

PART TWO

Reports from the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 27 April 2010.

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

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PART TWO

- 3.4 No. 7 Westland Close Raby - Construction of seven single storey multi dwellings and the demolition of an existing dwelling house**

PART THREE

- 3.5 Lot 229 Kellicar Road, Campbelltown - Construction of 235 senior living housing dwellings, a community centre, use of 6 dwellings temporarily as a display village and associated landscaping, roads, parking, infrastructure and earthworks**
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- 27 April 2010**
-

Minutes of the Planning and Environment Committee held on 27 April 2010

Present

Councillor R Matheson (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor R Kolkman
Councillor M Oates
Councillor J Rowell
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Manager Development Services - Mr J Baldwin
Manager Compliance Services - Mr A Spooner
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Communications and Marketing - Ms J Uluibau
Manager Community Resources and Development - Mr B McCausland
Environmental Planning Coordinator - Renee Winsor
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs D Taylor

Apology

(Rowell/Kolkman)

That the apology from Councillor Thompson be received and accepted.

CARRIED

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Non Pecuniary – Less than Significant Interests

Councillor Greiss - Item 4.1 - Legal Status Report, Pope Shenouda III Coptic Christian Centre - Councillor Greiss advised that he attends the Church in question on average on a fortnightly basis. He is not on the board nor does he receive remuneration.

3.4 No. 7 Westland Close Raby - Construction of seven single storey multi dwellings and the demolition of an existing dwelling house

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Site Plan
4. Elevations and Sections
5. Submission Table

Purpose

To assist Council in its determination of a development application for the construction of seven single storey multi dwellings (townhouses) and the demolition of an existing dwelling.

The relevant matters for consideration, compliance with Council's policies and neighbourhood submissions are outlined herein to assist Council in making an informed decision in respect of the determination of the application.

Property Description	Lot 2031 DP 805550 No. 7 Westland Close, RABY
Application No	2432/2009/DA-M
Applicant	Mr James Allen Nelson
Owner	Mr James Allen Nelson and Mrs Juliet Anne Nelson
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown Sustainable City Development Control Plan 2009 Campbelltown Development Control Plan No 87 – Public Notification and Public Exhibition Policy
Date Received	11 November 2009

History

- On 14 April 2005, Council refused Development Application F662/2004 for the demolition of the existing dwelling and outbuildings and the construction of a multi dwelling development consisting of eight dwellings.
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- On 21 August 2006, Council refused Development Application 381/2006/DA-M for the construction of seven townhouses and the demolition of a dwelling, carport and garage on the same land.
- On 13 September 2007, (a Section 82A Review of Determination) - Development Application 1931/2007/DA-82A, was lodged with Council but not determined due to the application being submitted after the time allowed for the lodgement of an application for a Review of Determination.

In summary both development applications were refused on the following basis:

Namely streetscape and architectural design deficiencies, safer by design principles, traffic and visitor car parking issues, the extent of tree removal and deficient information. The proposals failed to provide a positive addition to the streetscape in the locality with respect to the existing and desired urban character for the locality and for these reasons is not considered to be in the public interest.

- The subject site has also been issued with the Building Certificate 891/1997/149B for an attached dual occupancy development, in 1997

Report

The Site

The site is known as No. 7 Westland Close Raby. The legal description is Lot 2031 DP 805550.

The land is a pentagon in shape and has an area of 2340m². The site is located near the head of Westland Close (cul-de-sac) and has a total street frontage of 39.845m. The average depth is approximately 50m, and the average width is approximately 40m. Given the size and shape of the site, the side and rear boundaries are shared with seven neighbouring properties.

A single storey brick dwelling, ancillary structures and established trees occupy the land. The site is located at a localised "high point" in the surrounding landform, with a gentle fall of approximately 1.5 metres from the rear to the front boundary.

Surrounding properties comprise single detached dwelling houses. Robert Townson Primary School and High School are located on the southern side of Shuttleworth Avenue, which joins with Westland Close. The site is approximately 100 metres from the primary school, and 300 metres from the high school.

Westland Close (carriageway) is approximately six metres wide with rolled kerb both sides.

There are 'variable no stopping' restrictions (during school pick up / drop off times) along part of Shuttleworth Avenue and part of Westland Close.

The Proposal

The proposal comprises the following:

- Demolition of existing dwelling house (dual occupancy) and ancillary structures;
- Construction of seven single storey multi unit townhouses (7 x 3 bed);
- On site parking for 11 cars including four visitor car spaces
- Tree removal
- External finishes consist of a combination of facebrick, weatherboard, roof tiles and aluminium windows.

The development is split into two building components. Units 1 and 2 are detached and have direct frontage to Westland Close, while Units 3 to 7 are attached and are located at the rear of the site. A common driveway serves all proposed townhouses including Units 1 and 2.

All proposed units have an internal accessed single garage (with the exception of Unit 2). Four visitor spaces are proposed, three at the front of the site and one visitor space at the rear with a turning bay. A six metre wide driveway crossover to Westland Close is proposed. All units have north facing private open space areas.

1. Campbelltown 2025 - Looking Forward

Campbelltown 2025 Looking Forward is a vision 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 directions relevant to the Project Application are:

- *Protecting and enhancing the City's key environmental assets*
 - *Growing the Regional City,*
 - *Building a Distinctive Campbelltown Sense of Place*
 - *Creating employment and entrepreneurial opportunities.*
-

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- *Development and land use matches environmental capacity and capability*
- *Match the type, scale and intensity of new land use and development within the capability of the local environment to sustain that land use/development*
- *A working desire to create a range of sustainable and high quality lifestyle opportunities across a framework of liveable neighbourhoods*
- *An impression of architecture that engages its environmental context in a sustainable way*

Comment

The Applicant has not addressed Campbelltown 2025 Looking Forward in their Statement of Environmental Effects. However it is considered that the proposed development is consistent with the statements contained in the Campbelltown Vision. The application presents a development that is integrated within the existing and surrounding locality. The proposal is also consistent with the stated focus area "to match the scale and intensity of the new land use with the capability of the local environment to sustain that use".

It is anticipated that the development would have a positive economic impact upon the Campbelltown Local Government Area, which is also a stated desired outcome of the Vision.

Assessment

The development has been assessed in accordance with the matters of consideration detailed under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified as being relevant for further consideration.

2. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) Residential B under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as 'multi dwelling housing' and is permissible with Council's development consent. The proposed development is considered to satisfy the following objectives of the 2(b) Residential B zoning:

- (b) *To protect areas from inappropriate development;*
 - (d) *To maintain and improve opportunities for the community living in the City of Campbelltown to enjoy an appropriate range of social, cultural and recreational facilities, and*
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- (f) *To encourage a variety of forms of higher density housing in locations which are accessible to public transport, employment, retail, commercial and service facilities, and*
- (i) *To ensure that all development satisfies the principles of ecologically sustainable development, energy conservation and efficiency, and that the cumulative impact of development in sub-catchments is considered.*

A further objective of the zone is to encourage a high quality standard of development, which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

The site is located in an area characterised by established lower density detached housing, in close proximity to schools, recreation areas and with reasonable access to community facilities and shops. In this respect, the land is considered to be suitable for residential development having regard to the above objectives (d) and (f). The development has been designed with BASIX principles in mind and hence satisfies ESD principles, hence satisfying objective (i). The site is not considered inappropriate development as it is a permissible land use within the 2B zone and therefore also satisfies objective (b).

3. Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed having regard to the relevant numerical and design standards of Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP). The following matters presented in Table 1 below are relevant:

Table 1: SCDCP Compliance

Section	Control	Requirement	Proposed	Compliance
3.3.1 (a)	Streetscape	Building design (including façade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area.	Yes
3.3.1 façade	Streetscape	The built form shall relate to the natural landform and setting.	The layout gives regard to the natural landform and setting of the site.	Yes
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	The garages are designed so that they have access to one main driveway and removes garages from streetscape	Yes
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting façade).	N/A	Yes
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	N/A	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two storeys.	The proposed development is single storey in height	Yes

Section	Control	Requirement	Proposed	Compliance
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).		Yes
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall height of the development is consistent with the height of surrounding transitional developments and given the siting of the proposed development potential for amenity impacts to adjacent premises has been minimised.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	All garages have internal dimensions of 3m x 6m.	Yes
3.4 façade	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities – Off-Street Car Parking.	Negligible grade	Yes
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	Driveway returns behind Unit 1	Yes
3.4 (g) (i)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5.0m where the driveway provides access for three or more dwellings.	6.0m proposed.	Yes but to be conditioned with a maximum width of 5.0m to reduce the visual impact upon the streetscape and the impact of the driveway on the availability of street parking
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	Driveway is proposed to be stamped concrete finish.	Yes
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	Side facing windows have been offset, while the overall layout does not involve living rooms addressing other living rooms.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	The overall layout has given appropriate regard to the orientation of the site.	Yes
3.6 (b)	Solar Access	A minimum 20m ² of each dwelling's private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m ² of the private open space area of each dwelling, shall receive more than three hours of solar access at the winter solstice.	Yes
3.6 façade	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in potential amenity impacts to adjacent dwellings being minimised.	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwellings shall not be erected on land with an area of less than 700m ² .	2340m ²	Yes
3.9.1 façade	Site and Density Requirements for Multi Dwellings	Subject to the satisfaction of other requirements within the Plan, the number of dwellings permitted within a multi dwelling development shall not exceed two dwellings for the first 700m ² of land area and one dwelling for each 300m ² of land area thereafter.	Seven dwelling units proposed	Yes
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating 3 or more dwellings shall only be permitted on an allotment having a minimum width of 22.5m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	29.115m	Yes
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Having a minimum width of 10 metres measured between the extended property side boundaries, or in the case of a corner allotment, the secondary street boundaries where they intersect with the kerb line; and	30m	Yes
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Where no part of the allotment is within 50 metres of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained (refer to Figure 3.9.3).	The subject property is located within the 50m requirement	No – variation is sought – see below
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	0.45:1	Yes
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	5.5m. A small portico is proposed as a form of articulation to units 1 & 2.	Yes
3.9.1 (h) (ii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 3m from the secondary street boundary.	N/A	NA
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	1.0m from the western side boundary and 1.467m from the eastern side boundary.	Yes
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5m from any side boundary for all levels above the ground level.	N/A	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for the ground level.	>5.0m	Yes
3.9.1 (h) (vi)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 10m from the rear boundary for all levels above ground level.	N/A – all units are single storey	Yes
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	A single garage services each multi-dwelling	Yes
3.9.2 façade	General Requirements for Multi Dwellings	One external additional visitor car parking space shall be provided for every two units (or part thereof), unless all dwellings within the development	Four visitor car spaces provided.	Yes
3.9.2 (f)	General Requirements for Multi Dwellings	Unless Council can be satisfied that an existing dwelling located on the site makes a positive contribution to the character of the streetscape, that dwelling shall be demolished. In the case where an existing dwelling house is to be retained, the design of the new development shall complement the siting, bulk, scale, form, materials, colours and finishes of the existing dwelling.	The proposal involves the demolition of the existing dwelling.	Yes
3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and / or rooms capable of being used as a bedroom) within each dwelling shall not exceed 35% of the total floor space of that dwelling.	Between 27% and 30%	Yes
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	Yes	Yes
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m ² .	Ranges from 65m ² to 118m ²	Yes
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Provided	Yes
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each private open space area has minimum dimensions of 5 x 5m	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.2 (h) (v)	General Requirement s for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the respective main living areas.	Yes
3.9.2 (h) (vi)	General Requirement s for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	Each private open space area receives more than three hours of solar access at the winter solstice.	Yes
3.9.2 (i)	General Requirement s for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The private open space areas for each dwelling are located to the rear.	Yes
3.9.2 (k)	General Requirement s for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front façade of each dwelling; no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.	The front façade of the building is articulated and consists of architectural features that are similar to adjoining and future likely developments.	Yes
3.9.2 (l)	General Requirement s for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and a minimum of 20% of the total site area shall be available for deep soil planting.	The application was accompanied by a detailed landscape design plan. Approximately 20% of the site has been made available for deep soil planting.	Yes
3.9.2 (m)	General Requirement s for Multi Dwellings	Multi dwellings shall satisfy the following architectural requirements: a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development; incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines; incorporation of façade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and provision of windows and active spaces in the building ends, to provide additional security and visual interest.	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, to existing and likely future developments. The front façade and roof form are articulated which provides architectural interest to the overall design.	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.2 (n)	General Requirement s for Multi Dwellings	Multi dwellings shall not incorporate vehicular access that utilises any gate structure mechanism, other than access to basement car parking.	The proposal does not include any gate structures of the like in relation to vehicular access.	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling developments shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: a 140 litre bin; and two (2) 240 litre bins.	A revised site plan has removed the proposed communal garbage storage areas and now proposes individual storage areas for each unit. The site has adequate frontage for all garbage bins.	Yes

Variations Sought

The proposed development does not comply with section 3.9.1(f)(iii) of CSCDCP as identified in the above table.

Section 3.9.1(f)(iii) – where no part of the allotment is within 50 metres of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained (refer to Figure 3.9.3).

The Applicant has provided a justification which is summarised as follows:

The 50m restriction is a development standard, which if included in an LEP would be deemed to be a development standard that a SEPP 1 objection would apply. However, the restriction is within the DCP requirements and whilst not as strict as a requirement within an LEP, is nevertheless a standard that is seen as a general guideline for the consideration of medium density developments, particularly located in cul-de-sacs.

It would appear that the underlying objective of the 50m restriction is to prevent medium density development at the end of long cul-de-sacs, as the reason for this restriction has not been specified in the DCP.

The cul-de-sac is some 80m long and contains 11 dwellings, excluding the two corner properties.

It is not considered that a variation to the development standard in these circumstances would act as a general planning change more appropriately dealt with under Part 3 of the Environmental Planning & Assessment Act 1979. It is considered that this case represents an individual circumstance in which it is requested to set aside mere compliance with unreasonable or unnecessary development standards (50m restriction).

Nor is it considered that the proposed development would create an unsatisfactory precedent or cause cumulative effects detrimental to the desired outcomes for the locality. The circumstances of this case are site specific and would not be necessarily common to other properties, given the fact that the Council needs to consider each application on the particular merits of the case.

The subject street only has 11 dwellings and is a reasonably short cul-de-sac. The road has been designed to carry more traffic than that generated by this development (refer to section 6.3.4 of this report for details).

The subject property is quite unique in size and is considerably under-developed having regard to the zoning of the land. It is our opinion that refusal of the proposal is not warranted on mere non-compliance with one section of the DCP and in our opinion is contrary to the objectives of the LEP, DCP and the EP&A Act 1979, which promotes the economic use of land and one that permits various forms of residential accommodation and choice.

a) *The total FSR is 0.45:1 and therefore complies with the DCP.*

- b) *The front façade to the two dwellings facing Westland Close is setback 5.5m. However, it is proposed to construct a small portico within the setback area to provide for articulation. The encroachment of such a structure within the setback is generally acceptable under the provisions of the DCP, in that it provides for articulated façade treatment.*
- c) *All garaging is internal to the development and therefore the development is compliant with this requirement.*

Comment

The provision limiting multi dwellings within 50m of a cul-de-sac is a result of the width of local roads proportionate to the number of dwellings, turning areas and accessibility for waste service vehicles, on-street parking, amenity within the cul de sac and compatibility of the development with adjoining and surrounding development.

Westland Close has a pavement width of 6.0m which allows for the passing of vehicles or the passing of a single parked car. Additionally Westland Close contains variable parking restrictions due to its proximity to local school.

The site itself is unusually large and is a residual allotment retaining the existing dwelling house, resulting from the original subdivision creating this precinct. This dwelling house has since been developed as an attached dual occupancy development. It contains a large street frontage. The development has been designed to maintain a consistent streetscape with two of its units fronting Westland Close. The remaining five units are located to the rear. All units are serviced by one internal driveway and car parking has been provided in accordance with the SCDGP. Therefore while traffic will be increased as a result of this development, the increase is not adverse, and can be adequately catered for in Westland Close.

The variation to Clause 3.9.1(f)(iii) is considered satisfactory in this particular instance. The proposed development increases the number of dwellings having direct access to Westland Close by five. This results in 18 dwellings accessing the cul-de-sac. The carriageway width of Westland close is 6.0m.

Volume 2 of the SCDGP - Table 3.1 indicates that Westland Close is a Category B minor cul-de-sac and can service a subdivision containing 15 dwellings. The variation sought amounts to only three additional dwellings.

A Category C cul-de-sac requires an 8.0m wide carriageway width to service 30 dwellings. Westland Close is unable to be increased to an 8.0m wide carriageway.

The site is located before the head of the cul-de-sac which will limit vehicles progressing into the cul-de-sac head. The existing variable parking restrictions also contribute to improved passing opportunities for all vehicles within Westland Close, thereby increasing the efficiency of the functioning of the carriageway.

It is also the case that the road is heavily utilised during school hours for the purpose of parking. In this regard, it is considered unlikely that the traffic generated by the addition of five dwellings will have a detrimental effect upon the functioning of Westland Close.

4. 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 will be included within the recommended conditions requiring payment of such should the application be approved.

5. Other planning matters

Parking

The development provides one single garage space per dwelling and four external visitor spaces, in accordance with the numerical requirements of SDCDP. An amended parking layout now provides three visitor car spaces at the front of the site, whilst one single visitor car space is provided at the rear of the site adjoining a designated turning bay. Therefore it is unlikely that the development will place additional impacts on on-street parking demand.

Streetscape and General Design

The design of the development is considered satisfactory given that the development complements the scale, character and qualities of surrounding development (single detached dwellings). The two detached multi units (1 and 2) that front Westland Close would resemble that of single detached dwellings existing with Westland Close.

Public Exhibition

The application was notified to all surrounding property owners on February 2006 for a period of 14 days. Council received four individual objections, and two petitions of objection from residents in Westland Close (one petition signed by 15 residents, the second petition signed by 10 residents, of which two also made individual submissions).

The reasons for objection to the development are summarised as follows:

- Privacy/proximity to adjoining dwellings;
 - Traffic congestion in Westland Close / Limited visitor parking
 - Access if cars are parked on street;
 - Located on bend in road, i.e. safety;
 - Density/overdevelopment;
 - Noise;
 - Location of garbage bins for collection;
 - Utilities being able to cope;
 - Mature trees on site;
 - Amenity/living standards;
 - Impact on existing streetscape;
 - Traffic congestion in Westland Close / Limited visitor parking;
 - Pedestrian safety
 - Noise
 - Security / surveillance
 - Lack of on-site car parking
 - Streetscape
-

The objections (including the petitions) are summarised and examined in greater detail in Attachment No 5. Submission Table.

Conclusion

The subject site is zoned Residential 2(B) under the provisions of Campbelltown LEP 2002. The proposed development is permissible with Council's consent, and is generally consistent with the SCDP with the exception of the multi-dwelling development being located within 50m of the head of a cul-de-sac. The applicant has sought a variation in this instance based upon Westland Close as being zoned for multi-dwelling development; is capable of sustaining such a development; is unlikely to set a precedent; is unlikely to cause cumulative detrimental effects and that the property is unique in size and under developed.

The proposed development was publicly exhibited in accordance with Council's adopted Notification Policy. Four submissions and two petitions (signed by 15 and 10 residents) were received in regards to the proposal. The issues raised by the submissions have been addressed in **Attachment No 5** of this report.

Having regard to the relevant matters of consideration under section 79C of the Environmental Planning and Assessment Act 1979, it is recommended that the application be granted consent as detailed in Attachment 1 to this report.

Financial Impact

Nil.

Officer's Recommendation

That development application 2432/2009/DA-M, for the construction of seven single storey multi dwellings (townhouses) and the demolition of an existing dwelling house at Lot 2031 DP 805550 No. 7 Westland Close, Raby be granted approval subject to the conditions contained within Attachment 1.

Committee Note: Mr Paul Atkins addressed the Committee in opposition to the application. Mr James Nelson addressed the Committee in support of the application.

Committee's Recommendation: (Bourke/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

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

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

Having declared an interest in Item 3.4 Councillor Glynn left the Chamber and did not take part in debate nor vote on this Item.

Council Meeting 4 May 2010 (Bourke/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 74

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution was Councillor Oates.

Following discussion of this Item Councillor Glynn returned to the Chamber for the remainder of the meeting.

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. Building Code of Australia

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

3. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

4. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

5. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

6. External Finishes

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

7. Fencing

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

8. Switchboards/Utilities

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

9. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890*.

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

10. 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*.

11. Car Parking Spaces

All visitor car parking spaces shall be designed, sealed, line marked, suitably signposted and made available to all users of the site in accordance with Australian Standards 2890.

12. Shoring and Adequacy of Adjoining Property

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

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

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

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.

13. Construction Certificate

The applicant shall obtain:

- a. A construction certificate prior to the commencement of any works;
- a. Nominate a principal certifying authority; and
- b. Notify Council of the appointment of the Principal Certifying Authority prior to the commencement of any works.

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. 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.

16. 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.

17. Driveway Design and Finish

The design of the driveway is to reduce its visual impact (in terms of width) upon the streetscape and the impact of the driveway on the availability of street parking within Westland Close. The driveway width within the Council reserve shall be of a maximum of 5.0m. Final details of the driveway shall be to the satisfaction of Council.

18. 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.

19. Stormwater Management Plan (Development)

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

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.

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. Vehicular Access During Construction

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

25. 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.

26. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

27. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

28. Fencing

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

29. 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.

30. 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.

31. 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.

32. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three (3) metres of the footprint of a building that has been approved by Council.

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

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

33. 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.

34. Termite Control

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

35. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Medium Density Vehicle Crossing Specification*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council's Planning and Environment Division. Conduits must be provided to service authority requirements.

36. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

37. 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.

38. 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.

39. 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.

40. Public Utilities

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

41. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

42. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

43. 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.
- 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. Smoke Alarms

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

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

Advice 5. Retaining Walls

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

Advice 6. Covenants

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

Advice 7. Inspections – Building Works

REQUIRED INSPECTIONS

You have appointed Campbelltown City Council as the Principal Certifying Authority for the purposes of certifying the works involved in the development.

The following scheduled inspections are mandatory and must be completed by Council prior to the approval of an occupation certificate of the issuing of any compliance certificates. All inspection fees have been prepaid.

Booking Inspections

Inspections may be booked up to 9.00 am on the day that they are required by calling (02) 4645 4608.

Please quote the construction certificate, or complying development certificate number when you book.

INSPECTION SCHEDULE

- At the commencement of the building work.
 - Excavation, pier holes and footings prior to placement, or the pouring of concrete, or the placement of prefabricated structures.
 - Reinforced concrete steelwork prior to pouring concrete (footings, floors, beams, panels, pool coping, swimming pools).
 - Framework (timber or steel) for any wall, roof or other building element prior to internal cladding.
 - Bearers and joist (timber or steel) including ant capping, prior to flooring.
 - Water proofing of wet areas prior to covering.
 - Stormwater drainage connections prior to backfilling.
-

- Final/completion prior to occupation of the structure.
- Fencing of swimming pools prior to filling.

Advice 8. Inspection Within Public Areas

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

Advice 9. Adjustment to Public Utilities

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

Advice 10. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

Advice 11. Fire Risk Identification Sticker

A sticker prepared by the NSW Fire Brigade is attached to the approval documentation. The sticker provides a guide to fire fighters for the purposes of improving searches for occupants in the event of a fire, and to assist with fire fighter safety.

It is requested that the PCA or builder tick the appropriate boxes on the sticker and mount it in the electrical meter box.

Advice 12. Rain Water Tank

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

Advice 13. 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

End of Conditions

ATTACHMENT 2



LOCALITY PLAN



SUBJECT:

CONSTRUCTION OF SEVEN SINGLE STOREY MULTI DWELLINGS
AND THE DEMOLITION OF AN EXISTING DWELLING HOUSE.
LOT 2031 DP 805550 - No. 7 WESTLAND CLOSE, RABY.

ATTACHMENT 3

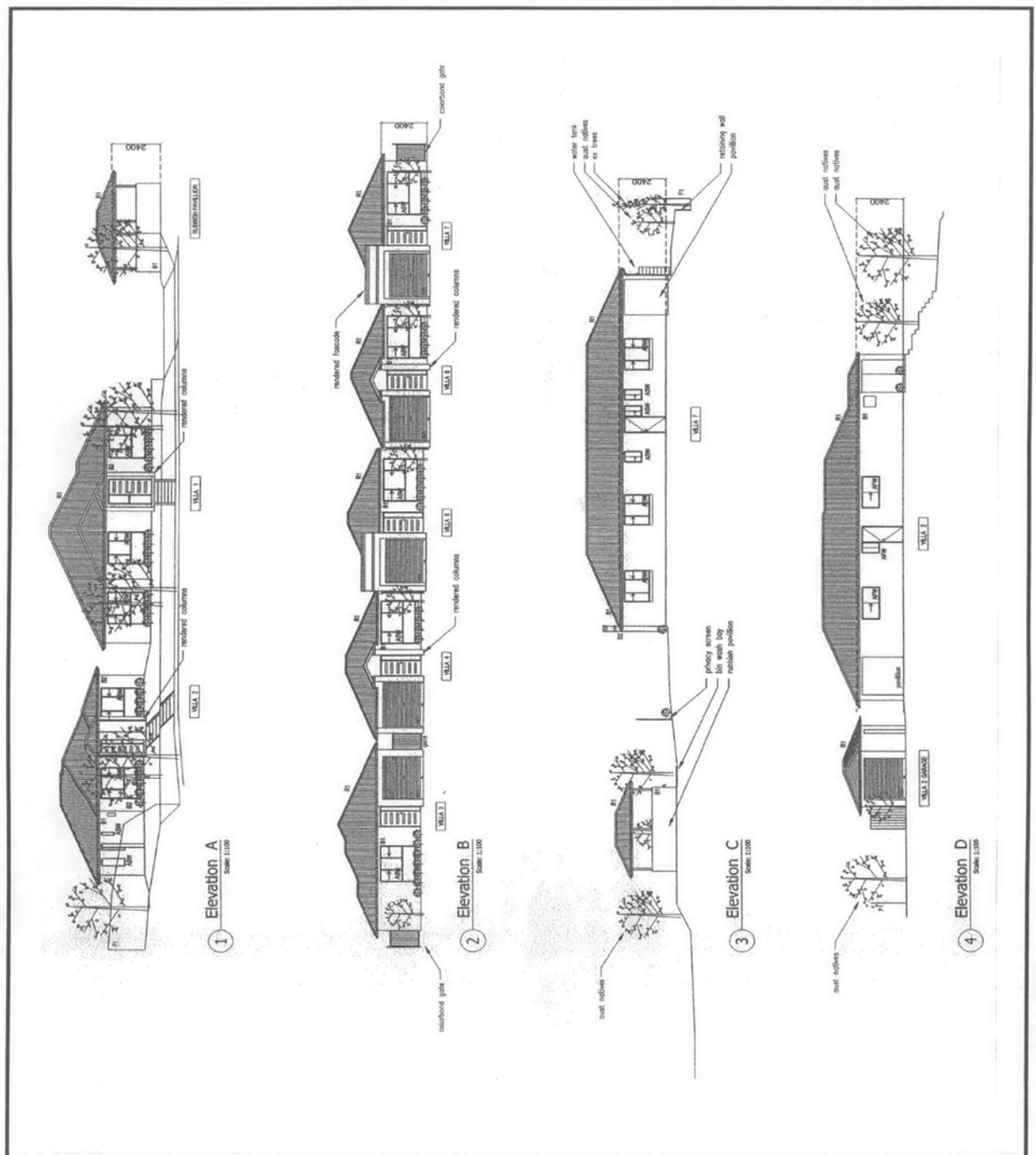


SITE PLAN

SUBJECT:

CONSTRUCTION OF SEVEN SINGLE STOREY MULTI DWELLINGS
AND THE DEMOLITION OF AN EXISTING DWELLING HOUSE.
LOT 2031 DP 805550 - No. 7 WESTLAND CLOSE, RABY.

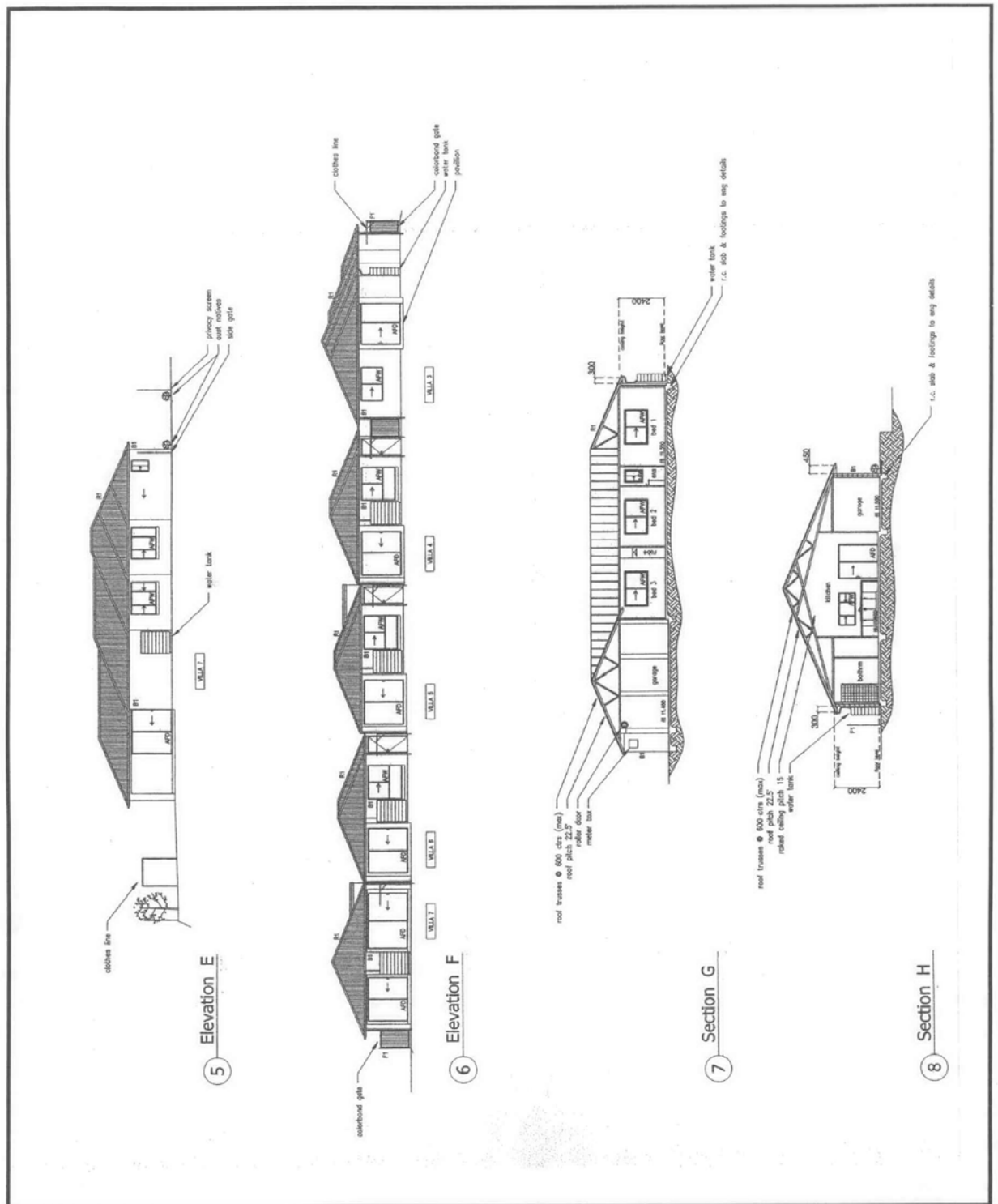
ATTACHMENT 4



ELEVATIONS

SUBJECT:

CONSTRUCTION OF SEVEN SINGLE STOREY MULTI DWELLINGS
AND THE DEMOLITION OF AN EXISTING DWELLING HOUSE.
LOT 2031 DP 805550 - No. 7 WESTLAND CLOSE, RABY.



SECTIONS & ELEVATIONS

SUBJECT:

CONSTRUCTION OF SEVEN SINGLE STOREY MULTI DWELLINGS
AND THE DEMOLITION OF AN EXISTING DWELLING HOUSE.
LOT 2031 DP 805550 - No. 7 WESTLAND CLOSE, RABY.

ATTACHMENT 5

Submission Table

	Issue	Applicant's Comments	Officer's Comments
	The Proposal is inappropriate having regard to the Site's location, the character of the street and the area.)		
1	Westland close is a small and narrow cul-de-sac which runs approximately 100m from end-to-end, with a steep incline coming up from Shuttleworth Avenue and which presently has a total of 12 dwellings.	<p>Section 6.3.4 of the Statement prepared by Michael Brown Planning Strategies addressed car parking and traffic impact issues relating to the development and any impact of such traffic generation having regard to Council's DCP and RTA Guidelines.</p> <p>There are 13 dwellings, which have access to this street. The street is 6m wide (kerb to kerb). The street rises from Shuttleworth Avenue a short distance and then flattens out. The road has been designed to meet Council's standards.</p>	Westland Close is 6.0m wide and runs the length of 100m. Section 3.9.1(f)(iii) of the CSCDCP states multi dwellings are not permitted within 50m of a cul-de-sac head. The development site is at the head of a cul-de-sac. The reason behind this restriction is to limit impacts in terms of parking, and traffic congestion. The applicant has sought a variation to this standard in the SCDGP 2009 section of this report. Westland Road is considered suitable for this form of development as it meets the minimum widths that allow cars to pass. It also has rolled curbed gutters which allow cars to park on Council's road reserve. Wetland Close contains parking restrictions to minimise traffic conflict.

	Issue	Applicant's Comments	Officer's Comments
2	The Proposal would increase dwellings on the street by 60%, which would place a significant amount of pressure on traffic and on-street parking facilities, as well as posing a danger to residential and passing pedestrian traffic.	<p>The increase from the proposed dwellings is 38% (two dwellings to be removed from No. 7 thus creating an increase of five additional dwellings to the street). There is currently one driveway in use and it will remain one driveway in use with the new dwellings and sufficient parking has been provided inside the site as requested.</p> <p>A parking survey was conducted during school periods and outside this period (5, 8 & 9 February). During morning and afternoon school periods there were 6, 8 & 7, respectively, vehicles parked in the street (non-resident). Outside school periods, there were nil, two and nil. The two vehicles were trades vehicles.</p>	<p>The existing dwelling (attached dual occupancy) is proposed to be demolished and replaced with seven new townhouses. There are 12 properties that access Westland Close including the subject site. The increase represents 41% increase. However it is noted that the site has development consent for a dual occupancy development which reduces the increase to 38%. The site has an area of 2340m² which could be subdivided into four torrens title lots which would represent 36% increase.</p>
3	This is particularly inappropriate given the morning and afternoon school drop-off periods when a spike in the car and pedestrian traffic already places great pressure on residents and poses a danger, in particular, to pedestrian traffic.	<p>There are parking restrictions in place in this street and well as other streets that have access off Shuttleworth Avenue, as section 6.3.4.3 of the SEE.</p> <p>These parking restrictions were imposed by Council one assumes at the behest of residents of these streets concerned with parking during morning and afternoon school periods.</p> <p>There are only an additional 6-8 cars (average of seven cars) used for school drop off periods not creating pressure on residents or posing danger. There is an average of 10 pedestrians who walk through Westland Close to the school.</p> <p>Regardless of the proposed development, the parking restrictions will still remain in place. Speed limits and other restrictions are a common factor around school zones.</p>	<p>The site provides four visitor car spaces in addition to providing one car space per dwelling. This complies with the SCDGP.</p> <p>The parking restrictions within Westland Close are an on going regulatory matter.</p>

	Issue	Applicant's Comments	Officer's Comments
4	Westland Close is a narrow Street – 5.3m. If cars are parked on one side of the street, it leaves little room for passing vehicles – in fact most are forced to illegally mount the footpath in order to pass parked vehicles.	<p>Westland Close is constructed as a local access street in Council's road hierarchy. The street has the capacity to carry the number of extra vehicles generated by this development.</p> <p>We have video evidence of a large council garbage truck easily passing through Westland Close in peak periods. This point could improve with the removal/pruning of trees and scrubs currently on the council strip which causes vehicles to park at least one metre from the curb in certain areas.</p>	<p>The road pavement is 6.0m wide. This meets Council's road category B (Minor cu-de-sac) hierarchy within the SCDCP (part 2). This caters for up to 15 dwellings. Westland Close currently contains 12 dwellings including the subject site. The proposed development will result in 18 dwellings. The variation, given the on-street parking restrictions, on-site parking compliance, will not detract significantly from the street, and the pavement width is still able to cater for this amount of additional vehicles. This represents a 20% variation.</p>
5	As Westland Close is located across the road from Robert Townson Primary School and Robert Townson High School, there is a significant increase in pedestrian and car traffic along the street during the day (in particular during the mornings and afternoons) as parents park on the street to pick up their children from school and many students and families use Westland Close as a thoroughfare to Boeing Crescent during these hours as there is a connecting laneway.	<p>Based on one weeks observation (video evidence available) there are 12 pedestrians who use Westland Close and adjoining Boeing Crescent within school periods. Based on Robert Townson Primary School only housing a total of approx 600 children, 12 pedestrians is a very small amount of pedestrian traffic in the street.</p>	<p>It is understood that Westland Close is utilised by parents picking and dropping off children for school. Therefore Westland Close has parking restrictions in place during school times which limit car parking, congestions and pedestrian conflict. The proposed development provides car parking in accordance with the SCDCP 2009.</p>

	Issue	Applicant's Comments	Officer's Comments
6	<p>Council has recognised these risks and dangers by enacting parking restrictions for Westland Close; however, despite the parking restrictions, during these 'peak' periods Westland Close is narrowed substantially and it often becomes impossible for two-way traffic to pass up the street. Often, a driver heading in one direction is required to pull over and give way to a driver heading in the other direction, and the street has become a high-risk pedestrian traffic accident zone as well as a high-risk car traffic accident zone, particularly as there is no pedestrian walkway all the way along Westland Close and given the small size of the street. These risks will be significantly increased if the Proposal is approved by Council.</p>	<p>As stated above the current pedestrian traffic is a small amount of people. As for traffic there is again only an average of seven cars passing through Westland Close within peak periods which again does not cause traffic restrictions. The proposed developer would be happy to remove trees/scrubs and to provide a pathway in front of the proposed site to improve pedestrian access (if this is a concern). However, the remainder footpath would need to be constructed basically from the pathway to almost the intersection of Shuttleworth Avenue (part of a footpath already constructed), but at the cost to Council for these extras length (refer to aerial photograph attached to SEE).</p> <p>In respect of drivers having to give way in this street, this is a common occurrence for local access streets, when there is a vehicle parked on one side of the street and acts as slowing down the speed of vehicles.</p> <p>This will occur regardless of this development proposal.</p>	<p>Refer to point 5 above.</p>
7	<p>As we submitted in our opposition to the previous submission of a similar development application for the Site, the street has already had an incident where a resident of the house at number 14 was knocked down by a car during these 'peak' traffic periods on his daily walk. We fear such incidents will become increasingly frequent if the Proposal is approved as a 60% increase in the street's dwellings will put a great amount of pressure on the street and put the safety of current residents and passing traffic at increased risk.</p>	<p>This is an unfortunate incident that could happen to anyone in any street. As previously stated 60% is an incorrect figure and the street would only be increased by five dwellings (38%).</p> <p>With the recommended changes to the trees/shrubs and proposed footpath such incidents should not occur.</p>	<p>The site is approved as an attached dual occupancy development. The development proposes an additional five dwellings. The road is capable of sustaining this amount of additional traffic. Refer to point 1 above.</p>

	Issue	Applicant's Comments	Officer's Comments
8	Limited parking – the development provided one car space per unit, though it is well known that most couples have at least two cars and undoubtedly have to park in the visitor spaces, if not on the street, hence this represents an incompatible development	<p>After a number meetings with Council we have re-designed all parking to be in-site with enough room provided to house 18 vehicles, seven garages, seven car spaces in front of garages and four visitors parking spaces.</p> <p>Refer to comments at 6.3.4.1 of the SEE. The number of spaces is compliant with Council's DCP for this form of development. The DCP has also been amended a number of times to address all aspects of residential development.</p>	The proposed development complies with the minimum number of car spaces required of the SCDP.
9	Pedestrian Safety – Westland Close is a narrow and extremely busy street, especially during school hours. Many parent park in Westland Close in order to pick up their children from School.	This has been addressed above.	Parking is restricted by signage within Westland Close. This has been a result of current issues with parking around the school. The proposed townhouse development does not adversely effect or undermine the parking restrictions within the street.

	Issue	Applicant's Comments	Officer's Comments
	The Proposal is out of character for the area having regard to the setting and location of similar developments in the area.		
10	<p>Westland Close is a small, quiet cul-de-sac and the Proposal would be inappropriate given the number and density of the proposed Units.</p> <p>The proposal does not integrate with the neighbourhood character having regard to the landscaping and, in particular, the layout of Units 3 to 7 as shown on the plans submitted with the development application.</p>	<p>We agree Westland Close is a quiet cul-de-sac which contradicts many points in this document referring to traffic & pedestrian congestion! Units 3-7 will not be visible by the residents in Westland Close and this is a personal opinion only.</p> <p>This aspect of character was addressed in section 3.2.2 of the SEE.</p>	<p>The development proposes two units with direct frontage to Westland Close, while the remaining units are located at the rear of the site. The two front units reflect current setbacks within the street, and are considered in keeping with the existing streetscape. With respect to the units at the rear, these are single storey and propose extensive landscaping along its rear to provide privacy and minimise amenity impacts. The landscaping is considered to be complimentary to the proposed development.</p>
11	<p>By way of comparison, the number of proposed dwellings is comparable to those built on Lots 101, 99 and 97 of Hurricane Drive (when considered in proportion to the size of the land that they occupy). However, the size, width and length of Hurricane Drive, which is a major thoroughfare in Raby with marked lines is substantially greater than Westland Close and does not have the same pressures placed on it during school drop-off and pick-up times. Council should not allow the same density levels to be implemented in these two streets. Westland Close is a small and narrow street, which is awkward to get around given its steep incline.</p>	<p>Based on Hurricane Drive being a main road in Raby we believe this would be a congested street and is not comparable to Westland Close. There is no pressure within peak school periods as state numerous times within this document.</p> <p>The proposed development is compliant with Council's DCP for this form of development.</p>	<p>Both Hurricane Drive and Westland Close are zoned 2(b) Residential zone and are subject to the same development controls of the SCDCP. The applicant has sought variation to the control for multi-dwellings within cul-de-sacs. The width of Westland Close is considered acceptable in terms of width to allow this form of development and provides sufficient car parking to satisfy the SCDCP.</p>
12	<p>The Proposal is too dense for the Site having regard to not only the above comments, but also having regard to its impact on the current residents' enjoyment of the street.</p>	<p>The density complies with Councils DCP and increased densities close to amenities is encouraged by State Government through the urban consolidation requirements.</p>	<p>The development complies with the FSR controls of the SCDCP.</p>

	Issue	Applicant's Comments	Officer's Comments
13	Most modern day families have more than one car; however, the Proposal allocates only one garage to each dwelling with no driveway frontage, and a total of only four visitor car parking spots. The effect of this is that there will be increased on-street parking that will increase the danger to pedestrian, increase car traffic and the associated risks, and affect the enjoyment by existing residents of the street. The Proposal is clearly an overdeveloped use of the Site, and accordingly Council should oppose it.	As stated before the number of car parking spaces is compliant with the DCP.	The development provides parking that meets the SCDCP.
14	There is minimal private open space with the proposed development that is practically usable, which will mean that any children residing at the proposed development will be forced onto the street to play, increasing the risk of pedestrian accidents in light of the abovementioned factors.	There is more open space provided than is required by Council's DCP. In non pickup areas there is likely to be one car per hour passing through the street as observed. Pedestrian access could be improved with providing a footpath and pruning or removing street trees.	Each of the units provide private open space that complies with the SCDCP.
15	The building of seven additional dwellings is not appropriate for the small, quiet cul-de-sac of Westland Close.	The building of five additional dwellings is appropriate and compliant with the DCP.	This is addressed in point 1 and 2
	General usage and enjoyment of our street and our homes.		
16	The Proposal is excessively dense and will affect the value and desirability of existing homes on Westland Close not only because a 60% increase in dwellings will make Westland Close a high-risk pedestrian traffic accident zone as well as a high-risk car traffic accident zone, but also because it will increase noise-levels and the nature of living on the street. Moreover, the Proposal is visually unacceptable.	We have complied with Council's density rates. There is no supportive evidence that this form of development de-values properties. The current dwelling is visually unacceptable as it is side-fronted with toilets/bathroom facing the street. The new proposal is significant improvement on the current dwelling.	The development meets the FSR requirements. The proposal has been designed to provide a streetscape consistent with development existing in Westland Close (i.e. two units fronting Westland Close). The rear units will be obscured from two front units and provide parking in accordance with the SCDCP.

	Issue	Applicant's Comments	Officer's Comments
17	The existing residents have chosen Westland Close as the place for their family homes because it is a small and quiet street, with a small number of family dwellings with backyard living for young families, creating a positive family neighbourhood atmosphere and a desirable location. The Proposal will put this at significant risk, particularly because the proposed dwellings have a limited amount of outdoor space and are accordingly out of character with the existing dwellings on Westland Close. This will change the nature of life on the street, including the sense of family neighbourhood.	<p>The open space provided by this development is compliant with the DCP. There is no evidence to support the statement that smaller open space areas compared to standard house lots will have an impact on such dwellings.</p> <p>It is also noted that Raby has a significant amount of public open space that meets the needs for the community for passive and active open space.</p>	The 2B zone permits a range of dwelling houses/multi-dwellings. The objectives of the 2B zone are to encourage a range of housing types and therefore diversifying social demographics.
18	The development will also overlook and overshadow adjoining residences, including those from Viscount Close. This will not only affect the enjoyment and lifestyle of the surrounding homeowners, but will also adversely affect the energy efficiency of the surrounding homes as winter solar penetration will be blocked, requiring greater energy to be spent on heating those homes.	The development has been designed for single storey living dwellings. Currently there is a canopy of 30 metre (approx) tall conifer trees with minimal solar access to these adjoining residences. These trees will be removed and will vastly improve solar access to these particular adjoining properties. Solar access will in fact be improved remarkably. There will be no need to spend extra income on heating.	The development is single storey and contains landscaping to reduce visual impact and provide privacy to the development and adjoining development.
19	Additional Noise – the proposed development will create intolerable noise. There are 11 homes in Westland Close and an additional seven will be detrimental to the health of all residents. Garbage days we will be woken at early hours due to the garbage truck forwarding and reversing numerous times, attempting to empty an additional 14 bins.	This statement cannot be substantiated.	The proposed development is considered acceptable in terms of its design, density and scale.

	Issue	Applicant's Comments	Officer's Comments
20	Zoning changes. The area is a light residential area, and not suitable for medium density development. When was the residential zone changed?	The zoning of the land, including all residentially zoned land in Campbelltown allows for a variety of residential development. This zoning has been in place since 2002 and indeed with the controls applying to the land before LEP 2002.	The site is zoned 2B residential and allows for a range of residential dwellings.
21	Community Spirit – Most of Westland Close has long term residents. An additional seven more dwellings, if built undoubtedly will be tenanted out and this raise issues of a transient population frequently moving house. This would undermine the security of homes and the existing community spirit.	There is only an addition of five homes and nobody can predict if these dwellings will be rented or privately owned. Also at any given time any % of the total homes within this street could be tenanted out due to individual situations and circumstances. Rental accommodation is in short supply and demand for such is high as evidenced in recent discussions in State and Federal Government and reported in the media.	This is speculative. The units are no different to a single dwelling which can be resided in by permanent residents or rented.
22	Additional Garbage Bins – storage of 21 bins also causes grave concerns. The garbage pavilion at the front of the development is on the high side of the street and extremely close to resident No. 9 Westland Close. The stench of the bins in hot summer months would be unbearable. The pavilion is also unsightly.	The communal bin has been removed and replaced with visitor car parking. Bins will now be stored within each of the respective units.	A revised layout plan has removed the communal bin storage area. Bins are now proposed to be stored within each individual unit and will be serviced at the front of the site on the collection day. The development satisfies the requirements of the SCDP in terms of provision and placement of bins.
23	Property Devaluation – We believe that property values in our street will depreciate as a result of this development being constructed. This is confirmed by real estate agents in the area.	This cannot be substantiated.	This is not a consideration of the EP& A Act 1979.
24	Construction Chaos – How will Council ensure that construction of this development will not cause chaos in the street? How will heavy vehicles enter the street during school days?	All work will be conducted at Council approved times.	Construction management is to be conditioned as part of approval. Council or a private certifier will be required to enforce all conditions.

	Issue	Applicant's Comments	Officer's Comments
25	Removal of Trees. Trees have been removed from fence lines and deals have been done with adjoining properties regarding their removal. What happened to Council's tree preservation order	We were approached from the most affected neighbour by the proposed development, which is in full support of the development to seek approval for removal of trees. The neighbour applied to Council and paid for approval No. 1017 file ref: 5675 and also removed the trees in question which were damaging their residence.	Tree removal has been approved by Council.
26	Demolition of existing house is likely to cause dust and noise.	Professional methods would be employed for the demolition of dwellings.	Demolition shall be in accordance with a demolition plan which will address dust and noise issues.
27	The development does not comply with height and or is hard to determine the exact height of the proposed development.	We've designed our dwellings in a single storey proposal and have reduced ceiling and roof heights to alleviate concerns. The height of the dwellings is fully compliant with Council's DCP.	The development complies with the height requirements of the SCDP.
28	We also refer to a similar development application having previously been made with respect to the same property several years ago, which the residents of Westland Close also opposed on the above grounds and which was subsequently refused by Council.	<p>All other development applications were not similar as of two storey nature.</p> <p>The proposal has had regard to the previous concerns of two storey development and has been designed to minimise impacts on adjoining residents, particularly overshadowing.</p>	The development proposed is single storey. The previous applications proposed two storeys.
29	We submit that the Proposal has not sufficiently addressed the concerns raised by the residents in those objections, including objections relating to the increased risk seven additional dwellings would pose to pedestrian and car traffic along Westland Close. As we have submitted in our objection to the previous development application relating to the Site.	<p>As previously stated there are five additional dwellings proposed and with a new footpath provided and pruning of trees to elevate pedestrian concerns.</p> <p>It is our submission that the development has been designed to address the previous concerns raised by objectors to the previous two storey development. The development has been designed with one access and egress point, with no garages having direct access to Westland Close. All vehicles are able to enter and leave the site in a forward direction, thereby improving safety in the street.</p>	This proposal has taken into consideration the concerns raised in the previous applications i.e. which includes design, location, streetscape, parking and privacy and amenity.

	Issue	Applicant's Comments	Officer's Comments
30	The Proposal should be reduced to allow a maximum of three dwellings. We submit that this would be an appropriate level of development for the Site so as to minimise the negative impacts for residents, passing traffic, school children and families of Westland Close as well as to give the owner of the Site ample development and profit-making opportunity.	Three dwellings would be unviable. This would have a lower density than surrounding dwellings in a high demand area for housing close to schools and shops for parents who don't drive motor vehicles or elderly people for minimal maintenance.	The development has been designed with respect to the controls contained in the SCDCP.