

# **PART TWO**

**Reports from the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 20 July 2010.**

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**APOLOGIES**

**ACKNOWLEDGEMENT OF LAND**

**DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

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## **PART ONE**

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

**No reports this round**

### **2. ENVIRONMENTAL PLANNING**

**2.1 Road Renaming Proposals - Minto, Bardia and Gregory Hills**

**2.2 Rosemeadow Rezoning Request**

**2.3 Noorumba Streamcare Update**

**2.4 Section 94E Direction under the Environmental Planning and Assessment Act 1979 - Local Development Contributions**

**2.5 Minutes of the Heritage Protection Sub-Committee Meeting held on 17 June 2010**

**2.6 Feral Pest Rabbit Eradication Program - John Kidd Reserve, Blair Athol**

## **PART TWO**

### **3. DEVELOPMENT SERVICES**

**3.1 Development Services Section Application Statistics - June 2010**

**3.2 No.415 Pembroke Road, Minto - Subdivision of an industrial estate into five allotments and dedication of estate access road as a public road**

**3.3 Lot 31, DP 621804 – Sherwood Hills Christian School, No. 65 Jacaranda Avenue, Bradbury - Construction of a School Library and Carpark Reconfiguration**

## **PART THREE**

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3.4	Nos. 27-29 Carlisle Street, Ingleburn - Demolition of existing dwellings and construction of a commercial building	
<b>PART FOUR</b>		
3.5	No. 395 Pembroke Road, Minto - Subdivision Of An Industrial Estate Into Seven Allotments And Dedication Of Estate Access Road As A Public Road - Addendum To Previous Report	
4.	<b>COMPLIANCE SERVICES</b>	
4.1	Legal Status Report	
5.	<b>GENERAL BUSINESS</b>	
18.	<b>CONFIDENTIAL ITEMS</b>	
18.1	Confidential Information Relating to Various Items on the Planning and Environment Agenda 20 July 2010	

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**Minutes of the Planning and Environment Committee held on 20 July 2010**

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**Present**

Councillor R Kolkman (Chairperson)  
Councillor J Bourke  
Councillor G Greiss  
Councillor M Oates  
Councillor R Thompson  
General Manager - Mr P Tosi  
Acting Director Planning and Environment - Mr J Baldwin  
Director Business Services - Mr M Sewell  
Manager Environmental Planning - Mr P Jemison  
Acting Manager Development Services - Mr A Macgee  
Manager Compliance Services - Mr A Spooner  
Manager Waste and Recycling Services - Mr P Macdonald  
Manager Community Resources and Development - Mr B McCausland  
Environmental Planning Coordinator - Ms R Winsor  
Principal Strategic Infrastructure Planner - Mr B Dunlop  
Executive Assistant - Mrs D Taylor

**Election of Chairperson**

In the absence of the Chairperson, Councillor Matheson, Councillor Kolkman was elected to Chair the meeting.

**Apology (Greiss/Thompson)**

That the apologies from Councillors Matheson and Rowell be received and accepted.

**CARRIED**

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Application Statistics - June 2010**

##### **Reporting Officer**

Manager Development Services

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##### **Attachments**

Development Services Application Statistics for June 2010 (distributed under separate cover).

##### **Purpose**

To advise Council of the status of development applications and other key matters within the Development Services Section.

##### **Report**

In accordance with Council's resolution that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for June 2010 as they affect the Development Services Section.

##### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 27 July 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 130**

That the Officer's Recommendation be adopted.

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### **3.2 No.415 Pembroke Road, Minto - Subdivision of an industrial estate into five allotments and dedication of estate access road as a public road**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended Conditions of Consent
2. Locality Plan
3. Subdivision Plan

#### **Purpose**

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

<b>Property Description</b>	Lot 15 DP 1140085, No. 415 Pembroke Road, Minto
<b>Application No</b>	2726/2009/DA-S
<b>Applicant</b>	ING Real Estate
<b>Owner</b>	ING Industrial Custodian Pty Ltd
<b>Statutory Provisions</b>	State Environmental Planning Policy No.1 Development Standards State Environmental Planning Policy No.55 Remediation of Land Greater Metropolitan Regional Environmental Plan No.2 Georges River Catchment Campbelltown 2025 - Looking Forward Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
<b>Date Received</b>	4 December 2009

#### **History**

The subject land is a cleared and vacant 16.836 hectare parcel of industrial zoned land, located on the north western corner of Pembroke Road and Rose Payten Drive, Minto. The site is located in the southern corner of the Minto Industrial area, surrounded by Campbelltown Stadium to the south, residential areas to the east, rail line to the west and industrial development to the north.

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On 2 October 1998, Council granted development consent S51/98 for the subdivision of the subject land to construct 12 industrial allotments and a new road network. The developer commenced works in accordance with the development consent, involving site works and road construction forming a 'sea-gull' intersection to the entrance of the development on Pembroke Road. The intersection treatment to Pembroke Road has been constructed to RTA requirements and the access road into the site has been formed.

On 3 August 2004, Council approved development application G15/2004 for an alternate subdivision layout resulting in a higher allotment yield. The consent approved 14 smaller sized industrial allotments on the southern part of the site, with the balance of the land forming two larger residue allotments (Lots 15 and 16). The consent also approved bulk earthworks to provide building platforms, access road construction, site landscaping, stormwater management and servicing works. The development consent did not approve any buildings or uses on the site.

A separate masterplan development application (F349/2004) was also approved by Council for the two proposed residue allotments (Lots 15 and 16) which was dependent on the subdivision layout being approved under development consent G15/2004. The masterplan provided development parameters for future industrial development on the two larger residue allotments, including gross floor areas, carparking, estate signage and hours of operation. It provided conceptual approval for five relatively large warehouse complexes with a total floor area of 64,175m<sup>2</sup>, with separate applications being required for all future buildings on the land.

On 15 February 2007, development consent G15/2004 was modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979 to delete the subdivision component, alter the route of the proposed internal access road and reconfigure earthworks and levels. The intersection design with Pembroke Road remained unchanged.

The purpose of the modification was to provide greater flexibility for the design of future warehouses on the site, and to facilitate the subject development of the ADRT warehouse and distribution facility under the current DA 229/2007. In that respect, the masterplan for the future development of the proposed residue Lots 15 and 16 no longer had effect given that these allotments had been deleted in the from the subdivision layout modified under development consent G15/2004.

Council is now in receipt of the application subject of this report (DA 2726/2009/DA-S) which is for the Torrens title subdivision of Lot 15 DP 1140085, No. 415 Pembroke Road, Minto, into 5 allotments and the dedication of the constructed road to the public.

## **Report**

### **Introduction**

A development application has been received for the Torrens title subdivision of an industrial estate into five allotments with the dedication of the estate's private access road as a public road. The subject land, including the access road, currently exists on one title.

The total area of the land is 16.836 hectares. The proposed allotment sizes and development data are addressed later in this report. Proposed Lot 1 has been already developed containing the ADRT (Australian Discount Retail Trading) facility in accordance with development consent 229/2007/DA-C and approved by Council at its Ordinary Meeting on 1 May 2007.

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## Site Description

The site has a total area of 16.836 hectares. It has a frontage length of 503 metres to Pembroke Road, 361 metres (including splay corner) to Rose Payten Drive and 370 metres to Lot 3 DP 589915 that abuts the rear boundary and is owned by RailCorp.

With the exception of proposed Lot 1 (upon which the ADRT warehouse currently stands), the land is vacant and has been generally cleared of trees in accordance with previous development consents issued by Council. Proposed Lot 1 contains the ADRT warehouse with an area of 37,500 square metres, associated car parking and landscaping.

The topography of the site is relatively level, with a moderate gradient from the northern portion of the site and a gradual crossfall from east to west. The site discharges stormwater to an existing open channel, which conveys stormwater under the main rail line towards the Bow Bowing Creek channel.

Vehicular access to the land has been constructed with the intersection works at Pembroke Road having been completed in accordance with development consent S51/98. Vehicular access to the subject development will not change as a result of development undertaken pursuant to this development application.

The land uses surrounding the site can be described as follows:

- Adjoining to the north of the site is the property owned by 'Austrak' which has constructed upon it an approved warehousing facility;
- South of the site (opposite Rose Payten Drive) is the Campbelltown Stadium and other recreational facilities;
- East of the site (opposite Pembroke Rd) are residential dwellings, vacant land and Leumeah Public School; and
- West of the site is the railway corridor, and further west is a vehicle storage and distribution facility.

## Proposal

The application seeks development consent for subdivision of the site into five allotments and the dedication of an existing road to a public road. The proposed subdivision would be as per the table below:

Lot	Area	Location	Access	Comments
1	69,900m <sup>2</sup>	North west portion of site adjacent to southern rail line	Estate access road	Contains existing ADRT facility
2	29,780m <sup>2</sup>	South western portion of site	Estate access road	Vacant industrial site

Lot	Area	Location	Access	Comments
3	19,540m <sup>2</sup>	South eastern portion of site, rear boundary to Pembroke Rd	Estate access road	Vacant industrial site
4	19,580m <sup>2</sup>	South western corner of intersection with Pembroke Road and site access road	Estate access road	Vacant industrial site
5	23,050m <sup>2</sup>	North western corner of intersection of Pembroke Road and site access road	Estate access road	Vacant industrial site

The proposed allotments are generally rectangular or square in shape and of sufficient width, depth and size to accommodate future industrial development.

The private access road (now proposed to be dedicated) is approximately 250 metres in length and is constructed with a cul-de-sac head. The width of the access road is 12.5 metres.

### Assessment

The development application has been assessed having regard to the matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979. In this respect, the following matters are relevant for Council's consideration:

#### 1. Campbelltown 2025 - Looking Forward

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

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The strategic directions relevant to this application are:

- *Growing the regional City; and*
- *Building a distinctive Campbelltown sense of place.*

The proposed development is considered to be consistent with the relevant strategic directions.

Some of the desired outcomes of Council's Vision include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The development application been assessed having regard to *Campbelltown 2025 Looking Forward*. It is considered that the proposal is consistent with the relevant desired outcomes having regard to its location, design, size and relationship to other land uses in the vicinity of the subject land.

## **2. Statutory Controls**

Section 79C(1)(a) requires Council to consider any environmental planning instrument, draft environmental planning instrument, or development control plan.

### **2.1 State Environmental Planning Policy No.1 Development Standards (SEPP 1)**

The objectives of SEPP 1 are to provide flexibility in the application of planning standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or would hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

The relevant objects of Clause 5 of the Environmental Planning and Assessment Act 1979 are:

- “(a) to encourage:*
- (i) the proper management development and conservation of natural and man-made resources, including agricultural land, natural areas, forest, minerals, water cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land;”*

A SEPP 1 variation is required in respect to the assessment of an existing pump room and sprinkler tank that would be located within the setback area prescribed by the Campbelltown (Urban Area) Local Environmental Plan 2002, given the configuration of proposed Lot 1 and the location of the existing facilities with respect to their proximity to the current road alignment.

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The objectives of the building setback standard contained within Clause 37 of CLEP 2002 are generally to:

- Provide a visually 'open' corridor rather than a hard built edge, and
- To provide sufficient opportunity for landscaping to address the road.

Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 states:

*Setbacks within Industrial Areas*

*Consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking, on any land with Zone 4(a) or 4(b) which is within:*

- (d) 10 metres from any other road.*

The proposed subdivision seeks a variation to this standard caused by an existing pump room and sprinkler tank (already constructed as part of ADRT development) that would be setback from the proposed boundary with the access road by between 6.1 metres and 9.0 metres on proposed Lot 1.

The SEPP 1 objection accompanying the proposal details the following justification for a variation to the standard:

- *The proposed pump room and tank already exist and constitute a service facility small in scale and footprint that does not possess the scale normally associated with industrial buildings;*
  - *The structure has little visual bulk and in terms of height sits well below the height of the ADRT warehouse building when viewed from Pembroke Road;*
  - *The encroachment will not be visually obvious to persons travelling on Pembroke Road and the access road such that the development will still appear characteristic of and sympathetic to other industrial development in the locality;*
  - *The level of Pembroke Road is approximately 3.0 metres higher than the level of the tank room and sprinkler pump and therefore the visual impact of the structures will not be significant and will appear well below the line of sight;*
  - *The buildings/structures exist with a setback of 6.1 metres and 9.0 metres from the proposed boundary. Further as presented to the street they are enclosed by a 1.8 metre colourbond screen fence. There is also a 1.0 metre landscape strip along the fence providing softening to the screen fence;*
  - *The functional outcome of the encroachment after dedication of the road will be in a visual sense, no different to what is in the present circumstance where the road is a private road. To that extent the non compliance is technical given that the buildings and road way are already in existence and it is only the act of road dedication that causes non-compliance;*
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- *The development control is more than complied with in relation to the ADRT warehouse itself and given this fact it is considered that the proposal observes a sufficient setback to reduce the visual bulk of the development apparent to the street and to achieve an aesthetically pleasing and sympathetic result.*

Accordingly, the objection to the development standard (building setback to the access road) in this instance is considered to be reasonably well founded and it is recommended that such be supported by Council.

Pursuant to the Department of Planning's Circular B1, for the purposes of determining the application Council may assume the concurrence of the Director General of the Department of Planning, to varying the standard in this instance.

## **2.2 State Environmental Planning Policy No. 55 – Remediation of Land**

The application has been assessed in accordance with State Environmental Planning Policy No.55 - Remediation of Land. This Policy is a state-wide planning control for the remediation of contaminated land, and states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

If the land is unsuitable, remediation must take place before the land is developed, in accordance with *"Managing Land Contamination: Planning Guidelines"*, prepared in conjunction with the Environment Protection Authority (Department of Environment, Climate Change and Water). The Policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with appropriate standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The potential for contamination of the site has been previously investigated for the subdivision of the land given the historical use of the land for agricultural purposes. Douglas Partners P/L conducted a preliminary contamination assessment of the site in June 2002 which concluded that the site can be used safely for industrial purposes without any further investigation.

The subject proposal does not involve any activities that would alter the results of the previous contamination assessment of the land. Accordingly, the application satisfies the requirements of SEPP 55 and no further investigation of this matter is considered necessary.

## **2.3 Greater Metropolitan Regional Environmental Plan No.2 - Georges River Catchment**

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to industry. These matters include:

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment;*
  - *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management;*
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- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998);*
- *Likely impact on groundwater and remnant vegetation;*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options;*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed;*
- *The adequacy of planned wastewater disposal options.*

The proposed development has been assessed in accordance with the matters, and is considered to satisfy the requirements of the Regional Plan.

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

The site is zoned 4(a) – General Industry zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). Clause 12 of CLEP 2002 sets out the objectives for this zone as follows:

- (a) *to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*
- (b) *to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) *to encourage a high standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
- (d) *to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*
- (e) *to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*

Clause 12 provides that Council must not grant development consent within this zone unless it is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

In that regard, it is considered that the development is consistent with one or more of the objectives (ie objectives (a), (b) and (c) in particular) and therefore, Council can grant development consent to the proposal.

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Clause 32 of CLEP 2002 relates to subdivision. The requirements for subdivision are as follows:

- (1) *Land to which this plan applies may be subdivided only with development consent.*
- (2) *Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.*
- (3) *Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfils the objectives of the road pattern indicated on the map.*

It is considered the proposed subdivision satisfies the relevant requirements.

Clause 37 of CLEP 2002 relates to setbacks in industrial zones. Of relevance to the site is the requirement for a 10 metre setback to the access road proposed to be dedicated. The setbacks for the pump room and sprinkler tank are between 6.1 metres and 9.0 metres from the proposed property boundary adjacent to the road.

Given that the application seeks to vary a development standard prescribed by an Environmental Planning Instrument (CLEP 2002), a SEPP 1 objection has been submitted and has been discussed under Section 2.1 of this report. In summary, the variation of the standard in this instance is considered acceptable for reasons outlined previously.

## **2.5 Campbelltown (Sustainable City) Development Control Plan (SCDCP)**

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. The aims of the SCDCP are to:

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

It is considered that the proposed development is consistent with the relevant aims of the SCDCP.

The proposal has been assessed in accordance with requirements for Torrens title subdivision of the land within the 4(a) General Industry zone under the SCDCP as per the following compliance table:

Section	Control	Requirement	Proposed	Compliance
6.11.1(a)(i)	Average lot size	The lots shall have an average area of 4000m <sup>2</sup>	Average area of all lots is 32,370m <sup>2</sup>	Yes
6.11.1(a)(ii)	Minimum street frontage	A minimum street frontage width of 30m to the primary street	All allotments have street frontages exceeding 30m.	Yes
6.11.1(c)	Battle axe handles	No industrial subdivision shall create lots with battle axe handles.	No battle axe handles proposed.	Yes
6.11.1(d)	Development over multiple allotments	Where a single development is proposed on more than one lot, all lots subject of the development shall be consolidated to a single lot.	No industrial buildings proposed by development.	NA

It is considered that the proposed development is generally consistent with the criteria set under the relevant provisions of SCDCP for industrial, Torrens title subdivision in the 4(a) General Industry zone.

### 3. Environmental Impacts

Section 79C(1)(b) requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

Section 79C(1)(c) requires Council to consider *“the suitability of the site for the development”*.

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### 3.1 Flora and Fauna Assessment

The site has been generally cleared of trees and largely comprises exotic grasses, with some regrowth of eucalyptus and native shrubs. Flora and fauna studies were previously conducted for the development of the site under development consent G15/2004. No significant species of flora or fauna have been identified on the land.

The flora study previously prepared for the development of the site by specialist consultants Anne Clements and Associates confirmed that the cleared areas of the site are largely exotic grasses with no significant environmental value. Remnant trees on the site were identified on the eastern, south-eastern and western boundaries, comprising individual stands of eucalyptus trees with exotic species dominating the understorey. Native and exotic wetland species were identified in the drainage line near the southern boundary of the site.

The report concluded that:

- *No threatened species listed on the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 or the NSW Threatened Species Conservation Act 1995 were recorded on the site;*
- *The vegetation on the site did not appear to meet the criteria for the endangered ecological community, Cumberland Plain Woodland.*

A Fauna Survey and Assessment of the site has also previously been undertaken by Ambrose Ecological Services. Relevant conclusions from this report are outlined below:

- *All native fauna species recorded on the subject site are widespread throughout the Sydney Basin Bioregion and are generally tolerant to disturbances in the urban environment. Given the isolation of the site from bushland areas, its already degraded state and relatively small size, it is highly unlikely that any native fauna would be dependent on, or significantly affected by, the site's limited resources;*
  - *The subject site is an isolated and highly degraded remnant of fauna habitat that is surrounded by industrial and residential development and is not part of a regional wildlife corridor. The main regional corridor is formed by bushland areas in Georges River Nature Reserve, Holsworthy Military Reserve, and bushland areas in the north-western region of the Campbelltown Local Government Area, which will not be impacted on by the proposed development. Therefore, the proposed development will not fragment local or regional wildlife corridors;*
  - *Eight-part tests for seven threatened fauna species listed under the schedules of the TSC Act were conducted. The tests concluded that the proposed development would not significantly impact on the status of these species to the extent that a Species Impact Statement is required;*
  - *There is no potential habitat on the subject site for threatened species listed under the schedules of the EPBC Act. Therefore, no nationally threatened species will be impacted on by the proposed development.*
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On the basis of these previous studies undertaken for development on the subject allotment and the relevant controls incorporated as a result, there would be no likely adverse impacts on any significant fauna or flora species resulting from the proposed future industrial development of the site.

### **3.2 Traffic Impacts**

Vehicular access to the site from Pembroke Road is via the existing intersection treatment on Pembroke Road which has been constructed to RTA standards in accordance with the requirements of development consent S51/98 and development consent G15/2004. Condition 4 of development consent G15/2004 imposed restrictions on heavy vehicles entering and leaving the site to left in / left out only. It is considered that until such time as Pembroke Road is widened and an alternate intersection configuration constructed, this restriction should remain applicable.

Traffic impact assessments have been previously undertaken for industrial development consents issued for the property, based on a yield of some 154,000 square metres of developable land under development consent S51/98 and some 148,800 square metres of total developable area under the original development consent G15/2004 (and related masterplan development application for the two larger residual allotments).

It was considered that future industrial development could occur without resulting in any unsatisfactory traffic constraints upon the surrounding road network. The Sydney Regional Development Advisory Committee has also considered the previous applications and has raised no objection.

Note: Referral of this current application to the RTA's Sydney Regional Development Advisory Committee was not required, as the threshold for referring industrial subdivisions through to the RTA is currently (in respect of a subdivision) 50 or more allotments gaining direct access to a classified road. This proposal seeks approval to create five allotments only.

### **3.3 Visual Impacts**

The design and siting of future industrial development will be assessed on individual merit at the time at lodgement. Given that any future industrial development may result in large and visually prominent buildings due to the allotments sizes, the current masterplan includes an approved landscape plan to mitigate visual impact with an adequate buffer to future buildings.

Further to this, additional landscaping has been recommended as a condition of consent that will require the applicant to submit a detailed landscape plan demonstrating the inclusion of additional endemic tree/plant species within the road reserve adjacent to Pembroke Road (Condition 8).

The condition also requires the applicant to provide landscaping along the road boundaries of lots adjoining Rose Payten Drive and Pembroke Road having a depth of a minimum 15 metres. The landscape plan shall be submitted to Council for its approval prior to the issue of a construction certificate.

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### **3.4 Social and Economic Impacts**

The social and economic impacts of future industrial development on the local and broader community have been considered as part of the assessment, and on balance are believed to be beneficial.

It is anticipated that the development will contribute positively to the community by providing efficient industrial development and additional employment opportunities.

Economic benefits will be realised through both the construction phases and operation of the development. In this regard, it is considered that the development will generate a number of short term and long term employment opportunities - expanding upon the existing number of jobs on the site, adding to additional economic activity within the area.

The social impacts arising from the development will be positive, as these impacts largely stem from the resulting employment and economic benefits.

#### **Public Participation**

The application was not notified to nearby and adjoining owners in accordance with Council's Development Control Plan No.87 - Notification Policy. DCP No.87 does not require proposals for subdivision of land to be notified to adjoining and nearby land owners.

#### **Conclusion**

The development application is for the subdivision of an industrial estate into five allotments with the dedication of the estate access road as a public road. The subdivision would create 5 lots having total areas between 19,540 square metres and the already developed ADRT site of 69,900 square metres. The four vacant industrial lots would also be accessed via the internal road connecting with Pembroke Road. In terms of traffic generation, this proposal does not alter that which can already happen under the current consent, for this application only seeks to formalise property boundaries and the dedication of an existing road to the public.

The proposed development is permissible under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002. The development satisfies and is generally consistent with SEPP 1, LEP 2002 and the SCDCP.

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues discussed above, it is recommended that the proposed development be approved subject to conditions outlined in Attachment 1.

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### **Officer's Recommendation**

1. That the SEPP 1 objection to the imposition of development standard of Clause 37(d) of Campbelltown LEP 2002 be approved so as to allow the variation of the pump room and sprinkler tank to be set back a minimum 6.1 metres from the front boundary of proposed Lot 1.
2. That subject to the SEPP 1 variation being approved, that development application 2726/2009/DA-S for the subdivision of the estate into five allotments and dedication of the estate access road as a public road at Lot 15 DP 1140085, No. 415 Pembroke Road be approved subject to the conditions contained in Attachment 1.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation: nil.

### **Council Meeting 27 July 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 132**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: nil.

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

#### **2. Access Denied**

Vehicular access to and from proposed lots 2, 3, 4 & 5 shall not be permitted across their common boundaries with Pembroke Road and Rose Payten Drive. The only approved access to these lots shall be via the existing access road. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

#### **3. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

#### **4. Council Acceptance of the Existing Access Road as a Public Road**

To enable Council to accept the existing access road as a public road it will be necessary for the applicant to demonstrate that the road has been constructed to Council's standards. The applicant shall provide complete work as executed plans and all necessary material and testing documentation to confirm that all previously completed work associated with the proposed subdivision complies both in geometry and construction with:

- a) Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
  - b) *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
  - c) *Soils and Construction (2004) (Bluebook); and*
-

- d) Relevant Australian standards and State Government publications.

The applicant shall also submit documentation which includes, but not limited to:

- a) Geotechnical reports.
- b) Pavement design and constructed pavement depths.
- c) Concrete core tests.
- d) Constructed width of carriageway and footpaths. Lot boundaries shall be adjusted where necessary to provide a minimum 3.5m footpath width throughout.
- e) Service conduit locations.
- f) Subsoil drainage locations.
- g) Extent and depth of filling on the site.
- h) Locations and Level of survey marks placed.

Where adequate documentation is not available for any works they shall be retested as required. In this regard, appropriate road pavement testing by a NATA registered laboratory may be required to determine if the pavement area to be dedicated as public road meets the above standards and in particular Council's Category 'F' design standard for industrial cul-de-sac construction (5x10<sup>6</sup> design equivalent standard axles (ESA)). In the event that any aspect of the existing pavement or geometry does not meet the required standard remedial works/reconstruction shall be designed and undertaken to achieve compliance.

Following assessment of the submitted documentation it may be necessary for Council to undertake pavement testing to determine the life expectancy of the road. This testing shall be at the applicant's expense. If testing indicates the road pavement does not meet the required standard a determination will be made by Council's Director, Technical Services on whether Council is prepared to endorse the dedication of the access road as a public road without further reconstruction.

## **5. No Construction within Drainage Easements**

No construction, building works or alteration to the finished surface levels, as shown on the Works as Executed plans, shall be permitted within the existing drainage easements. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

## **6. Roads & Traffic Authority Approval**

The applicant shall submit a letter to Council from the Roads & Traffic Authority (RTA), which states that the Authority has no objection to the existing access road being dedicated as a public road. Should the Authority require amendments to the intersection layout in order to obtain this approval, the necessary works shall be undertaken by the applicant under the supervision of the RTA and at the applicant's expense.

## **7. Shoring and Adequacy of Adjoining Property**

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

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- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **8. Landscaping**

Prior to the issue of a construction certificate, the developer shall submit a detailed landscape plan demonstrating the inclusion of additional endemic plant / tree species within the Pembroke Road road reserve and along the sites boundaries, to the satisfaction of Council. Additional landscaping shall be provided adjacent to the sprinkler tank to further enhance visual screening of this facility and additional landscaping is to be provided at the end of the cul-de-sac between the road and lots 2 and 3. The landscape design shall incorporate a significant portion of native, low water demand species.

Sufficiently dense native landscaping shall also be provided along the road boundaries of the lots adjoining both Rose Payten Drive and Pembroke Road, to a minimum depth of 15 metres from the respective road boundaries. Details of the required landscape buffer zone are to be submitted to Council for its approval. Written confirmation that Council accepts the landscape plan is required prior to the issue of construction certificate.

The 15m wide landscape buffer shall be suitably defined by way of including a Restriction As To User pursuant to section 88b of the Conveyancing Act 1919 on each of the nominated allotments being proposed lots 2 – 5. The terms and definition of this area are to be in accordance with Council's requirements to ensure the ongoing and future protection, maintenance and up keep of the landscape buffer zone. This restriction on title is to be created with the release of the subdivision certificate.

## **9. Flora and Fauna Assessment – Critically Endangered Ecological Community**

A flora and fauna assessment shall be undertaken in accordance with DECCW's *Draft Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities* and shall be submitted prior to the issue of a construction certificate/subdivision certificate for all sites that contain native vegetation and/or habitat for threatened biodiversity. As part of this assessment the boundary of the Critically Endangered Ecological community Cumberland Plain Woodland must be confirmed in accordance with the final determination listing advice for Cumberland Plain Woodland under the NSW Threatened Species Conservation Act 1995. Targeted surveys for *Pimelea spicata* must also be undertaken as part of the assessment process.

The identified boundary shall be translated onto the linen plan of subdivision and an appropriate restriction as to user shall be created to Council satisfaction to ensure the future protection of the woodland area.

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## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

### **10. Water/Electricity Utility Services**

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

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

### **11. Telecommunications Utility Services**

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

### **12. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

### **13. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

### **14. Traffic Impact Study**

The applicant shall engage an appropriately qualified traffic engineer to prepare a Traffic Impact Study, to determine what impact the development of the proposed subdivision will have on the surrounding road network and what affects the increased traffic flows will have on the amenity of the surrounding neighbourhood. The study shall take into account pedestrian and vehicular movements and volumes during peak periods. The study shall identify any problems/conflicts and recommend appropriate treatment of such in detail. A copy of the study shall be forwarded to the Roads & Traffic Authority and Council's Traffic Engineer for assessment and approval, prior to Council or an accredited certifier issuing a construction certificate. All recommendations of the approved Traffic Impact Study shall be implemented prior to the release of the subdivision certificate.

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## **15. Stormwater Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site and the adjacent catchment, shall be submitted for approval. All required drainage easements shall be of a minimum width of 2.5m. Stormwater shall be conveyed to the nearest drainage system under Council's control and all proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

Overland flow paths shall be constructed in accordance with the Campbelltown (Sustainable City) DCP Volume 2 (as amended). In this regard, plans shall be submitted showing details of all overland flow path/s including any overland flow paths conveying waters from the proposed public road.

Easements of an appropriate width shall be created over the overland flow path/s.

## **16. Work on Public Land**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council/RTA for any proposed work on public land. Inspection of this work shall be undertaken by Council/RTA at the applicant's expense and a compliance certificate or letter, approving the works, shall be obtained from Council/RTA prior to the principal certifying authority releasing the subdivision certificate.

## **17. Section 94A Developer Contribution - Community Facilities and Services**

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
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- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

### **18. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

### **19. Erection of Construction Sign**

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

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

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

## **20. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

## **21. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

## **22. Vehicular Access During Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

## **23. Public Property**

Prior to the commencement of any works on the subject site, the applicant shall advise Council/RTA of any damage to property which is controlled by these authorities and adjoins the site, including kerbs, gutters, footpaths and the like. Failure to identify existing damage may result in all damage detected after completion of the subdivision works being repaired at the applicant's expense.

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## **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

### **24. Construction Work Hours**

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

### **25. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

**Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.**

### **26. Fill Contamination**

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

### **27. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

### **28. Excess Material**

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

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## **29. Earth Works/Filling Works**

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's '*Specification for Construction of Subdivisional Roads and Drainage Works*' (as amended), AS 3798 '*Guidelines for Earthworks for Commercial and Residential Development*' (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

## **30. Revegetation**

Revegetation to the requirements of the manual – '*Soils and Construction (2004) (Bluebook)*' shall be applied to all disturbed areas within seven days of completion of the earthworks, and where applicable, shall be fully established prior to release of the maintenance security bond.

## **31. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual '*Traffic Control at Work Sites*' (as amended) and all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council/RTA may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

## **32. Compliance with Relevant Specifications**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
  - b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*,
  - c. '*Soils and Construction (2004) (Bluebook)*'
-

- d. Relevant Australian standards and State Government publications, and
- e. Where applicable, the Road & Traffic Authority's relevant specifications.

### **33. Associated Works**

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

### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

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

### **34. Service Clearances**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall provide Council with evidence of a Section 73 certificate issued by *Sydney Water* and where required, a Notification of Arrangement issued by *Integral Energy*.

### **35. Restriction on the Use of Land**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Floor Level Control – where applicable
- b. No Alteration To Surface Levels - within constructed overland flow paths and easements
- c. Lots Filled – where applicable
- d. Access Denied – lots 2, 3, 4 and 5
- e. Uncontrolled Fill – if applicable
- f. Landscape Buffer – 15m wide landscape buffer to lots 2, 3, 4 and 5

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

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### 36. Maintenance Security Bond

Prior to the principal certifying authority issuing a subdivision certificate and if Council determines that the access road should be dedicated to the public, a maintenance security bond of 5% of the contract value for the construction of the access road, or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of twelve months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond within six years of the issue of the subdivision certificate, Council is obligated to surrender the bond to the *Office of State Revenue*.

### 37. Works as Executed Plans

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

The applicant shall also submit an electronic copy of the Works as Executed information to Council in accordance with the following requirements:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
2. Datum to be AHD (Australian Height Datum)
3. File format(s):

#### a) AutoCAD Option

The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

- |                       |                                      |
|-----------------------|--------------------------------------|
| Package Type -        | zip                                  |
| File Format -         | AutoCAD 2004 Drawing Format or later |
| Transmittal Options - | Include fonts                        |
|                       | Include textures from materials      |
|                       | Include files from data links        |
|                       | Include photometric web files        |
|                       | Bind external references             |

The drawing shall **not** be password protected.

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**b) MapInfo Option**

Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

**Survey Information Required to be Shown**

- Finished ground and building floor levels together with building outlines.
- Spot levels every 5m within the site area.
- Where there is a change in finished ground levels, greater than 0.3m between adjacent points within the abovementioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure, including pipe sizes and types as well as surface levels and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line of the road.
- The surface levels of all other infrastructure.

**38. Service Authorities**

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

**39. Industrial Inter-Allotment Drainage**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage, and the associated easements, has been provided for all proposed industrial lots. The inter-allotment drainage system shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the *Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended)*.

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#### **40. Council Fees and Charges**

Prior to the principal certifying authority releasing the subdivision certificate the applicant shall ensure that all applicable Council fees and charges associated with the subdivision have been paid in full.

#### **41. Easements to be Extinguished**

Should it be agreed by the relevant Authorities that the existing access road can be dedicated to the public, it will be necessary for applicant to extinguish the easements that were previously created within the private access road and that will now be located within the future public road reserve. All costs associated with the extinguishment of the easements are to be borne by the applicant.

#### **42. Landscape Works**

Prior to the principal certifying authority releasing the subdivision certificate, all landscape works approved under this consent is to have been planted and suitably protected to the satisfaction of Council.

### **ADVISORY NOTES**

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

#### **Advice 1. Tree Preservation Order**

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

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length or has a trunk diameter of more than 150mm, measured 1 metre above ground, and excludes any tree declared under the Noxious Weeds Act (NSW).

#### **Advice 2. Filling on Site**

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

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**Advice 3.      Inspections – Civil Works**

Council is the principal certifying authority for the subdivision works and the following stages of construction shall be inspected by Council's Development Engineer.

- a.    EROSION AND SEDIMENT CONTROL -
  - Direction/confirmation of required measures.
  - After installation and prior to commencement of earthworks.
  - As necessary until completion of work.
- b.    STORMWATER PIPES – Laid, jointed and prior to backfill.
- c.    OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- d.    CONCRETE PATHS, VEHICLE CROSSINGS & LAYBACKS – Prior to pouring concrete.
- e.    FINAL INSPECTION – All outstanding work.

**Advice 4.      Linen Plan and Copies**

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

**Advice 5.      Linen Plan Checking Fee**

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

**Advice 6.      Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

**Advice 7.      Dial 1100 Before you Dig**

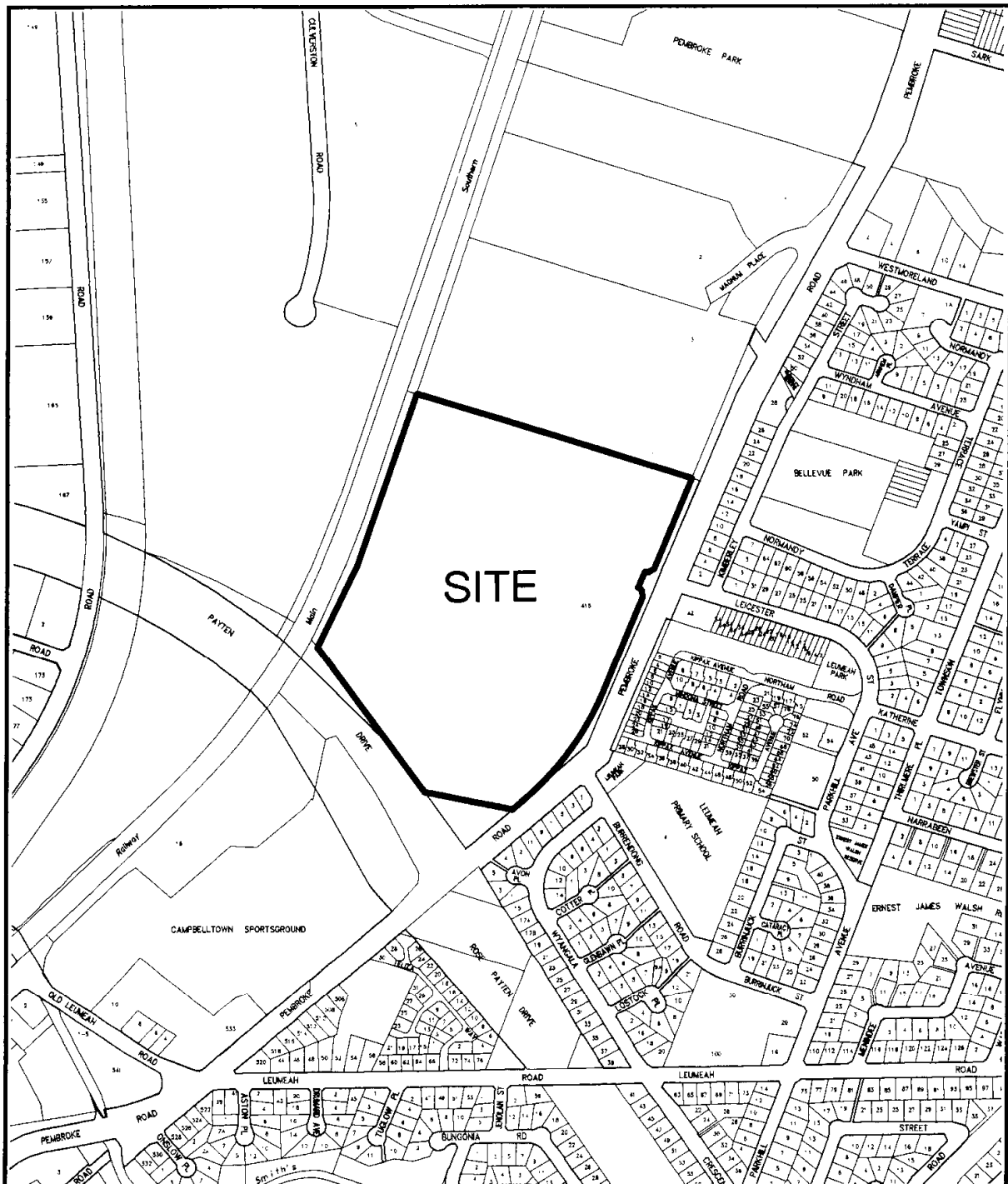
Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**END OF CONDITIONS**

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## ATTACHMENT 2



### LOCALITY PLAN



**SUBJECT:**

SUBDIVISION OF ESTATE INTO FIVE ALLOTMENTS AND  
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.  
LOT 15 DP 1140085 - No. 415 PEMBROKE ROAD, MINTO.

## ATTACHMENT 3



## Subdivision Plan

**Subdivision of Estate into Five Allotments and Dedication of  
Estate Access Road as a Public Road  
Lot 15 DP1140085 - No. 415 Pembroke Road, Minto**

### **3.3 Lot 31, DP 621804 – Sherwood Hills Christian School, No. 65 Jacaranda Avenue, Bradbury - Construction of a School Library and Carpark Reconfiguration**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended Conditions of Consent
2. Locality Plan
3. Proposed Site Plan and Ground Floor Plan
4. Proposed First Floor Plan
5. Elevation Plans
6. Proposed Right of Carriageway Plan

#### **Purpose**

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

<b>Property Description</b>	Lot 31, DP 621804 – Sherwood Hills Christian School, No. 65 Jacaranda Avenue, Bradbury
<b>Application</b>	2093/2009/DA-C
<b>Applicant</b>	Urban Reform
<b>Owners</b>	Mr. Christopher Van Dijk, Mr. Frank Evans and Mr. John Fearne
<b>Statutory Provisions</b>	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment  Campbelltown (Urban Area) Local Environmental Plan 2002
<b>Other Provisions</b>	Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan  Development Control Plan No. 87 – Public Notification and Public Exhibition Policy
<b>Date Received</b>	1 October 2009

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## Report

### The Site

The subject site is located within the suburb of Bradbury and is accessed from Jacaranda Avenue. The site is approximately 1,612m<sup>2</sup> in area, with improvements to the site consisting of a single story school building, covered outdoor area, hardstand sports / play area and car parking area.

The site is located within a local neighbourhood precinct, with surrounding development including a shopping centre, hotel, commercial suites, Public Reserve, pre-school, community centre, church and low to medium density housing.

### The Proposal

Development Consent is sought for the construction of a two (2) storey school building, (consisting of learning areas and a library), and the reconfiguration of the car parking area currently servicing the Sherwood Hills Christian School.

The proposed building consists of floor areas of approximately 250sqm for the ground floor and 200sqm for the first floor, with a 20sqm storage room interconnecting with the existing school building. The proposed car parking reconfiguration will provide seven (7) car parking spaces (including one (1) disabled space) and associated manoeuvring areas.

### Campbelltown 2025 – ‘Looking Forward’

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic direction relevant to this application is:

- *Growing the regional City*

Some of the relevant desired outcomes contained in Campbelltown 2025 include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
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- *Development and land use that matches environmental capacity and capability.*

The proposed development is not considered to be inconsistent with the relevant desired outcomes of Campbelltown 2025, specifically in relation to providing a development that is promoting a safer environment and one that matches the environmental capacity of the site.

## Assessment

The development has been assessed having regard to the matters for consideration under Section 79C of the EP&A Act, and having regard to those matters, the following issues have been identified for further consideration.

### 1. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The proposal does not conflict with any of the relevant provisions of the *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, and is therefore considered acceptable in this regard.

### 2. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned '10(c) – Local Comprehensive Centre' under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposal is defined as an 'educational establishment', being permissible pursuant to the provisions of Clause 30 of LEP 2002, as well as being consistent with the following objectives for the zone:

- (b) *to provide opportunities for local employment, and*
- (c) *to accommodate a range of activities required in the locality, but which are not appropriate on land in Zone 2 (b).*

Consequently the proposal satisfies the provisions of Clause 30 of LEP 2002.

### 3. Campbelltown (Sustainable City) Development Control Plan 2009

The proposal has been considered in accordance with the specific and relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, as shown within the following table:

Section	Control	Requirement	Proposed	Compliance
2.2 (a)	Site Analysis	A site analysis shall be lodged with the Development Application for all development involving the construction of a building.	The application was accompanied by an appropriately detailed site analysis.	Yes
2.4.1 (b)	Rainwater Tanks	A rainwater tank shall be provided for all new buildings containing a roof area greater than 100m <sup>2</sup> for all development not specified by BASIX. Buildings with a roof area of 201m <sup>2</sup> to 1,000m <sup>2</sup> , shall have a rain water tank with a minimum capacity of 5,000L.	No details have been provided for a rain water tank.	No. Though a condition has been included within the recommendation requiring the provision of a 5,000L rain water tank, which shall ensure compliance with such.

Section	Control	Requirement	Proposed	Compliance
2.5	Landscaping	Landscape design shall enhance the visual character of the development and complement the design / use of spaces within and adjacent to the site.	The application has been accompanied by a detailed landscaped plan, which includes dense plantings, including indigenous trees and shrubs.	Yes
2.7	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a applications proposing construction and / or activities involving the disturbance of the land surface.	The application has been accompanied by a detailed Erosion and Sediment Control Plan.	Yes
2.13 (a)	Security	Development shall be designed to: <ul style="list-style-type: none"> <li>• maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</li> <li>• minimise dead ends and other possible entrapment areas;</li> <li>• clearly identify and illuminate access points to buildings and designated public places; and</li> <li>• clearly differentiate between private and public space.</li> </ul>	The proposed design provides for appropriate surveillance of the building and its surrounds, giving regard to the use of the site.	Yes

It should be noted that the SCDCP includes no specific controls with respect to educational establishments.

#### 4. Planning Assessment

The following is a summary of the areas of consideration regarding the likely impacts and the suitability of the site, in respect to the proposed development:

##### Built Environment

The proposed building is of a contemporary design with articulated elevations and varied finishes. It is considered that the proposal will complement the built form of the locality.

##### Car Parking

The proposed learning areas and library will be ancillary to the existing use of the site as a school and the application does not propose an increase in enrolments or staffing levels. In this regard, it is unlikely that additional traffic or reliance upon additional public transport would occur as a result of the proposed development.

The proposal involves the formalisation of the site's existing car parking facilities and given the nature of the existing school, it is considered that the provision of seven (7) car parking spaces, including one (1) disabled space is adequate.

It is noted that a condition has been included within the recommendation requiring the provision and ongoing maintenance of the car parking area, in accordance with the requirements of Australian Standard AS 2890.

### **Access**

The application details that vehicular access to the car parking area is to be via the existing driveway area servicing the adjoining Bradbury Shopping Centre from Jacaranda Avenue. This driveway is located upon the adjoining private property (Lot 100, DP 618391) which is the land containing the Bradbury Shopping Centre. In considering the application and this arrangement, it was identified that the site subject of this application does not have legal access arrangements across the Bradbury Shopping Centre site or along this driveway. Accordingly the applicant was advised of this issue and the occupants of the subject site (the Sherwood Hills Christian School) have commenced negotiations with the property owners of the Bradbury Shopping Centre (Crown Property Holdings Pty. Ltd.), in order to obtain legal access across the driveway.

It is noted that evidence of these negotiations (by way of letter from the owner of the Bradbury Shopping Centre) and the willingness of the owner of the Bradbury Shopping Centre to enter into an agreement to allow the school access across the shopping centre land has been provided to Council for its record. As such and to ensure legal access is provided for the school and that this access remains in tact, regardless of who owns the shopping centre land in the future, a condition has been included within the recommended conditions of consent requiring that a Right-Of-Way (ROW) be created over the subject portion of the shopping centre land so as to provide benefit for the owners/occupiers of the school land.

In this regard, to ensure that the ROW is created prior to the development being commenced, it is recommended that should Council resolve to approve the subject application, that consent be issued as a 'Deferred Commencement' consent, pending the formalisation of access arrangements, by way of an appropriate Right-Of-Way.

### **Existing Right of Way**

It has been identified that the subject site is burdened by a Right-Of-Way' (ROW) that exists within the area of the proposed building. It is noted that the ROW is no longer utilised and as it is not considered appropriate nor practical for structures to be approved across such entitlements, the ROW should be extinguished prior to the commencement of the development. Accordingly it is recommended that should Council resolve to approve the subject application, it be facilitated as a 'Deferred Commencement' consent, pending the removal of this ROW.

### **Amenity Impacts**

Given the site's proximity to the a variety of land uses including existing commercial premises and other non-residential uses, it is considered that the proposed library building, is in keeping with the nature of existing surrounding developments and is unlikely to provide an unreasonable impact upon surrounding residents.

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## **Security and Safety**

The location of the proposed library and the overall site layout does not provide entrapment zones. Furthermore, it is considered that the proposal is consistent with the 'principles for minimising crime risk' (Crime Prevention Through Environmental Design) and is satisfactory in this regard.

## **Flora and Fauna**

The subject site contains nine (9) trees of varying stages of maturity and species. The proposal includes the removal of five (5) of the trees being those that fall within the proposed building works area. It is considered that the trees to be removed are not of significant ecological value, however a condition is included within the recommendation that requires replacement planting of indigenous trees and shrubs within the site. In this regard, a plan has been lodged with the application that shows replacement planting with a variety of species, consisting of indigenous trees and shrubs.

In addition to the above, in order to ensure the protection of other trees located in the vicinity of the proposed works, a condition has been included within the recommendation, requiring all trees that are to be retained are to be protected from the site works with the installation of tree protection barriers and that where required, any pruning works shall be carried out in accordance with AS 4373 - 1996 'Pruning of Amenity Trees'.

## **5. Campbelltown City Council Section 94A Development Contributions Plan**

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly a condition has been included within the recommended conditions requiring payment of such.

## **Public Participation**

In accordance with the requirements of Campbelltown Development Control Plan No. 87 – Public Notification and Public Exhibition Policy, it was not necessary to notify or exhibit the subject application.

## **Conclusion**

An application has been lodged for the erection of a new 2-storey library building; the reconfiguration and formalisation of an existing car park area and associated works. It is intended that the proposed library building would provide additional educational facilities for the students of the Sherwood Hills Christian School. It is noted that no additional students nor staff are to be generated as a result of the proposed development.

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While the proposed works (creating a revised car parking area) provide for an improved layout and satisfy the requirements of Australian Standard AS 2890, the applicant will be required to obtain a Right-Of-Way (ROW) over the shopping centre's driveway (access from Jacaranda Avenue) so as to maintain a legal access to the proposed school carpark area, regardless of who may own either of the properties in the future. In this regard, it is recommended that where Council is of a mind to support the application (and as the ROW is deemed critical to the orderly operation of the land), the consent be issued as a 'Deferred Commencement' consent, on the provision that the ROW is created prior to the consent becoming active and the development works commencing. In addition, an existing but now redundant ROW that burdens the subject land should also be extinguished as part of this process. A condition has been included in the recommendation to this effect.

The proposal has been considered in accordance with relevant provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP). In this regard the proposal is considered a permissible development and is not considered to conflict with any of the relevant requirements of the CLEP. The proposal has no identified significant environmental impacts, and the site is suitable for the development subject to the implementation of certain arrangements relating to access, prior to the development commencing.

Having regard to the matters for consideration under Section 79C of the EP&A Act and the issues discussed above, it is recommended that the subject application be approved by way of Council issuing a 'Deferred Commencement' consent for the reasons discussed within the report. Notwithstanding the above, it is noted that the creation and or extinguishment of a ROW can sometimes be a lengthy process. Accordingly, it is further recommended that the time allowed for the applicant to satisfy the 'Deferred Commencement' conditions be set at twelve (12) months.

### **Officer's Recommendation**

That Development Application No. 2093/2009, for the construction of a two (2) storey school building, consisting of learning areas and a library, and reconfiguration of the car parking area and associated works at the Sherwood Hills Christian School, No. 65 Jacaranda Avenue, Bradbury, be approved by way of a 'Deferred Commencement' consent, in accordance with the attached recommended conditions.

### **Committee's Recommendation: (Greiss/Thompson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation: nil.

### **Council Meeting 27 July 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

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### **Council Resolution Minute Number 133**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates Rowell, Rule and Thomas.

Voting against the Council Resolution: Thompson.

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **DEFERRED COMMENCEMENT**

You are advised that the subject application has been granted a “Deferred Commencement” consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

The applicant has been given a period of 12 months, in which to provide the required information to satisfy the matters as listed in Schedule “A”. Upon the submission of such evidence to Council and the applicant receiving written notification that Council is satisfied with the evidence, then the consent shall become operative subject to compliance with conditions outlined in Schedule “B”.

Should any of the required information listed under Schedule 'A' not be provided to the satisfaction of Council in the time period nominated above, the deferred commencement consent shall expire.

#### **SCHEDULE A**

The conditions of Schedule 'A' are set out as follows:

- i. A ‘Right of Carriageway’ shall be created over the adjoining Bradbury Shopping Centre land (Lot 100, DP 618391), the terms of which are to be approved by Council and consistent with the drawing 635\_05 (Issue: 05), prepared by Urban Reform and submitted to Council on 27 April 2010. The Right of Carriageway is to be registered with Land and Property Information NSW and evidence of the registration is to be provided to Council.
- ii. The existing ‘Right of Carriageway, 6 Wide and Variable’ (see DP 621804) burdening the subject allotment is to be extinguished, consistent with the drawing 635\_05 (Issue: 05), prepared by Urban Reform and submitted to Council on 27 April 2010 and evidence that the ‘Right of Carriageway’ has been extinguished is to be provided to Council.

#### **SCHEDULE B**

The conditions of Schedule 'B' are set out as follows:

#### **GENERAL CONDITIONS**

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

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

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## 1. Approved Development

The development shall be completed in accordance with the approved endorsed plans prepared by Urban Reform, listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

<u>Sheet (Job No. 635)</u>	<u>Date Received by Council</u>
635_03 (Issue: 4)	1 October 2009
635_04 (Issue: 4)	1 October 2009
635_05 (Issue: 4)	1 October 2009
635_06 (Issue: 4)	1 October 2009
635_05 (Issue: 05)	27 April 2010

## 2. Amended Plans

The development is to incorporate the following amendment and amended plans are to be submitted to the Principal Certifying Authority, prior to the issuing of a Construction Certificate:

- Provision of a 5,000L underground rain water tank, is to be provided for the irrigation of landscaping. The rain water tank is to be sited adjacent to the north western corner of the proposed building, not within 1m of the property boundary.

## 3. Building Code of Australia

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

## 4. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 1 October 2010. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## 5. Shoring and Adequacy of Adjoining Property

The person having the benefit of the development consent must at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
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## **6. Landscaping**

- (a) The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, submitted to Council on 1 October 2009, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
- (b) All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Plants shall be predominantly native in species and endemic to the local area.
- (c) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be of a hessian material and are to be fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (d) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (e) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of the tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

## **7. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

## **8. Car Parking Spaces**

Seven (7) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

## **9. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

## **10. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

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## **11. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

## **12. Arborist Inspections**

The following Arborist Inspections are required and a certificate verifying satisfactory compliance is to be submitted to the Certifying Authority for approval, prior to the issuing on an Occupation Certificate. The inspections are to ensure compliance in relation to all trees to be retained. The inspections and certificate are to be completed by a Consulting Arborist (who is a member of either the Institute of Australian Consulting Arboriculturists or the National Arborists Association of Australia). The Arborists inspections required include:

- a) Inspection at completion of all site excavation.
- b) Inspection during building works.
- c) Final inspection of trees when all site works are completed.

## **13. Development Consent required for alternative uses of the Library Building**

The Library building is not to be used for any other purposes other than for a library. The library building or rooms/areas within the library building are not to be used as additional classrooms and are not to be used for the purpose of accommodating an increase to the student population currently attending the school unless separate development consent is obtained.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

## **14. Water/Electricity Utility Services**

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

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

**15. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

**16. Downstream Drainage**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall, where existing or proposed drainage from the site traverses adjoining properties, liaise with adjoining land owners regarding downstream drainage and shall submit to the Council written approval from the owner(s) granting permission to discharge stormwater and to create an easement with a set width to Council's current requirement over any drainage works required to traverse those lands. Any easements required shall also be created and registered with *Land and Property Information NSW* prior to issue of the construction certificate.

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

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**18. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

**19. Section 94A Developer Contribution - Community Facilities and Services**

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

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- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

### **20. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

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## **21. Erection of Construction Sign**

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

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

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

## **22. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

## **23. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

## **24. Public Property**

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

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## 25. Fencing

An appropriate fence preventing access to the works zone from adjoining properties and public areas, shall be erected and maintained for the duration of construction works.

## DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

## 26. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

## 27. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

***Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.***

## 28. Tree Pruning

Any tree pruning shall be carried out in accordance with Australian Standard AS 4373 – Pruning Amenity Trees.

## 29. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

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**30. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

**31. Public Safety**

Any works undertaken in a place accessible by the public are to be maintained in a safe condition at all times in accordance with AS 1742.3.

**32. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
- c. *'Soils and Construction (2004) (Bluebook);* and
- d. Relevant Australian standards and State Government publications.

**33. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

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

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

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

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**34. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

**35. Completion of External Works Onsite**

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

**36. Restoration of Public Roads**

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

**37. Council Fees and Charges**

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

**ADVISORY NOTES**

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
  - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
  - c. Give Council at least two days notice prior to the commencement of any works.
  - d. Have mandatory inspections of nominated stages of the construction inspected.
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- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

**Advice 3. Disability Discrimination Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

**Advice 4. Covenants**

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

**Advice 5. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

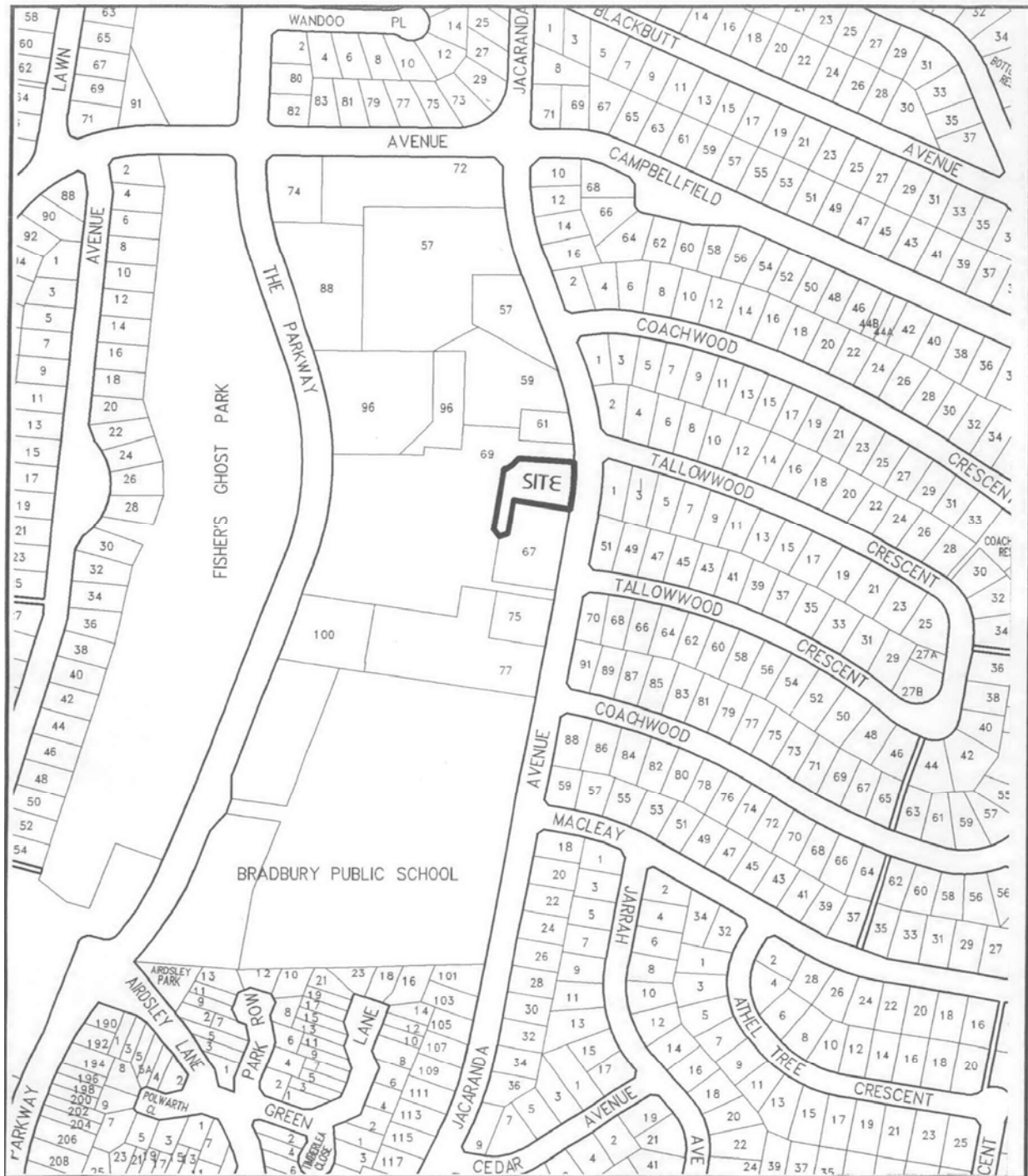
**Advice 6. Smoke Free Environment Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

**END OF CONDITIONS**

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## ATTACHMENT 2



### LOCALITY PLAN

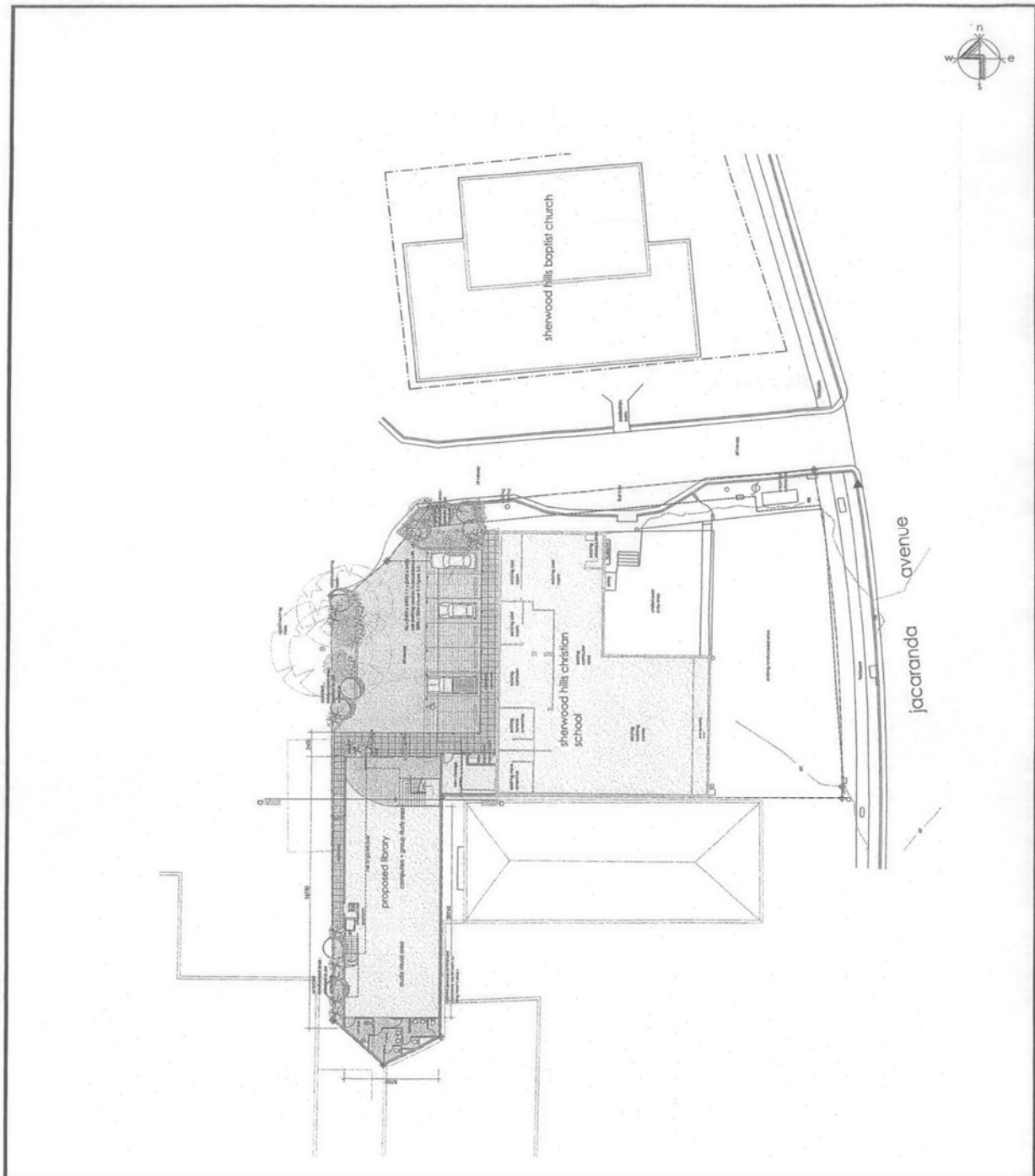


**SUBJECT:**

SHERWOOD HILLS CHRISTIAN SCHOOL - LIBRARY BUILDING.

LOT 31 DP 621804 - No. 65 JACARANDA AVENUE, BRADBURY.

## ATTACHMENT 3



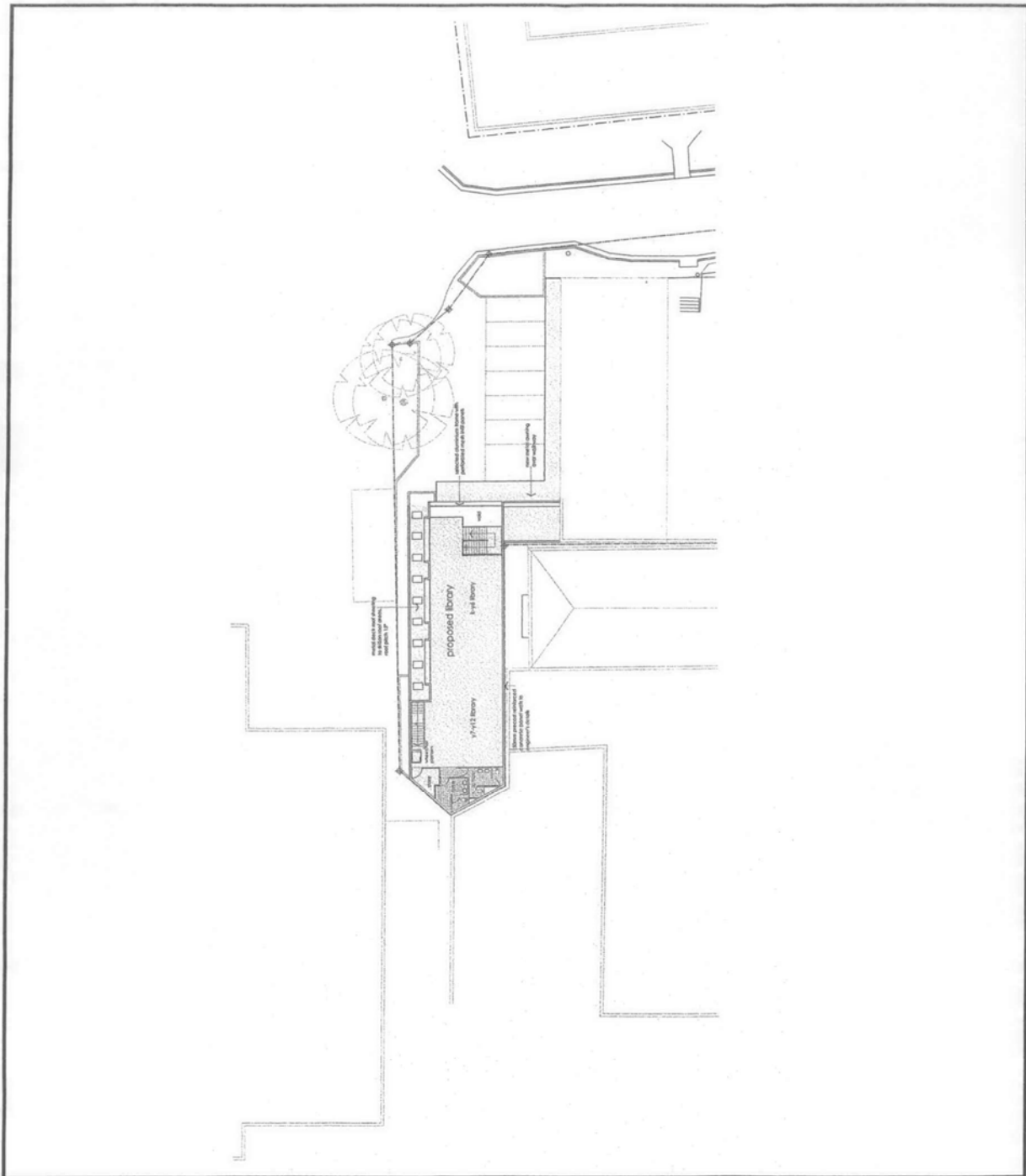
### SITE & GROUND FLOOR PLAN

SUBJECT:

SHERWOOD HILLS CHRISTIAN SCHOOL - LIBRARY BUILDING.

LOT 31 DP 621804 - No. 65 JACARANDA AVENUE, BRADBURY.

## ATTACHMENT 4



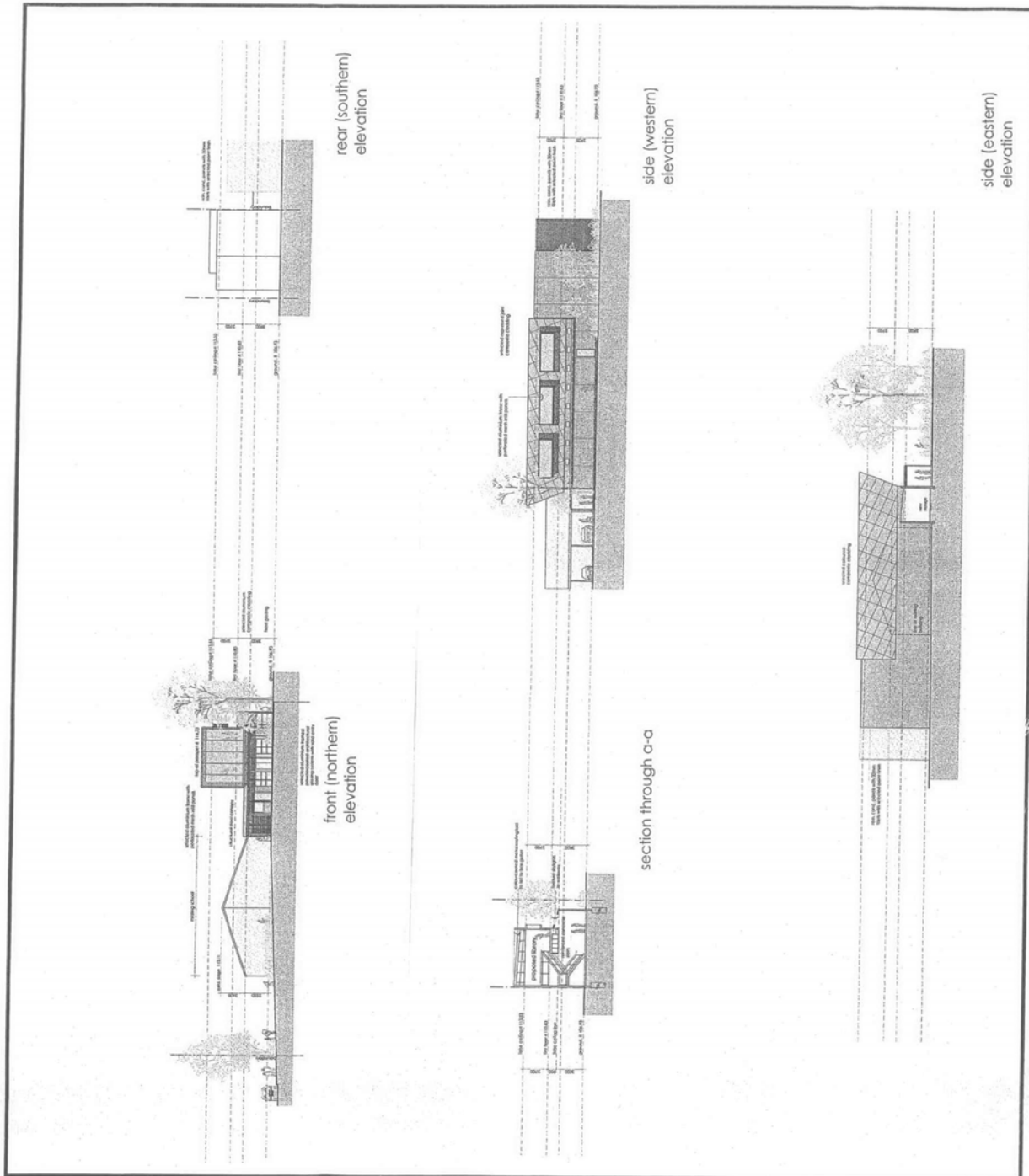
### FIRST FLOOR PLAN

**SUBJECT:** SHERWOOD HILLS CHRISTIAN SCHOOL - LIBRARY BUILDING.  
LOT 31 DP 621804 - No. 65 JACARANDA AVENUE, BRADBURY.

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## ATTACHMENT 5



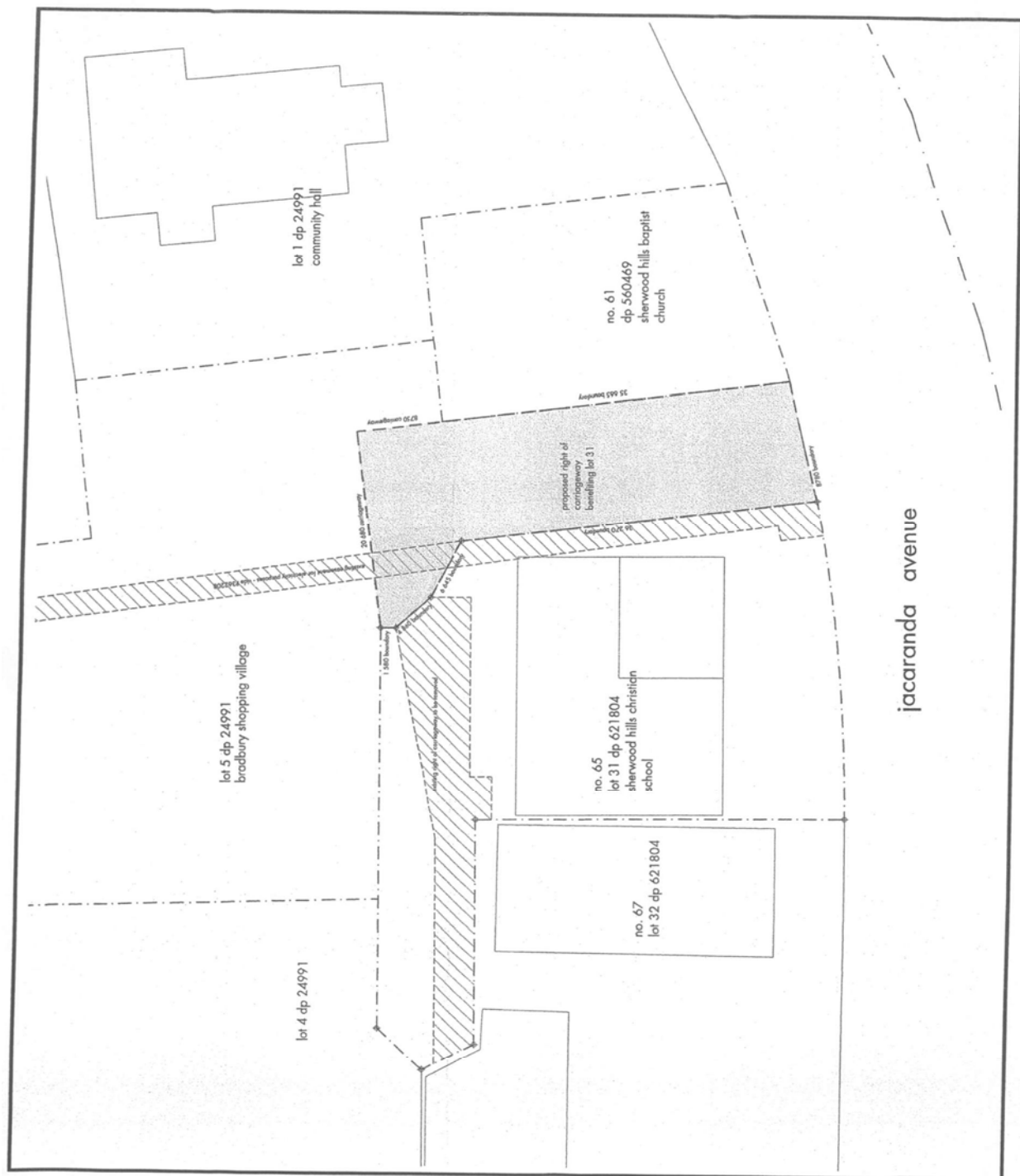
### SECTION & ELEVATIONS

SUBJECT:

SHERWOOD HILLS CHRISTIAN SCHOOL - LIBRARY BUILDING.

LOT 31 DP 621804 - No. 65 JACARANDA AVENUE, BRADBURY.

## ATTACHMENT 6



### PROPOSED RIGHT OF CARRIAGE WAY

SUBJECT:

SHERWOOD HILLS CHRISTIAN SCHOOL - LIBRARY BUILDING.

LOT 31 DP 621804 - No. 65 JACARANDA AVENUE, BRADBURY.