE	3.00% p.a.
AVERAGE BBSW (30 Day)	1.62% p.a.
AVERAGE BBSW (90 Day)	1.74% p.a.
AVERAGE BBSW (180 Day)	1.90% p.a.
OFFICIAL CASH RATE	1.50% p.a.
AUSBOND BANK BILL INDEX	1.77% p.a.

*Note: CBA call account is not included in the investment performance calculations



The portfolio's outperformance over the benchmark (AusBond Bank Bill Index) continues to be attributed to the longer-dated deposits in the portfolio.

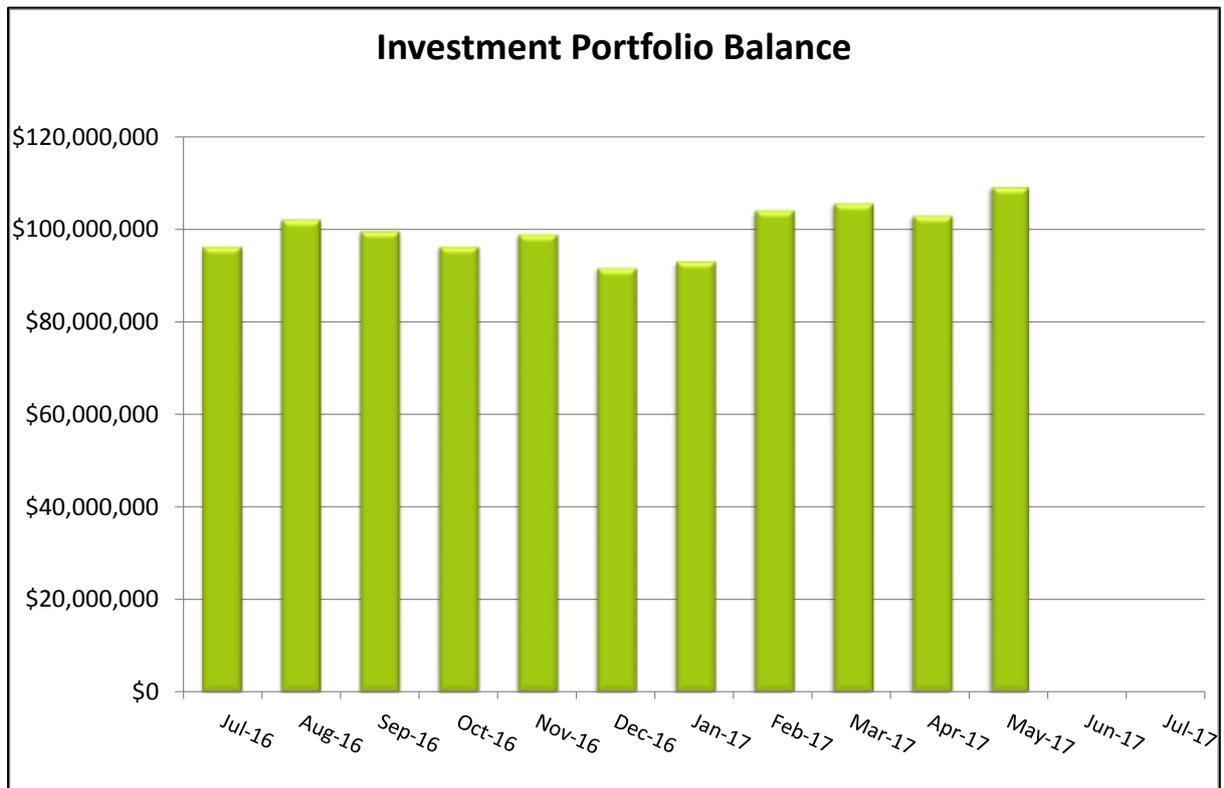
Deposits invested around 4% will contribute strongly to outperformance over their remaining term, but as existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates compared to previous years.

Future budgets may be adjusted to reflect a longer period of low interest rates. It is improbable that 3% can be achieved again when not even a 3-year T/D produces this yield today.

Appendix A – List of Investments

Camden Council Investment Portfolio as at 31 May 2017								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 31/05/2017
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	519	\$71,575.34
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	540	\$26,268.49
ING Bank	TD	\$1,000,000.00	4.63%	28/11/2013	23/11/2017	1456	176	\$24,101.37
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	176	\$25,246.58
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	22/02/2018	1456	267	\$11,975.34
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	26/02/2019	1826	638	\$12,739.73
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	644	\$14,794.52
Westpac	TD	\$1,500,000.00	4.55%	15/05/2014	15/05/2019	1826	714	\$3,178.77
Westpac	TD	\$1,500,000.00	4.55%	21/05/2014	22/05/2019	1827	721	\$1,869.86
NAB	TD	\$2,000,000.00	4.00%	5/06/2014	7/06/2017	1098	7	\$79,123.29
Macquarie Bank	TD	\$1,000,000.00	4.00%	1/08/2014	31/07/2017	1095	61	\$33,315.07
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	427	\$34,564.98
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	910	\$20,893.15
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1832	917	\$32,311.64
NAB	TD	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	924	\$27,452.05
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1826	932	\$17,298.63
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1096	223	\$28,991.78
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1097	229	\$20,983.56
Westpac	TD	\$1,000,000.00	3.90%	2/02/2015	2/02/2020	1826	977	\$12,715.07
Bendigo Adelaide Bank	TD	\$1,000,000.00	3.00%	14/10/2015	18/10/2017	795	140	\$18,904.11
Bendigo Adelaide Bank	TD	\$2,000,000.00	3.00%	20/11/2015	22/11/2017	793	175	\$31,561.64
BOQ	TD	\$1,000,000.00	3.05%	25/11/2015	29/11/2017	795	182	\$15,709.59
NAB	TD	\$1,000,000.00	2.70%	14/09/2016	26/08/2017	348	89	\$19,232.88
NAB	TD	\$1,000,000.00	2.75%	5/10/2016	2/08/2017	301	63	\$18,006.85
NAB	TD	\$500,000.00	2.75%	5/10/2016	31/07/2017	299	61	\$9,003.42
NAB	TD	\$1,000,000.00	2.80%	19/10/2016	4/10/2017	350	126	\$17,260.27
NAB	TD	\$1,500,000.00	2.75%	26/10/2016	25/09/2017	394	117	\$24,636.99
NAB	TD	\$1,500,000.00	2.80%	2/11/2016	30/10/2017	362	152	\$24,279.45
AMP	TD	\$1,000,000.00	2.70%	15/11/2016	19/06/2017	216	19	\$14,646.58
AMP	TD	\$2,000,000.00	2.70%	16/11/2016	21/06/2017	217	21	\$29,145.21
NAB	TD	\$1,000,000.00	2.72%	17/11/2016	14/06/2017	209	14	\$14,606.03
NAB	TD	\$1,000,000.00	2.70%	1/12/2016	19/06/2017	200	19	\$13,463.01
Suncorp Metway	TD	\$1,000,000.00	2.80%	7/12/2016	3/07/2017	208	33	\$13,501.37
AMP	TD	\$1,000,000.00	2.75%	7/12/2016	5/07/2017	210	35	\$13,260.27
CBA	TD	\$2,000,000.00	2.75%	3/01/2017	3/01/2018	365	217	\$22,452.05
Bankwest	TD	\$1,000,000.00	2.55%	4/01/2017	5/06/2017	152	5	\$10,339.73
BOQ	TD	\$1,000,000.00	2.75%	4/01/2017	9/10/2017	278	131	\$11,150.68
Suncorp Metway	TD	\$1,200,000.00	2.65%	18/01/2017	16/07/2017	173	40	\$11,674.52
Bankwest	TD	\$1,000,000.00	2.62%	18/01/2017	26/06/2017	159	26	\$9,618.63
ING Bank	TD	\$1,500,000.00	2.80%	25/01/2017	17/07/2017	173	47	\$14,613.70
Westpac	TD	\$1,000,000.00	3.60%	1/02/2017	1/02/2022	1826	1707	\$11,835.62
Westpac	TD	\$1,500,000.00	3.57%	2/02/2017	2/02/2022	1826	1708	\$17,458.77
Westpac	TD	\$1,000,000.00	3.56%	10/02/2017	10/02/2022	1826	1716	\$10,826.30
BOQ	TD	\$1,500,000.00	3.75%	15/02/2017	15/02/2022	1826	1721	\$16,335.62
Westpac	TD	\$2,000,000.00	3.64%	22/02/2017	22/02/2022	1826	1728	\$19,745.75
Suncorp Metway	TD	\$2,000,000.00	2.62%	20/02/2017	21/08/2017	182	82	\$14,499.73
NAB	TD	\$1,000,000.00	2.56%	22/02/2017	14/06/2017	112	14	\$6,943.56
NAB	TD	\$1,000,000.00	2.56%	22/02/2017	21/06/2017	119	21	\$6,943.56
NAB	TD	\$1,000,000.00	2.56%	22/02/2017	28/06/2017	126	28	\$6,943.56
Bankwest	TD	\$1,000,000.00	2.60%	23/02/2017	12/07/2017	139	42	\$6,980.82
BOQ	TD	\$1,000,000.00	3.75%	27/02/2017	28/02/2022	1827	1734	\$9,657.53
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	19/07/2017	142	49	\$6,695.89
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	24/07/2017	147	54	\$6,695.89
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	26/07/2017	149	56	\$6,695.89
Westpac	TD	\$1,000,000.00	3.55%	28/02/2017	28/02/2022	1826	1734	\$9,045.21
Bankwest	TD	\$1,000,000.00	2.60%	28/02/2017	8/08/2017	161	69	\$6,624.66
Westpac	TD	\$1,000,000.00	3.58%	1/03/2017	1/03/2022	1826	1735	\$9,023.56
NAB	TD	\$1,000,000.00	2.56%	1/03/2017	9/08/2017	161	70	\$6,452.60
Westpac	TD	\$1,000,000.00	3.60%	3/03/2017	3/03/2022	1826	1737	\$8,876.71
NAB	TD	\$1,500,000.00	2.60%	8/03/2017	14/08/2017	159	75	\$9,082.19
Westpac	TD	\$1,000,000.00	3.61%	9/03/2017	9/03/2022	1826	1743	\$8,307.95
ING Bank	TD	\$1,000,000.00	2.70%	13/03/2017	11/09/2017	182	109	\$5,917.81
BOQ	TD	\$1,000,000.00	3.60%	15/03/2017	15/03/2021	1461	1384	\$7,693.15
Suncorp Metway	TD	\$2,000,000.00	2.60%	20/03/2017	11/09/2017	175	103	\$10,400.00

Camden Council Investment Portfolio as at 31 May 2017								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 31/05/2017
BOQ	TD	\$500,000.00	3.80%	23/03/2017	23/03/2022	1826	1757	\$3,643.84
Suncorp Metway	TD	\$1,000,000.00	2.58%	27/03/2017	18/09/2017	175	110	\$4,665.21
AMP	TD	\$1,000,000.00	2.75%	29/03/2017	20/09/2017	175	112	\$4,821.92
BOQ	TD	\$1,000,000.00	3.50%	3/04/2017	7/04/2021	1465	1407	\$5,657.53
Suncorp Metway	TD	\$1,000,000.00	2.62%	5/04/2017	27/09/2017	175	119	\$4,091.51
NAB	TD	\$1,000,000.00	2.59%	10/04/2017	10/04/2018	365	314	\$3,689.86
CBA	TD	\$1,000,000.00	2.55%	12/04/2017	11/10/2017	182	193	\$3,493.15
Rural Bank	TD	\$1,500,000.00	2.65%	19/04/2017	4/05/2017	138	96	\$4,682.88
Suncorp Metway	TD	\$1,000,000.00	2.58%	24/04/2017	23/10/2017	182	145	\$2,686.03
Suncorp Metway	TD	\$1,500,000.00	2.60%	1/05/2017	16/10/2017	168	138	\$3,312.33
Suncorp Metway	TD	\$1,500,000.00	2.60%	3/05/2017	25/10/2017	175	147	\$3,098.63
BOQ	TD	\$1,000,000.00	3.60%	8/05/2017	4/05/2022	1822	1799	\$2,367.12
Bankwest	TD	\$1,000,000.00	2.55%	10/05/2017	1/11/2017	175	154	\$1,536.99
Rural Bank	TD	\$1,000,000.00	2.55%	15/05/2017	4/10/2017	142	126	\$1,187.67
Rural Bank	TD	\$1,000,000.00	2.65%	15/05/2017	6/11/2017	175	159	\$1,234.25
Westpac	TD	\$1,000,000.00	3.10%	16/05/2017	17/05/2021	1462	1447	\$1,358.90
Suncorp Metway	TD	\$1,000,000.00	2.60%	17/05/2017	8/11/2017	175	161	\$1,068.49
Suncorp Metway	TD	\$1,000,000.00	2.60%	22/05/2017	13/11/2017	175	166	\$712.33
Suncorp Metway	TD	\$1,500,000.00	2.59%	25/05/2017	15/11/2017	174	168	\$745.07
ING Bank	TD	\$1,500,000.00	2.60%	30/05/2017	27/11/2017	181	180	\$213.70
CBA	TD	\$1,500,000.00	2.55%	30/05/2017	26/02/2018	272	271	\$209.59
CBA	TD	\$3,500,000.00	1.99%	31/05/2017	30/06/2017	30	30	\$190.82
# TD Investments	86	\$105,900,000.00	3.19%					\$1,140,815.75
CBA	Call Account	\$3,000,000.00	1.70%					
		\$108,900,000.00						



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating, recently downgraded with 22 other banks to BBB+ by S&P. However, it is noted that Rural Bank maintains a separate ADI licence from APRA and does not provide cross guarantees with the parent – it is treated as a separate counterparty.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 31st March 2017, Rural Bank's Tier 1 Capital Ratio stood at 15.31% and its Total Capital Ratio at 16.07%, well above Basel III minimum capital requirements and above those of its parent.

At a group level, Bendigo-Adelaide Bank Ltd earns just over \$200 million each half yearly reporting period. Retail deposits exceeded \$50 billion in the latest period (up from \$48.45 billion in June 2016).

Suncorp Metway Bank

The bank is part of the Suncorp Group, which includes a number of major insurance brands.

It was formed by a merger of three financial institutions, with the Queensland government selling the bulk of its shares in a public offering in 1997.

The insurance group has continued to grow by acquisition since then, with the bank primarily growing organically.

Financial Results

The bank generated similar earnings to Rural Bank, earning \$208 million in the December 2016 half (+0.5%). The Group as a whole earned \$537 million (+1.3%).

The bank has a Tier 1 Capital Ratio of 9.2%, with Total Capital of 13.48% typical of the largest banks.

Its long-term credit rating was affirmed at A+ in the recent S&P review.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. It was founded in 1898 as a unique network of cooperative banks in the Netherlands, combining their capital strength – this replicated a German innovation. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative of 123 banks. Today, Rabobank has over AUD\$984 billion in assets (€662 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand.

In early November 2014, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Rabobank Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). It remains AA range with the other agencies.

The group has lifted its Tier 1 Capital to 14% and Total Capital Ratio to 25% as at December 2016. Group net profit was EUR2bn in 2016,

From May 2015, new Rabobank Australia deposits are guaranteed only by the Australian subsidiary, not cross guaranteed globally (conversely, there is no cross-claim on Australian assets).

Bank of Queensland

Founded in 1874, BoQ has around 200 branches nationally. Total lending in Queensland is now exceeded by the rest of the country, with NSW now 24% of assets.

BoQ increased its national footprint with the acquisition of the Australian assets of Investec (Australia), rebranded BoQ Specialist Bank.

Financial Results

BoQ earned around \$175m at the latest half year, down from a peak of \$190m. It has been somewhat affected by the slowdown in mining states. However, loan impairments are trending down over time.

Tier 1 Capital is 9.29%, up from 9.0% at the previous half. Its overall capital is in line with Bendigo-Adelaide and above the other large retail banks.

BankWest

Bankwest is a brand of Commonwealth Bank – it no longer holds a separate banking licence and so all deposits are liabilities of CBA.

¹ As a comparison, CBA has approximately AUD\$933 billion in total assets and 45,000 employees