

# **PART ONE**

**Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 17 August 2010.**

---

**APOLOGIES**

**ACKNOWLEDGEMENT OF LAND**

**DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

<b>ITEM</b>	<b>TITLE</b>	<b>PAGE</b>
-------------	--------------	-------------

## **PART ONE**

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

**No reports this round**

### **2. ENVIRONMENTAL PLANNING**

**2.1 Draft Water Sharing Plans for Ground and Surface Water Sources in the Greater Metropolitan Region**

**2.2 Environmental Trust Application in regard to Noorumba Reserve**

**2.3 Macarthur Nature Photography Competition Update**

**2.4 Campbelltown Threatened Species Art Competition**

**2.5 Georges River Combined Councils Committee Meeting Update**

### **3. DEVELOPMENT SERVICES**

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

**3.2 Seniors Living Housing - No. 81 Parliament Road, Macquarie Fields**

**3.3 No. 5 Fernhill Place, Glen Alpine - Construction of two - two storey dwellings and subdivision into two Torrens title allotments**

## **PART TWO**

**3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction of two dwellings**

**3.5 Unit 3 No. 6 Cary Grove, Minto - Construction of fitout and use of premises as a religious establishment**

### **4. COMPLIANCE SERVICES**

**4.1 Legal Status Report**

---

ITEM	TITLE	PAGE
4.2	Annual Report on the Planning and Environment Division's Legal Proceedings	
4.3	Planning and Environment Division's Court Proceedings for the Financial Year Periods 2007/08, 2008/09 and 2009/10	
4.4	Compliance Services Section Quarterly Activity Summary Report April to June 2010	
5.	GENERAL BUSINESS	
18.	CONFIDENTIAL ITEMS	
18.1	Confidential Information Relating to Various Items on the Planning and Environment Agenda 17 August 2010	

---

## **Minutes of the Planning and Environment Committee held on 17 August 2010**

---

**Present**           Councillor R Kolkman (Chairperson)  
                  Councillor G Greiss  
                  Councillor M Oates  
                  Councillor R Thompson  
                  General Manager - Mr P Tosi  
                  Director Planning and Environment - Mr J Lawrence  
                  Acting Manager Environmental Planning – Ms R Winsor  
                  Manager Development Services - Mr J Baldwin  
                  Manager Compliance Services - Mr A Spooner  
                  Manager Waste and Recycling Services - Mr P Macdonald  
                  Manager Community Resources and Development - Mr B McCausland  
                  Manager Corporate Support - Mr S Kelly  
                  Executive Assistant - Mrs K Peters

### **Election of Chairperson**

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

### **Apology           (Oates/Greiss)**

That the apologies from Councillors Bourke, 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**

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

#### **Pecuniary Interests**

#### **Non Pecuniary – Less than Significant Interests**

Councillor Kolkman - Item 3.4 - No. 159 Englorie Park Drive, Glen Alpine - Construction of two dwellings - Councillor Kolkman advised that the applicant is known to him.

Councillor Greiss - Item 3.2 - Seniors Living Housing - No. 81 Parliament Road, Macquarie Fields - Councillor Greiss advised that he has met with the applicant.

---

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

**No reports this round**

## **2. ENVIRONMENTAL PLANNING**

### **2.1 Draft Water Sharing Plans for Ground and Surface Water Sources in the Greater Metropolitan Region**

#### **Reporting Officer**

Manager Environmental Planning

---

#### **Attachments**

1. Map showing the location of Management Zones relevant to the Campbelltown Local Government Area (distributed under separate cover).
2. Description of Management Zones and applicable rules and provisions as per the draft Plans (distributed under separate cover).
3. Draft submission on the draft Water Sharing Plans. (distributed under separate cover).

#### **Purpose**

To outline key aspects of the draft Metropolitan Surface and Groundwater Sharing Plans placed on public exhibition by the New South Wales Office of Water (NOW) and advise Council of the implications of the draft Plans for Council and the whole of the Campbelltown Local Government Area. The report also seeks Council's endorsement of a draft submission (concerning the draft Plans) that has been submitted to the NOW.

#### **History**

The draft Plans were placed on public exhibition for a period of six (6) weeks commencing on 7 June 2010. The deadline for submissions was set by the NOW for 16 July 2010 and was subsequently extended to 30 July 2010.

Given Council's meeting cycle, it has not been possible to assess the draft Plans and prepare a report in time for Council to endorse a submission to the NOW before the closing date. Accordingly, a draft submission has been lodged with the NOW on the basis that it has been made subject to Council's endorsement, and that a report will be presented to Council at its meeting on 24 August 2010.

---

## Report

### Background

The *Water Management Act 2000* (WMA) requires that Water Sharing Plans be prepared for 'water management areas' defined under the Act (such as water catchments) within New South Wales (NSW). The Act states that the purpose of these Plans is to "*provide for the sharing of water between the environment, town water supplies, basic landholder rights and commercial uses of water*".

The preparation of these draft Plans, which can apply to surface and/or groundwater sources, is the responsibility of the NOW. In this regard, separate Water Sharing Plans applying to surface (SWSP) and groundwater sources (GWSP) within the Greater Metropolitan Region have recently been placed on public exhibition by the NOW.

The NOW undertook a preliminary consultation process with key stakeholders during the preparation of the draft Plans in October and November 2009 to obtain the views and concerns of those stakeholders. Council's participation in this preliminary consultation process included:

- Attendance by officers from Council's Planning and Environment and City Works Divisions at a presentation provided by a NOW representative on 22 October 2009; and
- A submission (dated 17 November 2009) to the NOW welcoming the preparation of the Plan and highlighting issues of relevance to Council and the Campbelltown Local Government Area (LGA).

This report outlines key aspects of both draft Plans that are relevant to Council activities and the Campbelltown LGA more generally. The report also seeks Council's endorsement of a draft submission on the draft Plans based on a review by Council's relevant technical officers.

### The draft Metropolitan Surface and Groundwater Sharing Plans

The stated vision of both draft Plans is to '*provide sustainable and integrated management of the Greater Metropolitan Region Water Sources for the benefit of both present and future generations*'. Both draft Plans have potential implications for Council with regard to its licences to extract water from watercourses at a number of locations, and for a range of activities to enhance the health of waterways within the Campbelltown LGA. The draft Plans also have potential implications for sections of the community within the Campbelltown LGA that hold or may intend to obtain licences to extract surface or groundwater including landholders who have bore water licences. In this regard, information supplied by the NOW indicates that sixteen (16) licences have been issued to licence holders within the Campbelltown LGA for the purposes of irrigation and/or stock watering.

---

## **Broad Features of the draft Surface Water Sharing**

### **(i) Management zones**

The draft SWSP has divided the total area covered by the Plan into 'management zones' that are largely based on sub-catchments or sections of larger catchments (e.g. Upper Georges River Catchment). The report cards attached to the draft SWSP for each Management Zone contain recommendations concerning extraction rules and prescribed conditions for 'cease to pump' Orders. The report cards also provide background information and the overall level of stress placed on river health by current water pumping activities. The management zones of most relevance to Council's extraction activities are the Georges River Catchment Zone, the Lower Georges River and Bunbury Curran Creek Zone and the Menangle Zone (within the Nepean Catchment).

The location of these Zones is provided in Attachment 1 and a summary of their features are presented in Table 2 (Attachment 2). Key identified features associated with these report cards include:

- Similar provisions for environmental flows and 'cease to pump' orders for Menangle and Wallacia Management Zones (both of which are located in the Hawkesbury Nepean Catchment); and
- The Upper Georges River Catchment Zone extends from the upper reaches of the Catchment near Appin, to Glenfield. In this regard, the flow rates have been observed by officers to vary significantly from the upper reaches to the lower reaches near Simmos Beach Reserve, where no flow is often visible due to the variation in the gradient of the River. This matter is discussed in more detail in a subsequent section of this report. There are potential implications associated with Council's water drawing activities at this site.

### **(ii) Allocation of water for environmental flows**

A major stated principle of the draft SWSP is that extraction of water must protect relevant surface and groundwater sources and dependent ecosystems such as wetlands and riparian corridors. The draft Plan addresses this principle through two (2) measures:

- The establishment of long-term average annual extraction limits applying to each of the major catchments; and
- The establishment of minimum flow rates for individual rivers to maintain their health, based on a detailed assessment of flow regimes.

### **(iii) Allocation for use of water**

Two (2) major objectives of the draft Plan are to *"manage water sources to ensure equitable sharing between users"* and to *"protect basic landholder rights"* (with regard to the allocation of water). The key measures included in the draft Plan designed to achieve these outcomes are:

- The establishment of prescribed conditions for 'cease to pump' Orders within individual management zones that are designed to preserve environmental flow in watercourses where extraction occurs, during low flow conditions; and
  - Measures to meet landholder concerns such as allowing for pumping from the Nepean River during designated low flow events for irrigation purposes, during the first five (5) years of the Plan.
-

### **Broad Features of the draft Ground Water Sharing Plan**

A significant component of the draft Ground Water Sharing Plan deals with the extraction of groundwater for water supply purposes by public utilities. The features of relevance to Council include:

- A recognition of the generally saline nature of the groundwater within the Campbelltown LGA and western parts of the Sydney Basin in general;
- The long-term storage of groundwater sources to protect the environmental values of groundwater and related ecosystems from impacts associated with both the depletion of water sources through pumping activities and the application of extracted water by irrigation activities; and
- The recognition of the "connectivity" between surface and groundwater sources. In this regard, the draft Plan includes a section entitled '*aquifer interference*' which refers to activities that potentially impact on groundwater sources such as underground mining operations.

### **Implications of the draft Plans**

Both the draft SWSP and draft GWSP have been reviewed to identify potential implications for Council activities and programs as well as potential environmental impacts more generally. Based on this review, the preparation of plans that provide a comprehensive and integrated framework for the management of surface and groundwater sources in the Greater Metropolitan Area is welcome.

The review has found that the intention of both the draft Plans to preserve a portion of water allocation for environmental flows would be of benefit to the health of waterways, in terms of water quality and ecological health. However, the review also identified some provisions that require clarification or amendment by the NOW prior to their finalisation. In this regard a draft submission (presented in Attachment 3 and provided to the NOW prior to the 30 July 2010 deadline for submissions), has been prepared. It is a recommendation of this report that Council endorse that submission and advise the NOW accordingly.

### **The draft Surface Water Sharing Plan**

The following summarises relevant aspects of the draft Plan relating to Council's activities as they concern river health and water extraction. The discussion also nominates items considered to require clarification by the NOW and a recommended response by Council.

- Council activities and river health

The draft SWSP has assigned defined flow rates that activate 'cease to pump' Orders for each management zone in order to preserve environmental flows and the associated ecological health of watercourses. The basis of the definitions of environmental flows and 'cease to pump' Orders for each of the management zones located within the Campbelltown LGA is shown in Table 2 (Attachment 2).

---

Council is currently in the course of implementing a range of measures and programs (such as the Strategic Environmental Plan for the Campbelltown Golf Course) and improvement works under the Upper Georges River Sustainability Project that are designed to enhance the health of waterways as well as their accessibility and use by the community. The allocation of water by the draft SWSP therefore has relevance to these initiatives in terms of their effectiveness in delivering tangible social outcomes (e.g. functional river based recreation) and environmental outcomes (e.g. improvement of water quality and associated ecological health).

Strategies have been included in the draft Plan relating to environmental flow provisions for each of the Management Zones within the Campbelltown LGA. These strategies have been identified as being largely satisfactory. In addition, Council should note that the draft Plan's support for the maintenance of environmental flows within watercourses and the associated 'cease to pump' Orders to preserve these flows, is not generally considered by officers to be inconsistent with Council's own water extraction activities. This issue is discussed in further detail later in the report.

However, the following matters require clarification or further consideration by the NOW as part of the finalisation of the draft Plan:

- The definition of 'environmental flows' in the Nepean River given the potential for the Sydney Catchment Authority to cease environmental flow releases upstream water dams; and
- The definition of 'environmental flows' in the Georges River and associated 'cease to pump' requirements based on the fact that routinely, very little or no flow is evident at sites such as Simmos Beach, where Council extracts water from the river under licence.

In light of these matters, the draft submission makes the following points:-

- Council requests that the NOW amend the draft SWSP to include contingency arrangements for the retention of environmental flows and 'cease to pump' Orders within the Upper Nepean Catchment, in the event of environmental flow releases from the upstream storage dams being stopped by the Sydney Catchment Authority; and
- Council request that the NOW amend the draft SWSP to provide alternate criteria to 'no visible flow' within the Upper Georges River Catchment Management Zone that would be more definitive in ensuring sufficient water levels are maintained to achieve river health; and
- Council requests that the NOW provide Council with clarification over the implications for Council regarding "cease to pump" Orders at its water extraction sites.

a) Water extraction activities

Council currently holds licences to extract water from the Georges River Dam at Cambridge Avenue, Glenfield; Simmos Beach Reserve at Macquarie Fields; Kooringa Reserve at Minto and the Minto Basin; as well as at the Menangle Bridge on the Nepean River. Council is currently drawing water from two sources at Simmos Beach Reserve, for use in the public toilets. Water is also being drawn for Rural Fire Service emergency purposes and for the irrigation of sporting fields at Kooringa Reserve. The extraction of this water has relevance to the draft SWSP as the activities would potentially be affected by the 'cease to pump' Order provisions.

---



## 4B2.1 Draft Water Sharing Plans For Ground And Surface Water Sources In The Greater Metropolitan Region

---

Council Officers believe that there is greatest potential for the implementation of 'cease to pump' Orders by the NOW during low flow events during warmer months when the demand for the use of the water is highest. In this regard, the following concerns have been identified in relation to the "cease to pump" rules for the two (2) sites where Council is currently extracting water:

- During very low flow conditions within the Bunbury Curran catchment system, any requirement to cease pumping at the Koorunga Reserve site may adversely affect Council's ability to maintain sporting fields in the vicinity and service RFS emergency; and
- A requirement to cease pumping at the Simmos Beach Reserve may adversely affect Council's ability to service the on-site toilets and RFS emergency requirements during very low flow conditions within the Georges River.

Accordingly, it is considered that in the event of water extraction being required by Council during very low flow conditions, at times when 'cease to pump' Orders have been activated, it may be necessary for Council to approach the NOW to obtain permission to extract water due to the potential adverse implications for public health. However, Council should note that it is the officer's view that such an approach would not be likely to occur frequently.

Accordingly, the draft submission that has been lodged with the NOW raises the issue of the potential adverse public health implications associated water extraction activities when 'cease to pump' Orders have been implemented during times of "low flow".

### b) Stormwater harvesting activities

It is noted that the draft SWSP states that no rules currently apply to stormwater harvesting and that the NOW is currently preparing a Stormwater Harvesting Policy. It is also noted the draft SWSP may be amended to allow for the inclusion of stormwater harvesting, during the life of the Plan. Council has a number of stormwater harvesting sites including: Ingleburn Tennis Courts, Bradbury Oval, Campbelltown Arts Centre, Ingleburn Library, Campbelltown Sports Stadium and at the Campbelltown Civic Centre. These activities are not affected by the draft SWSP however they may be affected by the Stormwater Harvesting Policy should the policy ever be implemented by the NOW.

Officers have expressed satisfaction at the current content of the draft SWSP in regard to stormwater harvesting and the recognition of a need for and the preparation of a policy regarding this matter.

The draft submission lodged with the NOW requests that Council be provided with a copy of the Stormwater Harvesting Policy when complete.

## **The draft Metropolitan Groundwater Sharing Plan**

### **(i) Potential implications of the draft Plan on surface and groundwater sources within the Campbelltown Local Government Area**

The retention of groundwater sources is important both in relation to future water availability and to protect the supply of water that feed surface water streams. In this regard, it is noted that the draft Plan has identified the upland swamps located in the Dharawal State Conservation Area as satisfying criteria for inclusion on the list of 'High priority groundwater dependent ecosystems'. Such an inclusion is likely to involve specific requirements for the protection of these wetlands by the NOW from impacts associated with developments such as the Bulli Seam Project.

---

The draft MGSP recognises the predominantly saline nature of the groundwater in the western sections of the Greater Metropolitan Region in particular. The statement in the Plan that "*groundwater and surface waters' are inextricably linked*" is noted with support from Council officers. However, it is considered the draft MGSP does not adequately recognise the potential for surface water contamination as a result of the application of extracted saline groundwater through irrigation activities.

Accordingly, it is recommended that the identification of the relationship or "connectivity" between surface and groundwater sources by the draft MGSP be supported by Council. However, it is also recommended that Council request the NOW to consider amending the document to assess salinity issues in more detail and include provisions to protect surface waters from impacts associated with the application of saline groundwater through irrigation.

#### **(ii) Loss of Water Potentially Attributable to Mining Operations**

The NOW submission to the Department Of Planning (DOP) on the Bulli Seam Project (as outlined in a report provided to Council at its meeting on 6 April 2010) requested that the project application give close consideration to the potential impacts on water availability within waterways covered by the draft Water Sharing Plans. A NOW representative has previously advised Council officers that this matter would not be included in the draft Plans and would be addressed by a separate study. Subsequent discussions with a NOW officer indicated the following:

- The provisions of the *Water Management Act 2000* (WMA) relating to Water Sharing Plans do not apply to developments assessed under Part 3A of the Environmental Planning and Assessment Act 1979 (EPAA); and
- A draft NOW Policy that provides detail in relation to this issue is nearing completion. It is understood that the Policy will include:-
  - Requirements for development applications involving potential 'aquifer interference' to include a detailed description of water intended to be extracted as well as quantifying the potential volume of water to be removed from surface and groundwater sources as a consequence of the development/activity; and
  - Guidelines for the preparation of licence applications for developments, assessed under the Water Management Act as well as guidelines for applications assessed under Part 3A of the Environmental Planning and Assessment Act, 1979.

The officer further advised that the revision of the draft GWSP and draft SWSP to incorporate the Policy was not considered necessary as the document would be consistent with the requirements of the applicable sections of the WMA relating to the Plans. Consequently, the draft GWSP (placed on public exhibition) includes a section entitled 'Aquifer Interference', that refers to the existing requirements under Part 5 of the WMA that requires the holding of a 'aquifer interference' licence for any activity involving interference with groundwater sources.

---

Council's draft submission to the NOW concerning the draft Water Sharing Plans (WSPs) (dated 17 November 2009) referred to Council's concerns regarding the draining of creeks and rivers apparently attributable to mining operations. In addition, Council's submission to the Department Of Planning (DOP) on the Bulli Seam Project (dated 18 December 2010) requested that the applicant (BHP) be required to consult with the NOW regarding the potential implications of the draft SWSP for the project. Further, Council's submission to the DOP regarding the Camden Gas project (dated 31 March 2010) referred to documented evidence that the gas extraction process could potentially result in groundwater interference.

It is therefore hoped that the relevant NOW policy when complete, will be of assistance to Council in terms of the review of any future relevant Part 3A applications. However, whilst recognising the draft WSPs do not directly apply to Part 3A applications, officers consider that both draft Plans would be enhanced through the inclusion of selected aspects of the Policy.

It is recommended that Council support the preparation of policy guidelines by the NOW associated with impacts on water resources by mining and like activities. However, it is also recommended that Council request the NOW to incorporate aspects of the completed Policy into both the Groundwater and Surface Water Sharing Plans given the relevance of this issue and that Council be provided with a copy of the completed Policy for comment and information at the appropriate time.

## **Conclusion**

The preparation of draft Groundwater and Surface Water Sharing Plans by the NOW provide an integrated framework for the management of water sources in the Greater Metropolitan Region, and they are worthy of support. Further, the restriction of water extraction during periods of poor river health and/or low levels of groundwater is considered appropriate in enhancing river health.

Council's review of the draft plans has focussed on the potential implications of the measures to enhance water quality and the implications of the intended rules (relating to pumping of water at sites on certain waterways by Council). A major recommendation is to request that consideration be made to provide an exemption to allow Council to pump water from licensed sites during restricted periods, for public health reasons. A further major recommendation is that the NOW addresses contingency measures for the provision of environmental flows in the Nepean River in the event of the Sydney Catchment Authority deciding not to release such flows water supply dams located in the upper catchment.

Accordingly, it is recommended that Council endorse the draft submission to the NOW, previously made on behalf of Council and based on the Officers review of the draft Groundwater and Surface Water Sharing Plans.

## **Officer's Recommendation**

1. That Council endorse the draft submission previously made to the New South Wales Office of Water on the draft Metropolitan Surface and Groundwater Sharing Plans as detailed in Attachment 3.
  2. That pursuant to Recommendation One, Council notify the New South Wales Office of Water of its formal endorsement of the draft submission on the draft Plans.
-

**Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

## **2.2 Environmental Trust Application in regard to Noorumba Reserve**

### **Reporting Officer**

Manager Environmental Planning

---

### **Attachments**

Map showing the location of intended works subject of the grant application (Distributed under separate cover)

### **Purpose**

To inform Council of the details of a grant funding application lodged with the New South Wales Environmental Trust that would complement the previously endorsed Section 94 funded program of works at Noorumba Reserve and the adjoining Reserve 4.

### **History**

At its meeting on 5 August 2008, Council considered a report which provided an update on the previously endorsed Section 94 funded program of works at Reserve 4 and the adjoining Noorumba Reserve at Rosemeadow. This program of works included an allocation of \$85,000 for the undertaking of bush regeneration activities in Noorumba Reserve. A subsequent Planning and Environment Division Councillor Weekly Memo item (dated 30 October 2009) advised that a quotation of approximately \$36,000 had been accepted from Toolijooa Restoration to conduct this work, until the expiry of its current contract in October 2011. This Memo item further indicated that the remaining funds in the \$85,000 allocation could be used to supplement possible future grant funding.

In 2010, the NSW Environmental Trust made available grant funding for Environmental Restoration and Rehabilitation programs. On 28 May 2010 (closing date for submissions), Council lodged an application with the Environmental Trust for the undertaking of bush regeneration works within Noorumba Reserve. This report provides details of the funding program and submitted grant application.

### **Report**

#### **Details of the Environmental Trust funding program**

This Restoration and Rehabilitation component of the Environment Trust program provides funding for activities that restore degraded bushland (including Endangered Ecological Communities) and protects the habitat of rare and endangered flora and fauna. In this regard, this funding source was identified as being suitable for Noorumba Reserve given the presence of significant areas of Shale/Sandstone Transition Forest and Cumberland Plain Woodland (Federally and State endangered ecological communities) as well as habitat for threatened species.

---

The Trust has advised that greater preference is normally provided to grant applications that contain at least matching contributions (cash and in-kind) to the grant funding. Council should note however, that access to this funding program is normally very competitive.

### **Details of the grant application**

On 28 May 2010 (closing date for submissions) Council lodged an application with the NSW Environmental Trust to undertake bush regeneration works in Noorumba Reserve. The application is consistent with the objectives of the Plan of Management for Noorumba Reserve, adopted by Council in October 2004. It is also consistent with a Vegetation Restoration Plan for the Reserve (prepared in 2008) which identified management zones based on levels of weed infestation, and recommended management strategies. The purpose in lodging the application was to obtain additional funding that would supplement the endorsed allocation of \$85,000 in the Section 94 funded program for bush regeneration works and allow for the full implementation of the Restoration Plan for the Reserve without requiring additional Council funding.

In this regard, the application sought funding for work within the management zone (comprised of the creekline in the Reserve), where the level of weed infestation is highest (refer to Attachment 1). The application was designed to restore a degraded section of Cumberland Plain Woodland within a riparian area of the Reserve that forms part of an important habitat corridor linking the Georges and Nepean River systems. The application was also designed to complement the activities of Council's Stream Care Group that work in the Reserve, who will have responsibility for site maintenance following finalisation of funded works.

The grant application sought funding for \$63,000 over a three (3) year period comprising \$45,000 for bush regeneration works and \$18,000 for the transport and disposal of weeds removed by Council as a consequence of the works. Council's contribution to the application includes \$35,000 towards the bush regeneration works that will be sourced from the remainder of the already allocated \$85,000 for this activity in the Section 94 funded program of works. Council's contribution also involves approximately \$30,000 (representing 'in-kind' contributions) that predominantly comprises the salary payment for the Co-ordinator of the Stream Care Group.

The Trust has advised a decision regarding the successful grant applications is scheduled for late 2010 with successful applicants receiving funding in early 2011. A report providing details of the project will be provided to Council in early 2011 in the event of the application being successful.

### **Officer's Recommendation**

That Council note the details of the grant application lodged with the NSW Environmental Trust for enhancement to Noorumba Reserve.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

---

### **Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

## **2.3 Macarthur Nature Photography Competition Update**

### **Reporting Officer**

Manager Environmental Planning

---

### **Attachments**

- 1 Letter of response from Wollondilly Council (Distributed under separate cover).
- 2 Letter of response from Camden Council (Distributed under separate cover).
- 3 Letters to Macarthur Camera House and Macarthur Advertiser seeking sponsorship (Distributed under separate cover).

### **Purpose**

To update Council on progress with the 2010/2011 Macarthur Nature Photography Competition.

### **History**

The Macarthur Nature Photography Competition is a successful and high profile regional environmental education initiative. Now in its fifth year, the competition consistently generates significant interest from residents in the Macarthur region, with the number of participants and observers growing with each year.

The competition aims to engage local residents with their environment, raising awareness and enhancing appreciation of Campbelltown's unique natural surrounds, in turn fostering residents' increased stewardship of their natural heritage.

The Competition achieves this aim by challenging residents to actively engage with the environment in pursuit of images for submission, as well as through a series of associated events, including guided bushwalks led by an outdoor photography expert, an Awards Night with prizes and guest speaker, and a travelling photographic exhibition displayed at various locations throughout the Macarthur region.

Funding and logistical support has been provided by several sources throughout the Competition's history, though Council has coordinated the effort in terms of funding and administration since 2008. Its debut in 2006 was initiated by the NSW Nature Conservation Council under its "Our Earth Our Stories" program, and was taken over the following year by the Sydney Metropolitan and Hawkesbury Nepean Catchment Management Authorities (CMAs). Camden and Wollondilly Shire Councils have provided in-kind and financial contributions throughout the years that the Competition has been running.

---



In 2008 Council provided \$8,000 funding and was recognised as the project's gold sponsor. The Competition was coordinated by a steering committee with staff from Campbelltown, Camden and Wollondilly Councils. Events associated with the Competition were aligned to coincide with Campbelltown's Festival of Fisher's Ghost, providing maximum community exposure and opportunities for cross promotion with other Council concurrent events and programs.

At its meeting on 15 December 2009, Council endorsed a recommendation to hold the Macarthur Nature Photography Competition in 2010 in conjunction with the Festival of Fishers Ghost, consider the allocation of funds to hold the competition in 2010, to seek a financial contribution from Camden and Wollondilly Councils, and to thank the Macarthur Advertiser and Macarthur Camera House for their support in 2009 and to seek their sponsorship for the competition in 2010.

The Macarthur Nature Photography Competition is one of the many elements in Council's recently endorsed Environmental Education Strategy. The Strategy identifies the Macarthur Photography Competition as a priority project and, at its meeting on 15 June 2010, Council endorsed a budget of \$6,000 to hold the competition in 2010.

## **Report**

Council has approached potential project partners seeking their assistance with the 2010/2011 Competition. Several organisations have indicated their interest in participating in a similar capacity to previous years. Wollondilly Shire Council has formally agreed to a contribution of \$1000 and in-kind support, while Camden Council has expressed its intent to be involved in a similar capacity. Macarthur Camera House has agreed to provide enlargements of the winning entries as a part of the prize package, as well as a Canon PowerShot D10 compact digital waterproof camera. The Macarthur Advertiser has also been approached to sponsor the event in the form of advertising and promotion.

Project partners have expressed their interest in retaining the features of the Nature Photography Competition which have made it highly successful over the last five (5) years including the nature photography walks, the Awards Night, and the travelling regional exhibition. To enhance community awareness and the educational outcomes of the Competition, proposed improvements to this year's Competition will include displaying the entries at an additional location (Macarthur Square Shopping Centre), as well as the introduction of themed categories, including "Our Landscapes", "Our Wildlife", and "Our Waterways". In addition, the donation of the PowerShot D10 camera from Canon and Macarthur Camera House will further encourage participation.

The Competition will be undertaken in conjunction with the Festival of Fisher's Ghost, with the Awards Night to be held on 12 November 2010. It is considered that by aligning the timing of the events, the Competition will further increase its "visibility", thereby heightening community interest and awareness regarding natural heritage.

---

## **Conclusion**

The 2010/2011 Macarthur Nature Photography Competition has a proposed budget of \$6,000, with an additional \$1,000 each offered by Wollondilly Council and Camden Councils. These funds will provide for advertising, printing, exhibition and function costs associated with the event. Some advertising, logistical support and prize donations will be provided by local project sponsors, Canon, Macarthur Camera House and potentially the Macarthur Advertiser. Campbelltown Council will be recognised as the Gold Sponsor, and Macarthur Camera House, Macarthur Advertiser, Camden and Wollondilly Councils will be recognised as Silver Sponsors for their contribution.

## **Officer's Recommendation**

That an evaluation report be presented to Council following the completion of the 2010/2011 Macarthur Nature Photography Competition.

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

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

## **2.4 Campbelltown Threatened Species Art Competition**

### **Reporting Officer**

Manager Environmental Planning

---

### **Attachments**

Nil

### **Purpose**

To inform Council of the Threatened Species Art Competition proposed to be held in September 2010.

### **History**

In 1996, the Commonwealth Government's Natural Heritage Trust and the World Wildlife Fund for Nature established National Threatened Species Day, which is held annually on 7 September in order to increase the community's awareness of the plight of threatened species throughout Australia. At a national level, the Australian Government annually acknowledges September as Biodiversity month in an effort to foster biodiversity protection and improvement measures. Further, the United Nations has deemed 2010 to be the International Year of Biodiversity to encourage people throughout the world to consider the value of biodiversity in their lives.

It is proposed that Council again conduct a Threatened Species Art Competition for children, in order to promote awareness of the importance of protecting Campbelltown's unique biodiversity. The Competition has been held each year since 2008 and has been met with significant success in terms of the environmental education outcomes it delivers. The Competition was identified in Council's recently endorsed Environmental Education Strategy as an existing program and funds for its delivery have been allocated in the 2010/2011 budget.

In previous years, the Competition has been open to all children aged between 4 and 12 years, with entries being further split into age group categories. Participating children are required to research a threatened species occurring within the Campbelltown Local Government Area (LGA) and to prepare a drawing or collage artwork relating to it. Prizes are awarded for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place winners in each age category. Artworks are exhibited at several locations across the Campbelltown LGA and returned to entrants following conclusion of the exhibition.

Entries have consistently displayed a high artistic quality, as well as a strong level of engagement with the topic of local threatened species. It is evident that many entrants undertake significant research into their selected threatened species. For this reason, the Competition has been successful in increasing community understanding regarding local biodiversity and threats to wildlife.

---

## Report

The LGA comprises a vast area of pristine dense bushland, and an extensive network of parks and reserves. These areas host a high level of biodiversity and at least fifty (50) different threatened species make their home within the LGA. Therefore, it is important for Council to raise awareness and assist the local community to learn more about the significance of these threatened species and the value of biodiversity.

In celebration of the International Year of Biodiversity, it is proposed to expand the Competition to be a regional event across the Macarthur area. Camden and Wollondilly Councils have agreed to provide in-kind promotional and administrative support.

To encourage participation, the Competition would be publicised directly through the Sustainable Schools Network, childcare facilities in the region and MACROC's own media.

A list of the threatened species native to the Macarthur region, along with photographs and other information, will be posted on Council's website to provide a starting point for participants' research and artistic inspiration.

Funds have been allocated for the Competition in the 2010/2011 budget. Promotional materials will be produced internally, and promotional efforts will include approaching schools directly as well as distributing flyers within schools and childcare centres. Articles in the local newspapers will also be pursued. The printing and publication of calendars will be undertaken internally within Council.

Prize packs will be awarded to individual winners in each age group category, as in previous years, as well as to the school which produces the highest number of entries (on a percentage of total student basis). In a new addition to 2010's proposed features, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place winners in each of the four age group categories will be compiled into a 2011 calendar for publication and distribution to all entrants. Age categories for the competition will be as follows:

- 3-4 years,
- 5-6 years,
- 7-9 years, and
- 10-12 years.

Prizes will be awarded to all individuals who place 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> in their respective age categories, as well as to the school which produces the most entrants to the contest. Prizes for each age category will be awarded as follows:

- 1<sup>st</sup> place: \$108.80 - Family Pass to Taronga Zoo
- 2<sup>nd</sup> place: \$50 Eco Art Supplies package (various art supplies)
- 3<sup>rd</sup> place: \$25 Australian Geographic Shop voucher
- School with highest participation rate: \$200 environmental book package for the school library

Total prize value: **\$925**

---

In previous years the Competition was judged internally by Council staff. This year, it is proposed that the Competition will be judged by the Director Planning and Environment and the Environmental Education Officer.

### **Conclusion**

The Campbelltown Threatened Species Art Competition has been a successful annual community event since 2008, which challenges local children to undertake research exploring themes relating to local biodiversity and protection of the environment, while engaging them in a creative way. At the completion of this years exhibition a briefing will be provided to Council on the future direction of this initiative.

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

## **2.5 Georges River Combined Councils Committee Meeting Update**

### **Reporting Officer**

Manager Environmental Planning

---

### **Attachments**

1. Copy of Minutes from the Ordinary Meeting of the Georges River Combined Councils Committee, held on 24 June 2010 (distributed under separate cover)
2. Project Manager update – Upper Georges River Initiative (distributed under separate cover)
3. Project Manager update – Mid Georges River Initiative (distributed under separate cover)
4. Project Manager update – Lower Georges River Initiative (distributed under separate cover)
5. GRCCC River Health Monitoring Project Cluster report (distributed under separate cover)
6. GRCCC Communications Cluster report (distributed under separate cover)
7. Improving Prospect Creek Project report (distributed under separate cover)
8. Riverkeeper report (distributed under separate cover)
9. GRCCC Estuary Management Plan Cluster report (distributed under separate cover)

### **Purpose**

To provide Council with an update on the outcomes of Georges River Combined Councils' Committee (GRCCC) Ordinary Meeting held at the offices of Kogarah City Council on Thursday 24 June 2010.

### **History**

The Georges River Combined Councils Committee (GRCCC) represents local governments in the Georges River Catchment of NSW. Members include nine (9) local councils: Rockdale City, Sutherland Shire, Kogarah City, Hurstville City, Bankstown City, Liverpool City, Fairfield City, Campbelltown City and Wollondilly Shire Councils. It is an incorporated association of local councils working in partnership with State and Federal Government agencies and community representatives within the Georges River Catchment.

Formed in 1979 the GRCCC's mission is to advocate for the protection, conservation and enhancement of the health of the Georges River, by developing programs and partnerships and by lobbying government organisations and other stakeholders.

### **Report**

An Ordinary Meeting of the GRCCC was held at the offices of Kogarah City Council on Thursday 24 June 2010. A copy of the Minutes of the meeting is provided as Attachment 1.

An outline of the main issues discussed at this meeting is provided below:

---

## **i) An Environmental Assessment of the Georges River**

Associate Professor Alberto Albani of the University of NSW delivered a presentation to the Committee on the bottom sediments of the Georges River and its Bays and Tributaries. The aim of the study was to determine the correlation between flow energy of the River and particle size distribution of the bottom sediments.

Of the total of 113 sites that were tested along the Georges River, seven (7) sites were located above Liverpool Weir. Of these, five (5) sites fall within the Campbelltown Local Government Area (LGA).

The sites and their respective results in terms of sediment composition are reproduced below:

<b>Site</b>	<b>Energy Flow</b>	<b>Sediment composition</b>	<b>Biochemistry*</b>
Glenfield Causeway	Highest flow energy	Coarse to Very Coarse Sands	Chromium
North of Bunburry Curran confluence	Higher flow energy	Medium to Coarse Sands	Barium
Simmo's Beach	Highest flow energy	Coarse to Very Coarse Sands	-
South of Bunburry Curran confluence	Higher flow energy	Medium to Coarse Sands	Zirconium
Bunburry Curran confluence	Highest flow energy	Gravel	Chromium

\* Where chemicals were found in elevated concentrations

Biochemistry – The existence of Chromium at these locations is believed to be due the presence within the catchment of historic tanneries and/or modern constructions of treated pine or metal plating industries. The elevated readings of Barium and Zirconium could not be explained.

## **ii) The Botany Bay Decision Support Tool**

John Dahlenburg of the Sydney Catchment Management Authority (SCMA) provided a presentation to the Committee regarding the Botany Bay Decision Support Tool (DST) recently developed by the SCMA. The tool is a software system that can model the impacts of changes in land use and management on pollutant loads and the resulting influence on Botany Bay and its tributaries.

The DST will assist land managers in determining the effects of land use changes and management actions on the River. The DST will also help in estimating costs of various projects and thus assist in the preparation of grant applications.

A training session for relevant councils was held.

## **iii) GRCCC Program Cluster Reports**

### **a) Riverkeeper Program**

During the period since the last meeting of the Committee, the Program worked to improve 18 sites across the catchment and collected 4,190kg of rubbish using 190 crew.

b) Estuary Management Plan

The consultancy firm SMEC has been engaged to prepare an Estuary Management Plan for Georges River. SMEC provided a presentation to the Cluster Committee on the data compilation and estuary process study. Councils were asked to review the study and prescribed management for their respective Local Government Areas. Campbelltown Council is not involved in this project

c) River Health Monitoring Project

The second round of testing under the program has been completed by volunteers. The second report card is anticipated to be released in August, however preliminary analysis of the results indicate that the results are not dissimilar with those achieved in the first round of testing which occurred in Spring 2009 and was released in April 2010.

**iv) Urban Sustainability Program Reports**

Project managers provided updates on their respective project activities.

**Upper Georges River**

Quotations for the finalisation of the Strategic Environmental Management Plan (SEMP) are currently being sought.

On ground works – Campbelltown City Council has recently resolved to amend its program of works. Contractors have been engaged to undertake primary woody weed control along Kennedy Creek. Wollondilly Shire Council is currently in consultation with key stakeholders regarding the extension of fencing along the Georges River in the Appin area to prevent 4WD access. The weed and vegetation management program is in progress at Helles Park (within the Liverpool Local Government Area).

Non-on ground works – Artists and works are currently being secured for 'The River Project', the exhibition will open 13 August. The literature review has been completed for the Governance Project and stakeholders are currently being interviewed regarding their experiences with the management of the River.

**Mid Georges River**

Yeramba Lagoon – Track signage is currently being installed at the lagoon. Bush regeneration is occurring along the Amberdale drainage line. Aquatic weed harvesting contractors have commenced harvesting *Salvinia* at the lagoon. A bushcare group has been launched for the lagoon and stormwater drain stenciling, fishing line bins and 'no dumping' signs are being installed.

Mill Creek – Bush regeneration and stormwater works are in progress along the Menai and Alford's Point bushland interface. Works focusing on Natural Resource Management on the Gandangara Local Aboriginal Land Council lands utilising aboriginal trainees are anticipated to begin next financial year. 'No dumping' signs are being installed along the Creek and the Mill Creek photographic competition has commenced.

---



### **Lower Georges River**

Progress and milestone report for the project have been submitted to the Environmental Trust. The draft Strategic Sustainability Plan has been completed and the community partnerships program 'getting greener' has been launched.

### **Improving Prospect Creek**

Quotations for the development of the Strategic Management Plan have been sought from suitably qualified consultants, it is anticipated work on the Plan will commence in July.

### **v) Executive Committee Report**

NSW Corrective Services have advised that the GRCCC and the provision of works teams is a top priority for the Department. Site assessments are currently being undertaken for all relevant sites.

The GRCCC has received a number of grants since the previous meeting:

- \$18,000 from the Oceanwatch Tide to Table program for fish habitat restoration;
- \$41,000 from the Federal Government for the Riverhealth Monitoring Project;
- \$2,350 from the National Heritage Trust for support of administration of not for profit organisations; and
- \$69,800 from the Sydney Metropolitan Catchment Management Authority for the maintenance of water quality loggers installed in the Georges River and Cooks River under the Botany Bay Water Quality Improvement Program.

### **vi) General Business**

John Dahlenburg of the Botany Bay Water Quality Improvement Program advised that funding has been awarded from the CMA for the installation of four 'gross pollutant traps' within the Georges River catchment.

### **vii) Next meeting**

The next meeting will be held on 26 August at the Offices of Campbelltown City Council.

### **Items for Action/Relevance to Campbelltown City Council**

Councils have been requested to elect relevant staff members to attend training regarding the Botany Bay Decision Support Tool.

### **Officer's Recommendation**

That an update on the outcomes of the next meeting of the GRCCC be provided to Council pending the circulation of the relevant minutes.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

---

**Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

### **3. DEVELOPMENT SERVICES**

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

##### **Reporting Officer**

Manager Development Services

---

##### **Attachments**

Development Services Application Statistics for July 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 July 2010 as they affect the Development Services Section.

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

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 154**

That the Officer's Recommendation be adopted.

---

## 3.2 Seniors Living Housing - No. 81 Parliament Road, Macquarie Fields

### Reporting Officer

Manager Development Services

---

### Attachments

1. Recommended Conditions
2. Locality Plan
3. Proposed Site and Floor Plan
4. Elevation Plans
5. Landscape Plan
6. Stormwater Concept 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 9, Section 26, DP 1391 – No. 81 Parliament Road, Macquarie Fields
<b>Application</b>	1755/2009/DA-SL
<b>Applicant</b>	Kundari Homes Pty. Ltd.
<b>Owner</b>	Prem Misra, T/A Kundari Homes Pty. Ltd.
<b>Statutory Provisions</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index) 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>	24 August 2009

---

## **History**

The following is a chronology of events in respect to the site and more specifically the subject Development Application:

- 24 August 2009 – Subject application lodged with Council.
- 28 October 2009 – Letter issued by Council to applicant, advising of various non-compliances and deficiencies with the application.
- 17 November 2009 – Amended plans and response provided to Council's letter dated 28 October 2009, with the exception of the requested Flood Study and landscaping details.
- 3 December 2009 – Amended landscaping details provided.
- 30 December 2009 – Flood Study provided.
- 29 January 2010 – Amended Landscape Plan provided.
- 15 February 2010 – Completion of notification period.
- 28 April 2010 – Letter issued by Council to applicant, advising of further and outstanding, non-compliances and issues with the application.
- 22 June 2010 – Amended plans and response provided to Council's letter dated 28 April 2010.

## **Report**

### **Introduction**

Council is in receipt of a Development Application for the demolition of an existing dwelling and ancillary structures, and construction of a 6 unit Seniors Living development, pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The application was originally made for the construction of an 8 unit Seniors Living development, although this was subsequently reduced to a 6 unit scheme following the applicant being advised of various issues identified as a result of a preliminary assessment of the proposal.

### **The Site**

The subject site is located within the suburb of Macquarie Fields, on the southern side of Parliament Road, opposite Alice Street. The site has a total area of 1,416m<sup>2</sup>. Improvements to the site include a single dwelling house and ancillary structures.

The proposal involves the clearing of the site and implementation of a landscape scheme that considers the proposed development and existing surrounding developments. The accompanying Arborist Assessment Report outlines that the vegetation located on the site is a mix of exotic and native Australian species, that appear to have been either planted or self sown.

---

Development within the surrounding locality is characterised predominantly by low-medium density single storey housing.

### **The Proposal**

The proposal seeks development consent for the demolition of an existing dwelling and ancillary structures, and construction of a 6 unit Seniors Living development. The proposal contains the following elements:

- Demolition of the existing dwelling house and ancillary structures;
- Tree removal;
- Construction of a 6 unit, single storey 'in-fill self-care housing' – Seniors Living development consisting of two x 1 bedroom units and four x 2 bedroom units;
- Car parking for 6 vehicles – 5 single space garages and 1 external car parking space;
- Site works;
- Associated site landscaping including paving and planting; and
- Stormwater management works.

### **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 this application are:

- *Growing the Regional City,*
- *Building a distinctive Campbelltown sense of place, and*
- *Creating employment and entrepreneurial opportunities.*

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the vision included in Campbelltown 2025 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 proposed development has been assessed giving regard to Campbelltown 2025 *Looking Forward*. It is considered that the Development Application is generally consistent with the Vision's desired outcomes when giving regard to the design and level of impact on adjoining development and the locality.

### **Assessment**

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

#### **1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SD SEPP)**

Clause 2 of the SD SEPP, outlines that the Policy aims to:

- (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *make efficient use of existing infrastructure and services, and*
- (c) *be of good design.*

These aims are to be achieved by:

- (a) *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily or urban purposes."*

Clause 4 of the SD SEPP, outlines that the Policy applies to land that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and on which development of any of the following is permitted:-

- *dwelling houses;*
  - *residential flat buildings;*
  - *hospitals;*
  - *development of a kind identified in respect of land zoned for special uses, including (but*
  - *not limited to) churches, convents, educational establishments, schools and*
  - *seminaries; and*
  - *the land is being used for the purposes of a registered club.*
-

The site is zoned primarily for urban purposes given that the land is zoned 2(b) 'Residential', pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). Hence the SD SEPP applies to the subject land.

The proposed development is characterised as an 'in-fill, self-care housing' development, comprising six self-contained dwellings, consistent with the definition at Clause 13 of the SD SEPP shown below:

**(1) General term: "self-contained dwelling"**

*In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

**(2) Example: "in-fill self-care housing"**

*In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

Clause 15 of the SD SEPP, allows seniors housing, despite the provisions of any other Environmental Planning Instrument, if the development is carried out in accordance with the Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

As the subject site is zoned 2 (b) Residential, pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002, being land zoned primarily for urban purposes, it is considered that the proposal is permissible pursuant to Clause 15 of the SD SEPP.

Clause 18 of the SD SEPP, outlines that a Consent Authority must not grant Development Consent to seniors housing, unless certain criteria are met i.e.

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:*
    - (a) seniors or people who have a disability,*
    - (b) people who live within the same household with seniors or people who have a disability,*
    - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*
  - (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:*
-



- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and
- (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

Accordingly any approval granted by Council relating to the subject application would be requested to include conditions pursuant to the above requirements.

Part 2 of the SD SEPP outlines various site related requirements. These matters have been considered and the following table details how the proposal responds to each of the relevant requirements of the SD SEPP.

Criteria	Proposed	Comment
<p>Clause 26 – Location and Access to Facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400m from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15m at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5m at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5m at a time.</p> <p>(4) For the purposes of subclause (2): (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p>	<p>The site is located approximately 400m from the Macquarie Fields / Saywell Road neighbourhood shopping area, which includes banking facilities, medical practitioner, chemist, bakery, fast food outlets, grocery and speciality stores which meet the needs of the local community.</p> <p>Given the local area is relatively flat, it is considered that the path of travel to the neighbourhood shops will comply with the gradient and surface requirements of this clause.</p>	<p>The proposal satisfies the access to facilities requirements.</p>

Criteria	Proposed	Comment
<p>Clause 28 – Water and Sewer</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>The site is served by a reticulated water system and is sewerage.</p>	<p>The proposal satisfies the requirement. Moreover, a recommended condition has been included requiring the provision of a Section 73 Certificate from Sydney Water prior to an Occupation Certificate being issued.</p>
<p>Clause 30 – Site analysis</p>	<p>A detailed site analysis accompanied the application, in accordance with the requirements of this Clause.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 31 – Design of in-fill self-care housing</p>	<p>The overall design has been reviewed against the relevant requirements and it considered that the proposal satisfies the various design principles of the SD SEPP.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 32 – Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>Discussed below (i.e. Clauses 33 to 39)</p>	<p>As detailed the proposed development satisfies the principles of Division 2.</p>
<p>Clause 33 (a) – Neighbourhood amenity and streetscape</p> <p>The proposed development should recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p>	<p>The proposed development is consistent with the existing and future likely character of the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (c) – Neighbourhood amenity and streetscape</p> <p>The proposed development should maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <ul style="list-style-type: none"> <li>(i) providing building setbacks to reduce bulk and overshadowing, and</li> <li>(ii) using building form and siting that relates to the site's land form, and</li> <li>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development.</li> </ul>	<p>The proposal has provided building setbacks consistent with the residential development provisions of the Campbelltown (Sustainable City) DCP 2009, which applies to standard residential development in the locality.</p> <p>The overall design and layout has given appropriate regard to the existing levels of the site.</p> <p>The overall development is single storey, which is compatible with existing development in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>

Criteria	Proposed	Comment
<p>Clause 33 (d) – Neighbourhood amenity and streetscape</p> <p>The proposed development should be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.</p>	<p>The proposed front setback of 5.5m, is consistent with the provisions of the Campbelltown (Sustainable City) DCP 2009, and existing and future likely setbacks in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (e) – Neighbourhood amenity and streetscape</p> <p>The proposed development should embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p>	<p>The application has been accompanied by a detailed landscape plan, which provides for landscaping in scale with existing developments in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (f) – Neighbourhood amenity and streetscape</p> <p>The proposed development should retain, wherever reasonable, major existing trees.</p>	<p>Whilst the proposal involves the removal of all existing trees from the site, the application has been accompanied by an Arboricultural Assessment Report, prepared by a qualified Tree and Landscaping Consultant, which outlines that the proposal (subject to the compliance with the recommendations within) will not impact on trees located within the adjoining properties.</p>	<p>The proposal is considered to be satisfactory in this regard. Moreover, recommended conditions have been included requiring compliance with the relevant recommendations contained with the Arboricultural Assessment Report.</p>
<p>Clause 34 – Visual and Acoustic Privacy</p>	<p>The proposal maintains privacy levels within the locality and achieves satisfactory levels of privacy performance for future occupants. The proposed development comprises single storey buildings.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 35 – Solar access and design for climate</p>	<p>The application has been accompanied by shadow diagrams depicting the extent of overshadowing at the winter solstice. It is considered that the extent of the overshadowing of adjacent properties is minimal.</p> <p>Furthermore the northerly orientation of the site has been utilised where possible to maximise amenity levels for future occupants.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>

Criteria	Proposed	Comment
Clause 36 – Stormwater	The application has been accompanied by a stormwater concept plan outlining the proposed methods of stormwater disposal.	The proposal is considered to be satisfactory in this regard. Moreover, a recommended condition has been included requiring compliance with the stormwater / engineering requirements of the Campbelltown (Sustainable City) DCP 2009.
Clause 37 – Crime Prevention	The overall layout provides surveillance opportunities, minimises possible entrapment areas and provides a clear differentiation between private and public spaces.	The proposal is considered to be satisfactory in this regard.
Clause 38 – Accessibility	As previously, outlined the site is located approximately 400m from the Macquarie Fields / Saywell Road neighbourhood shopping area. Moreover, the site is located in close proximity to bus services, which link to rail services.	The proposal is considered to be satisfactory in this regard.
Clause 39 – Waste Management  The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed layout provides appropriate bin storage areas.	The proposal is considered to be satisfactory in this regard. Moreover, a recommended condition has been included requiring the bins being stored either within the courtyard areas or garages.
Clause 40(2) – The size of the site must be at least 1,000m <sup>2</sup> .	Site Area = 1,416m <sup>2</sup>	Complies
Clause 40(3) – The site frontage must be at least 20m wide, measured at the building line.	Site Frontage = 20.115m	Complies
Clause 40(4) – The height of all buildings in the proposed development must be 8m or less.	The proposed buildings are single storey and do not exceed a height of 5m.	Complies
Division 3 – Clause 41 – Standards for hostels and self-contained dwellings  A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwellings unless the proposed development complies with the standards specified in Schedule 3 for such development.	Consideration of the proposal indicates that the development can satisfy the standards of Schedule 3.	Despite the fact that proposal is considered to satisfy the relevant standards, a condition has been included within the recommendation requiring evidence of satisfactory compliance with the construction standards of Schedule 3. This evidence is required prior to the issue of the Construction Certificate.
Clause 50 (a) – Building Height  All proposed buildings are to be 8m or less in height.	The proposed buildings have a maximum height of 5m.	The proposal is considered to be satisfactory in this regard.

Criteria	Proposed	Comment
<p>Clause 50 (b) – Density and Scale</p> <p>The density and scale of the buildings when expressed as a floor space ratio (FSR) are to be 0.5:1 or less.</p>	<p>The proposed development has a FSR of approximately 0.34:1.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 50 (c) (ii) – Landscaped Area</p> <p>A minimum of 30% of the site is to be landscaped.</p>	<p>The proposal involves the landscaping of approximately 32% of the site.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 50 (d) – Deep Soil Zones</p> <p>An area of not less than 15% of the area of the site is to be a deep soil zone, of which two-thirds of the deep soil zone should preferably be located at the rear of the site.</p>	<p>Approximately 25% of the site constitutes a deep soil zone of which approximately 75% of the total area of the deep soil zone is located within the private open space areas of each of the units.</p> <p>Approximately 20% of the over all deep soil zone is forward of the building alignment.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 50 (e) – Solar Access</p> <p>Living rooms and private open spaces for a minimum of 70% of the dwellings are to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The living areas of five of the dwellings receive a minimum of three (3) hours of solar access at the winter solstice, being 83% of the dwellings.</p> <p>The proposal provides solar access for a period of three (3) hours for an area of at least 15m<sup>2</sup> for each of the private open space areas. The SD SEPP requires that a minimum of 15m<sup>2</sup> be made available as a private open space.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 50 (f) (i) – Private Open Space</p> <p>No less than 15m<sup>2</sup> of private open space per dwelling is to be provided, and of this open space, one area is not to be less than 3m long and is accessible from a living area.</p>	<p>Each dwelling is serviced by a private open space area, with a minimum size of 30m<sup>2</sup> and a minimum depth of 3m directly accessible from the respective main living rooms.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 50 (h) – Parking</p> <p>0.5 car parking spaces are to be provided for each bedroom.</p>	<p>The overall development includes 10 bedrooms, thereby constituting the need for 5 car parking spaces. 6 car parking spaces are provided.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>

Schedule 3 of the SD SEPP, outlines the construction standards for self-contained dwellings, in relation to the following elements:

- *Siting Standards;*
- *Security;*
- *Letterboxes;*
- *Private car accommodation;*
- *Accessible entry;*

- *Interior;*
- *Bedroom;*
- *Bathroom;*
- *Toilet;*
- *Surface finishes;*
- *Door hardware;*
- *Ancillary items;*
- *Living room and dining room;*
- *Kitchen;*
- *Laundry;*
- *Storage for linen; and*
- *Garbage.*

It is considered that the proposal responds appropriately to the above standards, however, a recommended condition has been included at Attachment 1 to ensure compliance with the SD SEPP, should Council decide to support the proposal.

## **2. State Environmental Planning Policy (Building Sustainability Index)**

A BASIX Certificate has been provided for the proposed development and the relevant commitments made on the architectural / development plans. Therefore it is considered that the proposal is acceptable in this regard.

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

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

## **4. Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned '2(b) – Residential' under the provisions of LEP 2002. The proposed 'multi dwelling housing' development is permissible, within the '2(b) – Residential' zone, as well as being consistent with the following objectives for the zone:

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

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002 and Council may grant consent to the application should it deem appropriate to do so.

## **5. Campbelltown (Sustainable City) Development Control Plan 2009**

The following compliance table, details the assessment of the proposal pursuant to the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009 (DCP 2009).

---

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	Residential development is encouraged to provide a rain water tank for new buildings.	Each dwelling is serviced by a 1,000L aboveground rain water tank.	Yes. Moreover, a recommended condition has been included requiring the ongoing provision and maintenance of such.
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks.	NA
2.9	Demolition		A detailed demolition work plan accompanied the application.	Yes. Moreover, a recommended condition has been included requiring compliance with AS 2601 – 2001 – The Demolition of Structures.
2.12.1 (d)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The proposed front fencing is 1.2m in height and is complementary in design to the overall development.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application and is satisfactory.	Yes
3.3.1 (a)	Streetscape	Building design (including facade 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 and is considered satisfactory.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design relates to the existing ground levels 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 siting of the car parking areas are integrated into the overall design, as to not dominate the visual appearance of the development.	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 facade).	No garage is located within the main street frontage of the development.	Yes

Section	Control	Requirement	Proposed	Compliance
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed development is single storey.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	Development has a ceiling height of approximately 2.5m.	Yes
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).	Approximately 5m	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 single storey and in keeping with the height of surrounding developments and given the siting of the proposed development, amenity impacts to adjacent dwellings have been minimised.	Yes
3.4 (a)	Car Parking and Access	The minimum external dimensions of any required parking space shall be 2.5m x 5.5m.	The external ('visitor' type) space has dimensions of 2.5m x 5.5m.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	Four of the five proposed garages have dimensions of 3.2m x 6m. The other proposed garage has dimensions of 3.2m x 5.7m being less than that required.	No. Although given that the proposal provides one additional car parking space in excess of the requirements of the SD SEPP and that the overall area of the fifth garage is wider than the minimum required by the DCP, the proposal is considered to be acceptable in this case.
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Transitional grades to the garages comply with the relevant standard.	Yes. Furthermore, a recommended condition has been included requiring compliance with such.



Section	Control	Requirement	Proposed	Compliance
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	The driveway exceeds the 30m length criteria, however, the proposal has integrated significant landscaping alongside and adjacent to the driveway so as to minimise the prominence of the driveway area and the visual impact on the streetscape.	<p>Yes</p> <p>Despite the fact that a lengthy driveway can not be avoided in such a development, and despite the fact that the applicant has included plans showing additional landscaping along the both sides of the driveway, a condition has been included within the recommendation requiring that the car parking space centrally located along the driveway, be moved further to the south to allow for extra landscape works (shrubs and possibly a centrally located tree) in the area of the car parking space.</p> <p>This amendment will require the adjustment of the proposed landscaping along the front of units 3 and 4, however, this amendment will in effect, reduce the length of the driveway (from a visual perspective) and will provide additional visual interest through the introduction of a meandering driveway and additional softening of the built form of the proposed development.</p>
3.4 (g) (ii)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5m where the driveway provides access for three (3) or more dwellings.	The driveway is 5.5m wide at the street boundary.	Yes
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.	The driveway is of a patterned coloured 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 living room windows are setback a minimum of 2m from the property boundary. The overall layout does not involve living rooms facing other living rooms.	Yes

Section	Control	Requirement	Proposed	Compliance
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	The site's northerly orientation has been utilised where possible.  Four of the dwellings have a living area with a northerly facing window.	No. Although given that the proposal satisfies the relevant requirements of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
3.6 (b)	Solar Access	A minimum of 20m <sup>2</sup> of the required private open space area shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m <sup>2</sup> of the private open space area of four of the dwellings receive more than three (3) hours of solar access at the winter solstice. While the private open space areas of the remaining dwellings do not.  The remaining two dwellings located at the rear of the site (units 5 & 6) receive a minimum of three (3) hours of solar access to an area of approximately 15m <sup>2</sup> when measured between the hours of 9.00am and 3.00pm on the winter solstice.	No. Although given that the proposal satisfies the relevant requirements of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.  It is also the case that the SD SEPP only requires a minimum private open space area of 15m <sup>2</sup> be provided for solar access purposes.
3.6 (c)	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 has given results in amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments shall not be erected on land with an area of less than 700m <sup>2</sup> .	Site Area = 1,416m <sup>2</sup>	Yes
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	The number of dwellings permitted within a multi dwelling development shall not exceed two (2) dwellings for the first 700m <sup>2</sup> of land area and 1 dwelling for each 300m <sup>2</sup> of land area thereafter.  Equates to 1,900m <sup>2</sup> , for six (6) dwellings.	Site Area = 1,416m <sup>2</sup>  Six multi dwellings would ordinarily require a minimum site area of 1,900m <sup>2</sup>	No. Although given that the proposal satisfies the density requirements of Clause 40 (2) and Clause 50 (b) of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.

Section	Control	Requirement	Proposed	Compliance
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments 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.	Allotment width = 20.12m	No. Although given that the proposal satisfies the minimum size requirements of Clause 40 (3) of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating 3 or more dwellings shall only be permitted on an allotment having a minimum width of 10m measured between the extended property side boundaries.	Allotment width = 20.12m	Yes
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings development incorporating 3 or more dwellings shall only be permitted on an allotment where no part of the allotment is within 50m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The site is not within 50m of a cul-de-sac.	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	FSR = 0.34:1 approximately	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.	The development has a minimum front setback of 5.5m.	Yes
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.	The development has a minimum setback of 965mm from the western side boundary and a minimum setback of 1m from the eastern side boundary.	Yes
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.	The development has a minimum rear setback of 5m.	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	Five (5) of the six (6) dwellings, are serviced by single garages. Additional external space is available.	No. Although given that the proposal satisfies the car parking requirements of Clause 50 (h) (i) of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
3.9.2 (c)	General Requirements for Multi Dwellings	One (1) external additional visitor car parking space shall be provided for every two (2) units (or part thereof), unless all dwellings within the development have direct frontage to a public street.	The overall development is serviced by a single visitor car parking space.	No. Although given that the proposal satisfies the car parking requirements of Clause 50 (h) (i) of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The visitor car parking space is recessed beyond the front facade.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the proposed car parking spaces are of a 'stacked' configuration.	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.	Approximately 30% for the double bedroom dwellings and approximately 20% for the single bedroom dwellings.	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.	The private open space areas for each dwelling are located in rear setback areas of each unit.	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 <sup>2</sup> .	Each dwelling is serviced by a private open space area, with a minimum size of 30m <sup>2</sup> .	No. Although given that the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
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.	Each private open space area has a minimum width of 3m.	Yes

Section	Control	Requirement	Proposed	Compliance
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 3m x 8m.	No. Although given that the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the SD SEPP being to provide a minimum private open space area of 3m x3m, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this DCP control.
3.9.2 (h) (v)	General Requirements 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 rooms.	Yes
3.9.2 (h) (vi)	General Requirements 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.	As previously discussed, in excess of 20m <sup>2</sup> of the private open space area of four (4) of the dwellings receive more than three (3) hours of solar access at the winter solstice. While the private open space areas of the remaining two dwellings (units 5 & 6) is limited to receiving solar access to an area within the respective back yards in the order of 15m <sup>2</sup> .	No. Although given that the proposal satisfies the relevant requirements of the SD SEPP, pursuant to Clause 50 of the SEPP, Council can not refuse a development application on the grounds of not satisfying this control.
3.9.2 (i)	General Requirements 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 unit are located in to the rear of each of the units.	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <ul style="list-style-type: none"> <li>architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front facade of each dwelling;</li> <li>no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.</li> </ul>	<p>The front facade of the building is articulated and consists of architectural features that are of a similar form to adjoining and future like developments.</p> <p>Approximately 27% of the area forward of the building alignment, is of an impervious finish.</p>	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> <li>• a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and</li> <li>• a minimum of 20% of the total site area shall be available for deep soil planting.</li> </ul>	The application was accompanied by a detailed landscape design plan.  Approximately 25% of the site has been made available for deep soil planting.	Yes
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings development shall satisfy the following architectural requirements: <ul style="list-style-type: none"> <li>• a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development;</li> <li>• incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines;</li> <li>• incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and</li> <li>• provision of windows and active spaces in the building ends, to provide additional security and visual interest.</li> </ul>	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, compared to existing and likely future developments in the locality.  The front facade and roof form are articulated, and provide "depth" to the overall design.	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling development shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: <ul style="list-style-type: none"> <li>• a 140 litre bin; and</li> <li>• two (2) 240 litre bins.</li> </ul>	Suitable provision is made within each private open space area in positions behind the primary building line and out of public view.	Yes

## 6. 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.

## **7. Planning Assessment**

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

- **Built Form**

The overall building design consists of articulated facades and is in keeping with the existing and future likely character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation.

- **Overshadowing**

The application is accompanied with shadow diagrams depicting the extent of overshadowing at the winter solstice. The proposed buildings have been designed in a way that minimises the extent of the overshadowing of adjacent properties and as such, the proposal is not considered to have an unreasonable affect on the availability of solar access within the adjacent properties.

- **Natural Environment**

The application has been accompanied by an Arboricultural Assessment Report, prepared by a qualified Tree and Landscaping Consultant, giving consideration to various tree related matters, including tree removal and potential impacts on established trees located on adjacent properties. The report concludes that subject to compliance with the recommendations stated within the report, including the establishment of multiple 'Tree Protection Zones' and protection of vegetation on neighbouring sites, that trees in proximity to the development site will not be compromised as a result of the development. A condition requiring that the applicant conform with the various recommendations of the report has been included within the recommended conditions of consent at Attachment 1.

Furthermore, the application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.

- **Amenity Impacts**

The overall design of the proposed development has given satisfactory regard to existing adjoining residential premises, in terms of privacy, separation, overshadowing and the protection of trees and other vegetation within adjoining properties. Accordingly it is considered that the proposal is acceptable in this regard.

- **Security and Safety**

The overall design of the proposed development is considered to be consistent with the 'principles for minimising crime risk' (Crime Prevention Through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

## **Public Participation**

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was notified to adjoining property owners from 20 January 2010 until 15 February 2010. As a consequence of the notification, Council received two (2) submissions, both raising concerns with the proposal. Following is a summary and comments relating to the objections:

---

- Concerns were raised regarding stormwater management and compliance with Volume 2 of the Sustainable City DCP.

*Comment* – The application was accompanied by a stormwater concept plan and a Stormwater Assessment Study, which was prepared by a Consultant Registered Chartered Engineer. The application has been reviewed by Council's Technical Services Section and Council's Senior Development Engineer, and no objections were raised, subject to the imposition of conditions (including in relation to compliance with Volume 2 of the Sustainable City DCP), which have been included within the recommendation.

- Concern was raised regarding the developer potentially seeking to acquire an easement through an adjacent property. Although it wasn't specifically stated within the application, it is assumed that the objector was concerned about a drainage easement.

*Comment* – As previously discussed, the application was accompanied by a detailed stormwater concept plan and a Stormwater Assessment Study, which was prepared by a Consultant Registered Chartered Engineer. Notwithstanding this, it is noted that the accompanying stormwater concept plan details that stormwater is to be disposed of directly to Parliament Road at the front of the site.

- Concern was raised regarding the positioning of rainwater tanks, adjacent to the rear property boundary.

*Comment* – Subsequent to notification of the proposal, amended plans were provided with the proposed rainwater tanks, servicing Units 5 and 6, being repositioned to a location approximately 2.6m from the rear boundary.

- Concern was raised regarding potential impacts on the existing sewer line.

*Comment* – The proposed development does not involve any construction or earth works within the 'sewer easement' which traverses the subject land. Notwithstanding, it is noted that a condition has been included within the recommendation, requiring the plans being submitted to and 'stamped' (approved) by Sydney Water, prior to the issuing of a Construction Certificate.

- Concern was raised regarding potential impacts and issues relating to existing boundary fencing.

*Comment* – The approval of fencing is limited to front fencing and fencing between the internal courtyards within the development site. Furthermore, an advisory note has been included within a recommended condition of consent reminding the developer of the provisions of the Dividing Fences Act 1991 and the rights of interested parties in respect to fences constructed along common boundaries.

---



- Concern was raised regarding potential impacts during construction, including adjoining properties becoming exposed and vulnerable to unauthorised access.

*Comment* – As previously discussed, a condition relating to fencing has been included within the recommendation which also reminds the developer of the provisions of the Dividing Fences Act 1991. A condition has also been included within the recommendation requiring fencing to prevent access to the construction site. Furthermore, a condition has also been included with the recommended conditions of consent requiring construction noise to be maintained at a level not exceeding the pre-development background noise level by more than 10dB(A) when measured over a continuous 15 minute period.

- Concern was raised regarding impacts to existing trees located on adjacent properties.

*Comment* – As previously discussed, the application was accompanied by an Arboricultural Assessment Report, prepared by a qualified Tree and Landscaping Consultant, giving consideration to various tree related matters, including tree removal and potential impacts on established trees located on adjacent properties. The report concludes that subject to compliance with the recommendations stated within the report, including the establishment of multiple 'Tree Protection Zones' and protection of vegetation on neighbouring sites, that trees in proximity to the development site will not be compromised as a result of the development. A condition requiring that the applicant conform with the various recommendations of the report has been included within the recommended conditions of consent at Attachment 1.

- Concern was raised regarding the development not being built in accordance with the approved plans, specifically in relation to the finished levels.

*Comment* – As previously discussed, the overall design follows the existing ground levels and involves minimal earthworks. Furthermore, a condition has been recommended, requiring the completion of the development in accordance with the approved plans.

- Concern was raised regarding the occupancy of the development, by 'non-seniors'.

*Comment* – As previously discussed, a condition is required in any consent (SD SEPP), requiring the registration of a restriction as to user against the title of the property, limiting the use and occupancy of development, consistent with the provisions of Clause 18 of the SD SEPP.

- Concern was raised regarding the site not being of sufficient width to facilitate a seniors living development.

*Comment* – As previously discussed, the site's 20.115m width, complies with the minimum width requirements of Clause 40(3) of the SD SEPP, whereby the frontage of a site being developed for seniors housing, must be at least 20m wide.

### **Internal Referral**

The application was referred to Council's Technical Services Section, Council's Environmental Planning Unit, Council's Building Certification Unit and Council's Senior Development Engineer, for comment. No objections were raised, subject to the imposition of conditions, which have been included within the recommendation.

---

## **Conclusion**

The proposal has been assessed pursuant to the relevant provisions of the SD SEPP and the relevant Council planning instrument and development control plan. The proposed development is permissible and assessment of such has not identified any significant environmental impacts. It is also considered that the site is suitable for the development. Accordingly, it is recommended that Council approve the application subject to appropriate conditions.

## **Officer's Recommendation**

That Development Application 1755/2009/DA-SL for the demolition of an existing dwelling and ancillary structures and the construction of a 6 unit Seniors Living development, at 81 Parliament Road, Macquarie Fields, be approved, subject to the attached conditions.

**Committee Note:** Mr Smith addressed the Committee.

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

That the Officer's Recommendation be adopted.

## **CARRIED**

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

Voting against the Committee's Recommendation: Nil.

## **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 155**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

---

## ATTACHMENT 1

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

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

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

#### 1. Approved Development

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

Drawing No. (Job No. 1080)	Date Received by Council
01a (Issue: B)	22 June 2010
03 (Issue: F)	22 June 2010
05 (Issue: D)	22 June 2010
06 (Issue: C)	22 June 2010
011 (Issue: C)	22 June 2010

#### 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**

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Ray Fuggle & Associates (including any amendments described below), submitted to Council on 22 June 2010, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
  - b. The landscaping is to incorporate the following amendments and an amended landscape plan is to be submitted to Council for its approval prior to the Principle Certifying Authority issuing of a Construction Certificate:
    - Provision of a 5m setback to the rear / southern property boundary, consistent with the approved site plan and the other elements of the subject approved landscape plan.
    - The parking bay centrally located along the driveway, shall be moved to the south (as indicated in red on the approved site plans – DWG 03 - Rev F) and the area suitably landscaped with shrubs and a tree of appropriate species and proportions. Proposed garden beds in close proximity to the relocated parking bay may require adjustment to ensure adequate area remains for the movement and turning of vehicles within the driveway and that vehicular access to the garages is not compromised.
  - c. 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.
-

- d. All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- e. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- f. 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.

## **6. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 22 June 2010. 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. A 1.8m high fence shall be erected between each courtyard area at the sole cost of the developer.
- b. No approval is issued for the fencing of the boundaries of the overall site or any side return fencing forward of the building line.

Note: Attention is directed to the provisions of the Dividing Fences Act 1991, which gives certain rights to adjoining owners in respect to the construction of fences along common boundaries.

## **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 2890.1 and AS 2890.2 (as amended)*.

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

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. 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.

#### **11. Flood Level Controls**

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The minimum habitable floor level control, which affects this land, is RL 32.70 metres AHD.

#### **12. 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*.

#### **13. Car Parking Spaces**

One (1) external car parking space shall be made available to all users of the site at all times, in accordance with Australian Standards 2890 (as amended).

#### **14. Rain Water Tanks**

The applicant shall install a 1,000L rain water tank for each unit / occupancy, in accordance with the approved plans. The rain water tanks are to be maintained at all times and water collected utilised for the irrigation of on-site landscaping.

#### **15. Bin Storage**

Garbage and recycling bins shall be stored at all times within the respective courtyard areas or garages.

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

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

#### **16. Compliance Certificate – Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The development shall comply with the relevant standards, objectives and controls contained within the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

---

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall obtain a Compliance Certificate from the Principal Certifying Authority in relation to the provision of satisfactory detailing of the following items, pursuant to Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

- a. Siting Standards,
- b. Security,
- c. Letterboxes,
- d. Private car accommodation,
- e. Accessible entry,
- f. Interior,
- g. Bedroom,
- h. Bathroom,
- i. Toilet,
- j. Surface finishes,
- k. Door hardware,
- l. Ancillary items,
- m. Living room and dining room,
- n. Kitchen,
- o. Laundry,
- p. Storage for linen, and
- q. Garbage

Prior to Council or an accredited certifier issuing any Construction Certificate under this consent, the applicant shall provide written evidence and architectural plans demonstrating how every development standard listed above shall be achieved.

Prior to the principal certifying authority issuing an occupation certificate or an interim occupation certificate, the applicant shall demonstrate to the principal certifying authority's satisfaction that each development standard listed above has been achieved.

#### **17. 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*.

#### **18. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, development plans shall be submitted to a *Sydney Water Customer Centre or Quick Check Agent*, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

---

**19. 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.

**20. 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.

**21. Demolition of Existing Dwelling**

Prior to Council or an accredited certifier issuing a construction certificate, the existing dwelling on the property shall be demolished and all materials removed from the site.

**22. 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.

**23. 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 Council's drainage system in Parliament Street.

In this regard the applicant shall construct a grated gully pit with 1.80 metres lintel to Council's standard design SD-S06 over existing reinforced concrete pipe in Parliament Street and connect drainage from the site to the new pit. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**24. Work on Public Land**

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

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

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

---



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

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

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](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.

### **26. 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.

---

## **27. 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.

## **28. 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.

## **29. 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.

## **30. 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.

---

### **31. 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.

### **32. 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.

### **33. 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.

### **34. Fencing**

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

### **35. Structural Engineer Details**

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

---

## 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.

### 36. Construction Work Hours

- a. 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.

- b. Noise levels measured over a continuous period of not less than 15 minutes (while construction works are being carried out) must not exceed the pre-construction background noise levels by more than 10dB(A).

### 37. 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.**

### 38. Demolition Work/Plan

All work shall be completed in accordance with the approved demolition work plan designed in accordance with clause 1.7.3 of *Australian Standard A52601-2001 The Demolition of Structures*.

### 39. 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.

---

#### **40. Protection of Existing Trees**

- a. Compliance at all times with the requirements and recommendations contained within the Tree Assessment Report, prepared by Accord Tree Consultants, submitted to Council on 22 June 2010.
- b. 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.

#### **41. Ground Levels**

The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans. Under no circumstances shall the levels within the rear or side setback areas be altered.

#### **42. Fill Compaction Requirements**

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

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

#### **43. 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.

#### **44. 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.

#### **45. 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.

---

#### **46. Public Safety**

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

#### **47. 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.

#### **48. Footpath**

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

#### **49. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Parliament Street Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

#### **50. 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. Conduits must be provided to service authority requirements.

#### **51. 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.

---

**52. 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*.

**53. 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".

**54. Section 73 Certificate**

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

**55. 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.

**56. 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.

---

## 57. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for approval 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 detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

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

### Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3.m between adjacent points within the above mentioned 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 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/s of the adjoining street/s.
- The surface levels of all other infrastructure.

### Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

### 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 is not to be password protected.

### 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.

---



**58. Restoration of Public Roads**

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

**59. 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.

**60. 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.

**61. BASIX**

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

**62. Restriction On The Use Of Land**

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction as to user, registered against the title of the property of land under Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to, either.

- a. seniors or people who have a disability,
- b. people who live within the same household with seniors or people who have a disability, or
- c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

---

### **63. 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.

### **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 – Civil Works**

The following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL
    - i. Direction/confirmation of required measures.
    - ii. After installation and prior to commencement of earthworks.
    - iii. As necessary until completion of work.
  - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
  - c. STORMWATER PIT IN PARLIAMENT STREET - Formwork prior to pouring concrete.
  - d. VEHICLE CROSSINGS AND LAYBACKS – Formwork prior to pouring concrete.
  - e. FINAL INSPECTION – All outstanding work.
-

**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](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://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.

**END OF CONDITIONS**

---

## ATTACHMENT 2



### LOCALITY PLAN

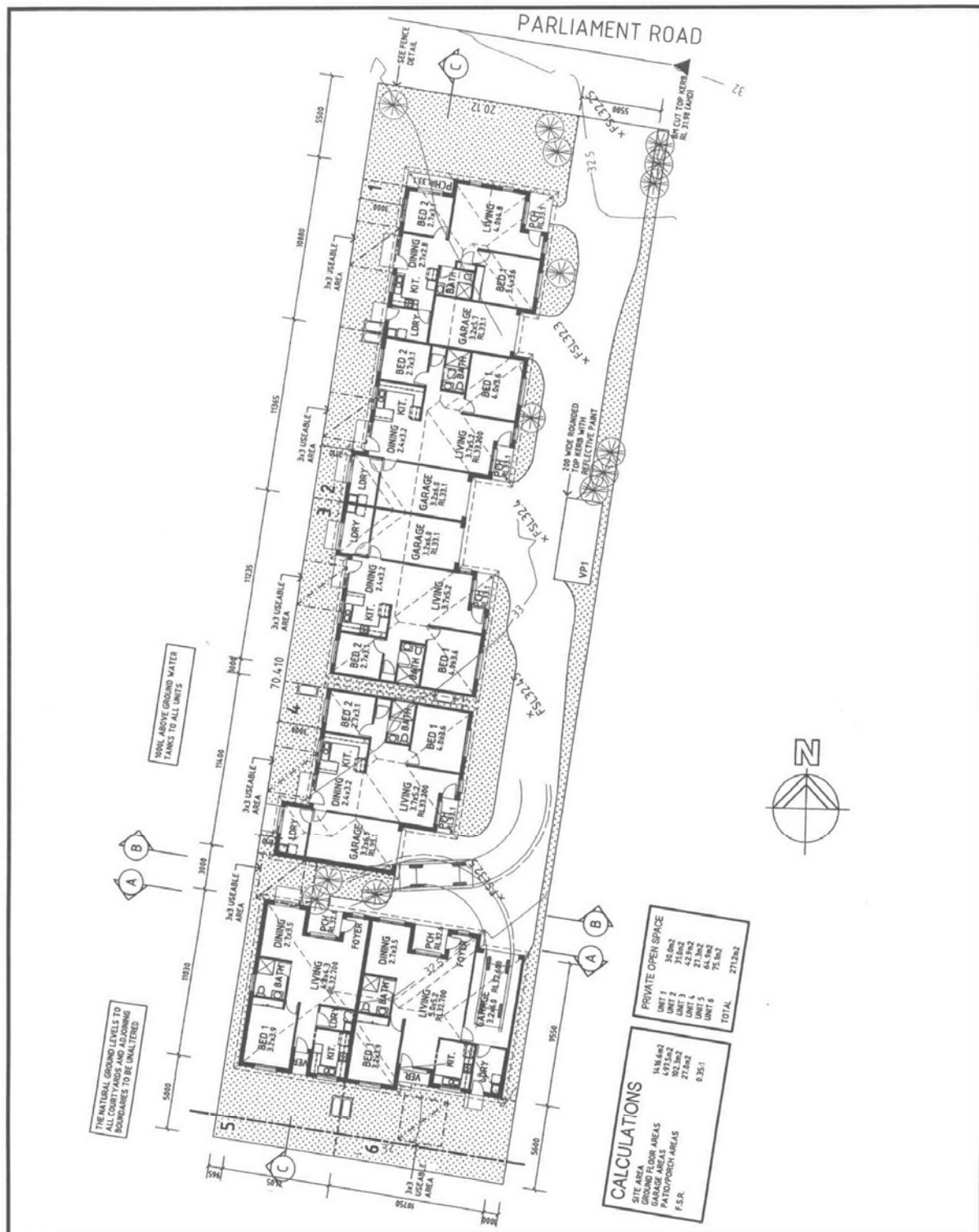


**SUBJECT:**

SENIORS LIVING HOUSING

LOT 9 SEC 26 DP 1391 - No. 81 PARLIAMENT ROAD, MACQUARIE FIELDS.

## ATTACHMENT 3

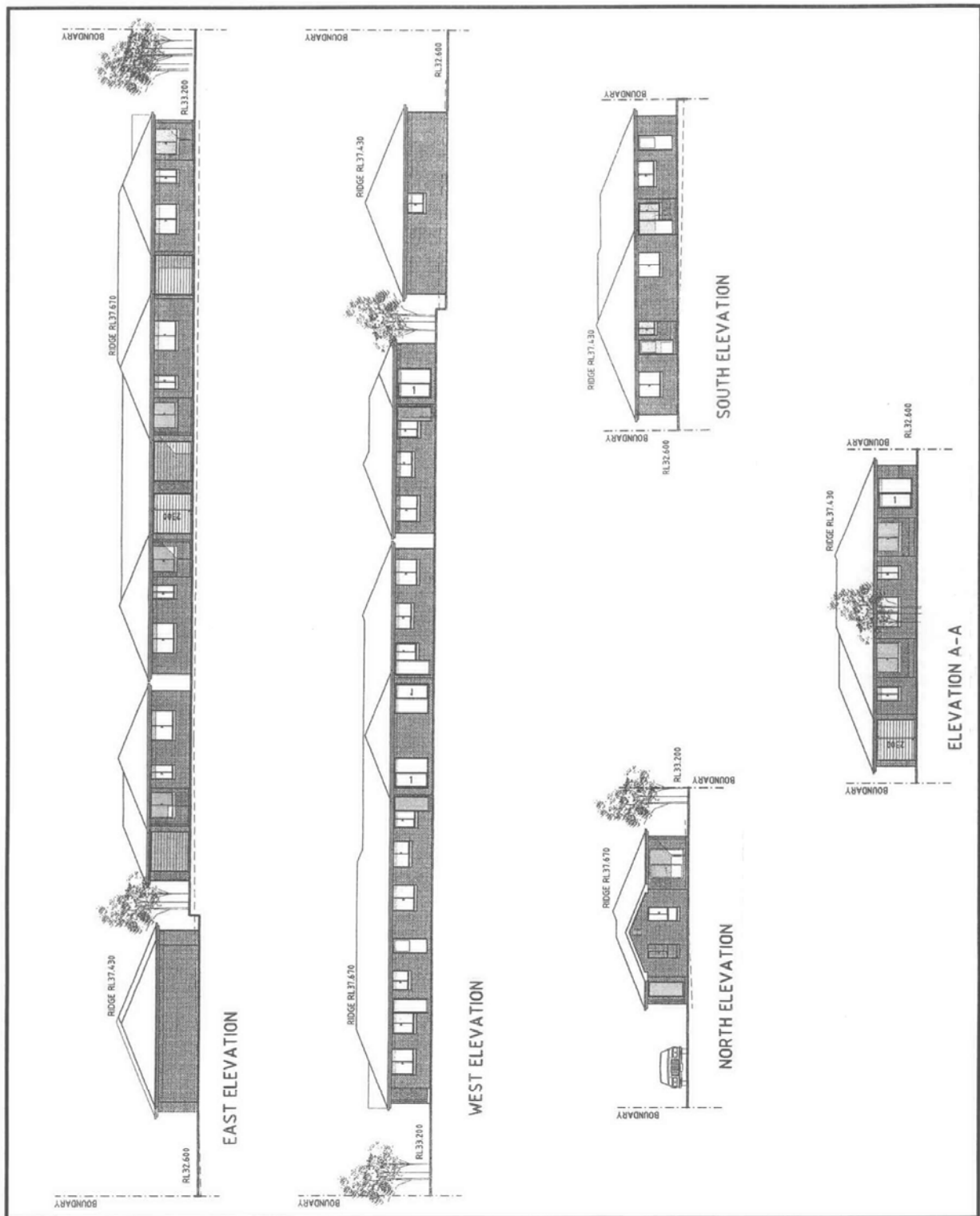


## SITE PLAN

**SUBJECT:** SENIORS LIVING HOUSING

LOT 9 SEC 26 DP 1391 - No. 81 PARLIAMENT ROAD, MACQUARIE FIELDS.

## ATTACHMENT 4

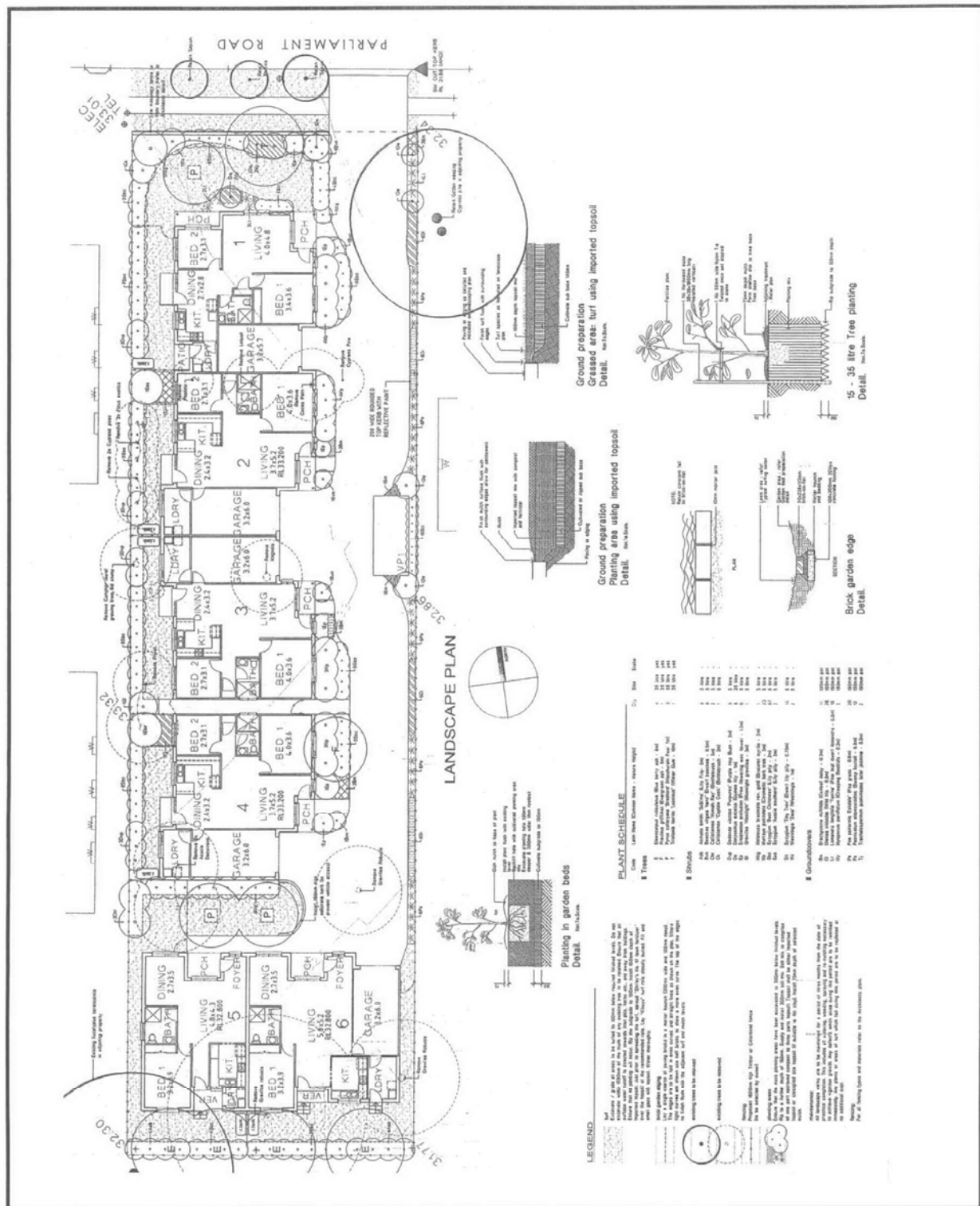


## ELEVATIONS

**SUBJECT:** SENIORS LIVING HOUSING

LOT 9 SEC 26 DP 1391 - No. 81 PARLIAMENT ROAD, MACQUARIE FIELDS.

## ATTACHMENT 5



## LANDSCAPE PLAN

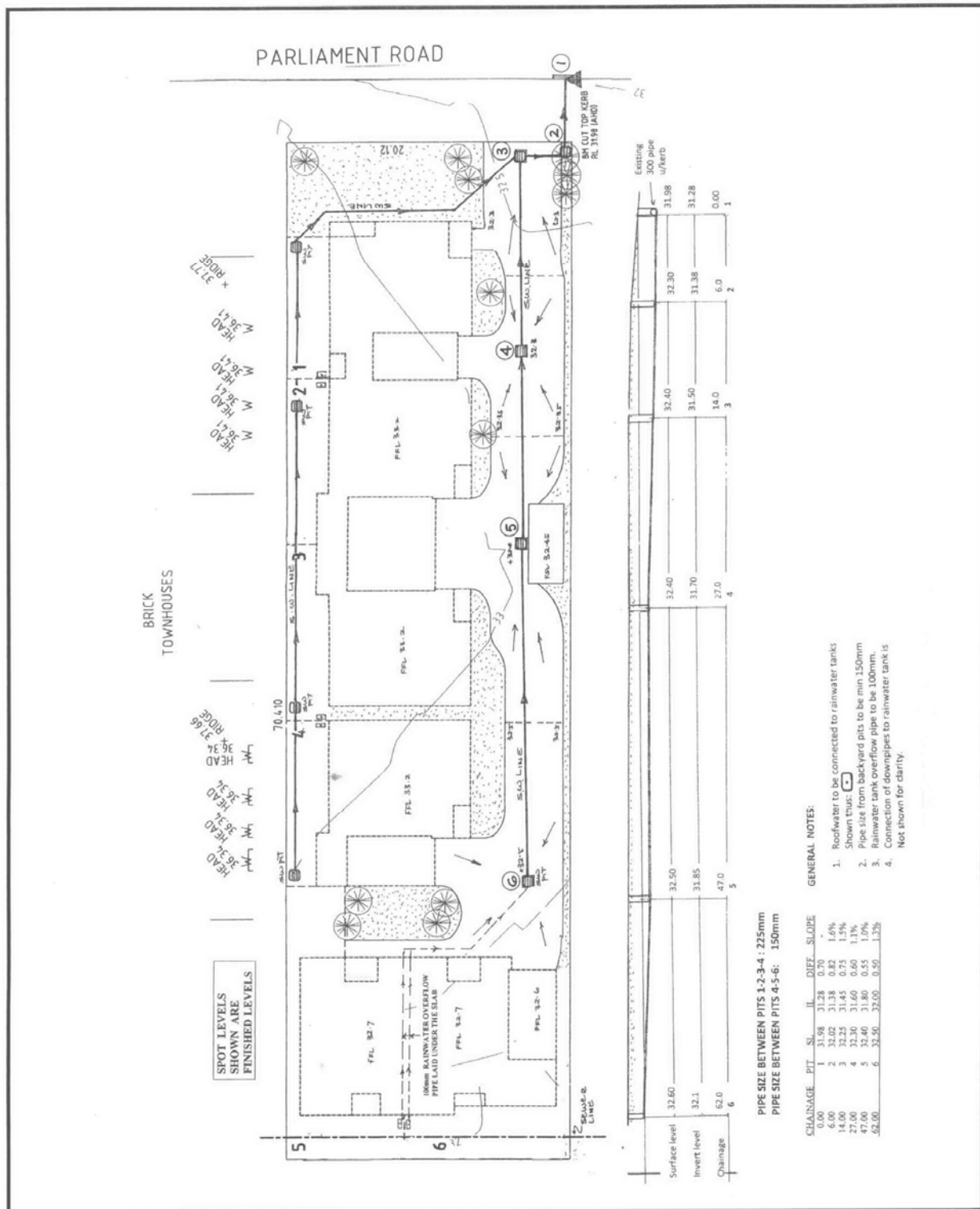
SUBJECT:

SENIORS LIVING HOUSING

LOT 9 SEC 26 DP 1391 - No. 81 PARLIAMENT ROAD, MACQUARIE FIELDS.



## ATTACHMENT 6



## STORMWATER CONCEPT PLAN

SUBJECT:

SENIORS LIVING HOUSING

LOT 9 SEC 26 DP 1391 - No. 81 PARLIAMENT ROAD, MACQUARIE FIELDS.

### **3.3 No. 5 Fernhill Place, Glen Alpine - Construction of two - two storey dwellings and subdivision into two Torrens title allotments**

#### **Reporting Officer**

Manager Development Services

---

#### **Attachments**

1. Recommended Conditions
2. Locality Plan
3. Proposed Site and Landscape Plan
4. Shadow Diagrams
5. Dwelling A Elevations
6. Dwelling B Elevations
7. 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 (EP&A Act).

<b>Property Description</b>	Lot 649, DP 778241 – No. 5 Fernhill Place, Glen Alpine
<b>Application</b>	270/2010/DA-RS
<b>Applicant</b>	Ms. Luciana Carbone
<b>Owner</b>	Ms. Luciana Carbone
<b>Statutory Provisions</b>	State Environmental Planning Policy (Building Sustainability Index) 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>Strategic Context</b>	Campbelltown 2025 Looking Forward
<b>Date Received</b>	11 February 2010

---

## **History**

The following is a chronology of events relating to the subject Development Application:

- 11 February 2010 – Subject Development Application lodged with Council, by applicant.
- 26 February 2010 – Completion of notification period.
- 12 May 2010 – Letter issued by Council to applicant, advising of various non-compliances and deficiencies with the application.
- 3 June 2009 – Meeting between Council's Assessing Officer and the applicant's Town Planning Consultant. Extension granted to respond to Council's letter dated 12 May 2010.
- 6 July 2010 – Amended plans and response provided in reply to Council's letter dated 12 May 2010.
- 19 July 2010 – Further issues advised to the applicant's Building Designer, by telephone.
- 23 July 2010 – Further amended plans provided to Council.

## **Report**

### **Introduction**

Council is in receipt of a Development Application for the construction of two 2-storey dwellings and subdivision into two Torrens title allotments.

### **The Site**

The subject site is a rectangular shape allotment, located on the inside of a bend in Fernhill Place, Glen Alpine. The site consists of a cleared and vacant 844m<sup>2</sup> single allotment, which slopes from the southern rear corner of the land alongside the secondary street frontage (RL 120.25 AHD), by 9m to the front northern corner of the site (RL 111.25 AHD).

### **The Proposal**

The proposal seeks Development Consent for the construction of two 2-storey dwellings and subdivision into two Torrens title allotments. The proposal contains the following elements:

- Earth and excavation works;
  - Construction of two detached, 2-storey dwellings, both consisting of three bedrooms, attached double garages and individual rear courtyards;
  - Construction of retaining walls;
  - Associated driveway areas;
-

- A 1.8m high decorative type masonry fence running alongside the secondary street frontage;
- Internal fencing;
- Site landscaping; and
- Torrens title subdivision, creating two allotments – 409m<sup>2</sup> and 435m<sup>2</sup> in area respectively;

### **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 forms a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the Regional City,
- Building a distinctive Campbelltown sense of place, and
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

The relevant desired outcomes associated with Council's vision, included in Campbelltown 2025 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.

It is considered that the Development Application is generally consistent with the Vision's desired outcomes having regard to the proposed density, design and impact on adjoining development and the locality.

---

## **Assessment**

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

### **1. State Environmental Planning Policy (Building Sustainability Index)**

BASIX Certificates have been provided for both of the proposed dwellings and relevant commitments made on the architectural / development plans. Therefore it is considered that the proposal is acceptable in this regard.

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

The proposal is not inconsistent with any of the relevant provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable.

### **3. Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned '2(b) – Residential B Zone' pursuant to the provision at Clause 9 of the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed 'multi dwelling housing' development is permissible within the zone, as well as being consistent with the following objectives for the relevant zone:

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

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002 and Council is able to grant development consent, should it deem appropriate to do so.

Clause 34 of LEP 2002, prohibits the subdivision of "Dual-Occupancies" within the '2(b) – Residential' zone into two separate allotments, unless the area of each of the proposed allotments is not less than 350m<sup>2</sup>. The proposed allotments are 409m<sup>2</sup> and 435m<sup>2</sup> in area.

The proposal satisfies the provisions of Clause 34 of LEP 2002.

### **4. Campbelltown (Sustainable City) Development Control Plan 2009**

The following compliance table, details the assessment of the proposal pursuant to the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009 (DCP 2009).

---

11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	A 3,000L rain water tank is required for each dwelling.	Each dwelling includes a 2,000L under ground rain water tank.	No. Though a condition has been included within the recommendation requiring the provision of 3,000L rain water tanks.
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscape plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	A detailed Site Plan, detailing proposed finished levels and a Cut and Fill Management Plan, have been provided.  The Plan depicts that earthworks around the outside of the development site have been minimised, and that retaining walls have been suitably located, to reduce impacts on existing surrounding developments.	Yes
2.12.1 (e)	Fencing	Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	The subject site is not located "technically" on a corner allotment, however the site is located on a sharp bend and as such, due regard has been given to the potential obstruction of sight lines through the bend.  The proposal involves the provision of a 1.8m high combined masonry and metal panelled fence, along the side of the southern most dwelling ('Dwelling B'). The siting of the fence in this location does not unreasonably obstruct the sight distances of road users.	Yes
2.12.2 (b)	Retaining Walls	Any retaining wall greater than 900mm in height shall be designed and certified by a suitable qualified person.	The proposed development includes retaining walls, up to a height of 1.5m, and engineering details have been provided by the applicant's consultant Engineer.	Yes

## 11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
2.12.2 (c)	Retaining Walls	In the case of retaining walls constructed to support proposed fill on an allotment, no filling shall be permitted within 2m of any property boundary.	The proposal involves minimal filling / level increases over the site.	Yes
2.12.2 (d)	Retaining Walls	In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.	The proposed retaining walls have been sited away from the side and rear property boundaries, with existing ground levels maintained within 450mm of such boundaries.	Yes
2.12.2 (e)	Retaining Walls	Any retaining wall shall not adversely alter surface flows to adjoining private land.	Given the nature of the retaining walls and through the introduction of stormwater measures in accordance with Volume 2 of the Sustainable City DCP, it is considered that the proposal is satisfactory in this regard.	Yes
2.12.2 (f)	Retaining Walls	Any retaining wall and associated structures shall be designed to be located wholly within the property boundary.	The proposed retaining walls have been sited away from the side and rear property boundaries.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application and is satisfactory.	Yes
3.3.1 (a)	Streetscape	Building design (including facade 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 (b)	Streetscape	Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	<p>Whilst the subject site is not located (technically) on a street corner, the allotment sits on a sharp bend (which is similar to a street corner when considering the site from a streetscape perspective) and as such, consideration should be given to the street presentation.</p> <p>The proposal includes façade treatments not only within the main front facade, but also within the side street facing facade.</p>	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design has given appropriate regard to the natural landform of the site and its surrounds.	Yes

## 11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
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.	Both garages are serviced by two (2) single width doors, which are separated by 500mm wide masonry columns. Furthermore the siting of the garages within the lower sections of the front elevations reduces their overall prominence.	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 facade).	Garage doors constitute approximately 43% of the width of both front facades.	Yes
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	Both garages are setback 6.7m from the primary street boundary .	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed development does not exceed two (2) storeys.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	Approximately 5.8m	Yes
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).	Approximately 6.4m	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 development and given the siting of the proposed development, amenity impacts to adjacent dwellings has been minimised.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	Each garage provides an area in excess of 3m x 6m.	Yes
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Consideration of the proposal in this regard indicates that the proposal will comply with such requirements.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
3.4 (g)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 2.5m where the driveway provides access for one (1) dwelling.	Both driveways are 4m wide at the front property boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	Both driveways are positioned perpendicular to the road.	Yes



11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The accompanying colour schedule indicates that both driveways are to be of a patterned concrete finish.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
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.	The overall number of side facing windows throughout the development has been minimised. The overall layout does not involve living rooms facing other living rooms.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	In order to maximise the northerly exposure of the dwellings, the design has adopted the use of skillion roofs with skylight type windows and raked ceilings.	Yes
3.6 (b)	Solar Access	A minimum 20m <sup>2</sup> area of the required private open space shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m <sup>2</sup> of the private open space area of both dwellings, will receive more than three (3) hours of solar access at the winter solstice.	Yes
3.6 (c)	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 any amenity impacts to adjacent dwellings being minimised.	Yes
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 <sup>2</sup> .	844m <sup>2</sup>	Yes
3.9.1 (c)	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 (2) dwellings for the first 700m <sup>2</sup> of land area and 1 dwelling for each 300m <sup>2</sup> of land area thereafter.	Site area of 844m <sup>2</sup> accommodates two (2) dwellings	Yes
3.9.1 (e) (i)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating two (2) dwellings shall only be permitted on an allotment having a minimum width of 15m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	The width of the allotment at the street frontage is approximately 26.3m.	Yes

11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
3.9.1 (e) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating two (2) dwellings shall only be permitted on an allotment having a minimum width of 7m 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.	The width of the allotment at the street frontage is approximately 26.3m.  The width of the allotment measured at the notional side boundary is approximately 25.7m.  Whilst the subject site is not located (technically) on a street corner, the allotment sits on a sharp bend (which presents similar to a street corner and has a "notional" side boundary.	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	0.44:1	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.	Both dwellings are setback a minimum of 6.7m from the primary street boundary.	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.	A minimum setback of 3m is provided to the notional secondary street boundary.	Yes
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.	A minimum setback of 1.5m is provided to the 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 1.5 from any side boundary for all levels above the ground level.	A minimum setback of 1.5m is provided to the side boundary.	Yes
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.	Both buildings are single storey at the rear and are setback a minimum of 5m, from the rear boundary.	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 double garage services each 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.	Approximately 25% for both dwellings.	Yes

## 11B3.3No. 5 Fernhill Place, Glen Alpine - Construction Of Two - Two Storey Dwellings And Subdivision Into Two Torrens Title Allotments

Section	Control	Requirement	Proposed	Compliance
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.	Dwelling A – The private open space area is located to the rear.  Dwelling B – The private open space area is located to the rear and to the side (beyond decorative type fencing).	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 <sup>2</sup> .	Dwelling A – Approximately 80m <sup>2</sup> Dwelling B – Approximately 130m <sup>2</sup>	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.	Each private open space area (for each dwelling) has a minimum width of 5m.	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 5m x 15m.	Yes
3.9.2 (h) (v)	General Requirements 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 main living areas.	Yes
3.9.2 (h) (vi)	General Requirements 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 (3) hours of solar access at the winter solstice.	Yes
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The outdoor living/entertaining areas for each both dwellings are located to the rear. Dwelling B also enjoys private open space to its southern side	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <ul style="list-style-type: none"> <li>architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front facade of each dwelling;</li> <li>no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.</li> </ul>	The front facades of both dwellings are articulated and consist of architectural features that are of a similar/complementary form to that of neighbouring developments.  Approximately 33% of the area forward of Dwelling A and approximately 38% of the area forward of Dwelling B, are of an impervious finish.	No  A condition has been included within the recommendation requiring the submission of amended plans showing compliance with this requirement prior to the issue of the Construction Certificate.

Section	Control	Requirement	Proposed	Compliance
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> <li>a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and</li> <li>a minimum of 20% of the total site area shall be available for deep soil planting.</li> </ul>	The application was accompanied by a detailed landscape design plan.  Approximately 27% of the site has been made available for deep soil planting.	Yes
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings shall provide a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development.	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, to existing and likely future development in the locality. The front facade and roof form are articulated, which provides depth to the overall design.	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: <ul style="list-style-type: none"> <li>a 140 litre bin; and</li> <li>two (2) 240 litre bins.</li> </ul>	Suitable provision is made within each private open space area in positions, which shall not compromise the use of such.	Yes
3.10.3 (b)	Subdivision of multi dwelling housing	Council will consider a Development Application for Torrens title subdivision of two (2) multi dwellings, if each allotment satisfies the following standards: <ul style="list-style-type: none"> <li>a minimum area of 300m<sup>2</sup>; and</li> <li>all allotments have access to a public street.</li> </ul>	The proposed allotments are 409m <sup>2</sup> and 435m <sup>2</sup> in area, with direct street frontage.	Yes

## 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.

## 6. Planning Assessment

### Built Form

The overall building design consists of articulated facades, and is in keeping with the existing character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation and that of the probable future character of the local area.

### **Overshadowing**

The application has been accompanied by shadow diagrams depicting the extent of overshadowing at the winter solstice. It is considered that the extent of the overshadowing of adjacent properties is not unreasonable, given the scale of the residential properties adjacent the subject site and the continued availability of access to adequate levels of sunlight.

### **Amenity Impacts**

The proposed development has given adequate regard to existing adjoining residential premises, in terms of ensuring the minimisation of any impact on privacy, separation, overshadowing and vegetation. Accordingly it is considered that the proposal is acceptable in this regard.

### **Natural Environment**

The application has been accompanied by a detailed landscape plan, which includes various indigenous trees and shrubs. The landscape design is considered satisfactory and gives regard to Council's requirement for the use of native species in the plant selection.

### **Public Participation**

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was notified to adjoining property owners from 12 February 2010 until 26 February 2010. As a consequence of the notification, Council received four (4) submissions (objections), each raising various concerns with the proposal. Following is a summary and comments relating to the concerns raised:

- Concern was raised regarding the proposed development being out of character with surrounding development.

*Comment* – Subsequent to the notification, amended plans were provided which reduced the overall size of the dwellings. Amendments were also made to the architectural form of the front facades of both dwellings. As previously discussed, it is considered that the overall building design is in keeping with the existing character of the area. The overall bulk and scale of the development is not inconsistent with the general bulk and scale of existing surrounding development.

- Concern was raised regarding potential impacts associated with overshadowing.

*Comment* –Overshadowing of those allotments is not considered to be of such an extent that would deny the occupants of adjoining properties, satisfactory levels of solar access.

- Concern was raised regarding the concept of a multi dwelling (dual occupancy) type development in Glen Alpine and such being contrary to covenants that relate to the land.

*Comment* – Clause 40 of LEP 2002 outlines that, *if any agreement, covenant or other similar instrument prohibits development allowed by this plan, then it will not apply to that development, to the extent necessary to allow that development.* Accordingly, as 'multi dwelling housing' is permissible pursuant to the provisions of Clause 9 of LEP 2002, Council as the Consent Authority, cannot refuse the application on the grounds that a covenant, or the like, prevents that development from taking place.

---

- Concern was raised regarding the loss of views as a result of the proposed development.

*Comment* – The proposal involves the development of a vacant residential allotment. As previously discussed, the overall development gives regard to the landform of the site and its surrounds, and is of a bulk and scale that is not inconsistent with existing surrounding development. Further to this, it is also considered highly likely that where a single home (of similar scale to that of surrounding dwellings) was to be built on this allotment, view lines would also be affected.

Moreover, the overall design has given regard to the topography of the site and its surrounds and will therefore not significantly compromise distant views to the hills/mountains to the west of the subject land. Accordingly, it is considered that the proposal is acceptable in its current form.

- Concern was raised regarding privacy impacts as a result of the proposed development.

*Comment* – It is noted that subsequent to the notification of the application, amended plans were received showing a reduction in the extent of proposed earth works which in turn would reduce any impacts on private open space areas. In addition, first storey windows which face adjoining dwellings are limited to bedroom and bathroom windows. Windows off the main living rooms address either the street or are located at ground level and address the rear of the site.

- Concerns were raised regarding potential traffic issues associated with a multi dwelling development.

*Comment* – The proposed development provides for two (2) dwellings / occupancies on a vacant allotment and it is considered that the local road network is capable of accommodating this proportionally minor increase to traffic levels.

- Concerns were raised regarding the impact of the proposed development on property values in the area.

*Comment* – The perception of negative impacts on property values cannot be substantiated without evidence of such being submitted. Furthermore, the proposed 'multi dwelling housing' is a permissible development, pursuant to the provisions of LEP 2002.

- Concerns were raised regarding the impact of the proposed development on services and infrastructure in the area.

*Comment* – Conditions have been included within the recommendation requiring suitable arrangements being made with the relevant utility and service providers, prior to the issuing of a Construction Certificate.

The proposal was referred to Council's Senior Development Engineer who raised no objections to the proposal.

---

## **Conclusion**

The proposal to construct two dwellings and to subdivide the land into two separate allotments has been considered in accordance with the relevant planning provisions and policies. As noted within this report, the assessment of the application has not identified any significant environmental impacts. The land is suitable for the proposed development. Accordingly, it is recommended that the application be approved subject to conditions.

## **Officer's Recommendation**

That Development Application No. 270/2010/DA-RS, for the construction of two 2-storey dwellings and subdivision into two Torrens title allotments at No. 5 Fernhill Place, Glen Alpine, be approved, subject to the recommended conditions at Attachment 1.

**Committee Note:** Mrs Lu, Mr Pace and Mr Williams addressed the Committee in opposition to the development.

Mr Carbone addressed the Committee in support of the development.

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

That the Officer's Recommendation be adopted.

## **CARRIED**

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

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

## **Council Meeting 24 August 2010 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 156**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Hawker and Thompson.

---

## 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

- a. The development shall be completed in accordance with the approved plans prepared by Algorry Zappia & Associates Pty. Ltd. (referred to below), and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

<b>Drawing No. (Job No. 1500-09)</b>	<b>Date Received by Council</b>
A01 (Issue: D)	23 July 2010
A03 (Issue: D)	23 July 2010
A04 (Issue: C)	23 July 2010
D01 (Issue: A)	6 July 2010

- b. The subdivision shall be completed in accordance with the approved plan prepared by John Lowe Associates Pty. Ltd. (referred to below), and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

<b>Job No.</b>	<b>Date Received by Council</b>
86899	11 February 2010

#### 2. Amended Plans

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

- a. A revised Cut and Fill Management Plan is to be provided, consistent with the layout and level details shown on the approved site plan, and in accordance with the requirements of Section 2.8.1 of the Campbelltown (Sustainable City) Development Control Plan 2009).
- b. Provision of 3,000L rainwater tanks for each dwelling. Water collected in the tank shall be utilised for the irrigation of on-site landscaping
-



- c. The width of both driveways are to be reduced, as to comply with the requirements of Section 3.9.2 (k) of the Campbelltown (Sustainable City) Development Control Plan 2009).

### **3. Building Code of Australia**

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

### **4. Contract of Insurance (residential building work)**

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

This clause does not apply:

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

### **5. Notification of Home Building Act 1989 Requirements**

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

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

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

---

## **6. Landscaping**

- a. The provision and maintenance of landscaping shall be in accordance with the approved plans., 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.
- c. All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and 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. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 6 July 2010. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## **8. Fencing**

- a. No approval is issued for any fencing forward of the building line.
- b. The proposed fencing on / alongside the boundary separating the two (2) proposed lots, is to be sited above the associated retaining wall, with a height of 1.8m (as indicated on the approved plans).
- c. Attention is directed to the provisions of the Dividing Fences Act 1991, in relation to the fencing of the boundaries of the overall site.

## **9. Switchboards/Utilities**

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

## **10. Driveway**

The gradients of driveways and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

---

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

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.

#### **11. 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*.

#### **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. 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*.
-

**14. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, development plans shall be submitted to a *Sydney Water Customer Centre or Quick Check Agent*, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

**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. 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.

**18. 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 the street. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**19. Work on Public Land**

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

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

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

---

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

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

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](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.

### **21. 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.

---

## **22. 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.

## **23. 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.

## **24. 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.

## **25. 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.

---

## **26. 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.

## **27. 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.

## **28. Fencing**

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

## **29. Structural Engineer Details**

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

## **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.

## **30. 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.

## **31. 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.**

---

### **32. 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.

### **33. Ground Levels**

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels adjacent to the rear property boundary be altered.

### **34. Excavation and Backfilling**

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### **35. Fill Compaction Requirements**

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

---



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

**36. 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.

**37. 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.

**38. Public Safety**

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

**39. 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.

**40. Footpath**

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

**41. Residential Driveway and Layback Crossing**

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

---

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

**42. 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.

**43. 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*.

**44. 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".

**45. Servicing of the Site**

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 certificate issued by *Sydney Water* and (where required by the service provider) a Notification of Arrangement issued by *Integral Energy* shall be obtained.

**46. 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.

---

**47. 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.

**48. 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.

**49. BASIX**

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed / installed.

**50. 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.

**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.

**51. Subdivision Certificate**

- a. Prior to Council issuing a subdivision certificate, an occupation certificate is required to be issued for all buildings on the land.
- b. Prior to Council issuing a subdivision certificate, all works, including drainage, landscaping, paving and fencing are to be fully completed to Council's satisfaction.

**52. Restriction on the Use of Land**

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

- a. The maintenance of the retaining wall alongside the common property boundary; and
  - b. No Alterations to surface levels
-

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. Design plans and work as executed plans shall show affected lots marked with Council approved symbols. 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.

### **53. Service Authorities**

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

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

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

### **ADVISORY NOTES**

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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

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

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

**Advice 4. Filling on Site**

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

**Advice 5. Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

**Advice 6. Covenants**

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

**Advice 7. Inspections – Civil Works**

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

- a. EROSION AND SEDIMENT CONTROL –
    - i. Direction/confirmation of required measures.
    - ii. After installation and prior to commencement of earthworks.
    - iii. As necessary until completion of work.
-

- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

**Advice 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. 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 10. Linen Plan Checking Fee**

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

**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](http://www.dialbeforeyoudig.com.au).

---

**Advice 14. Mine Subsidence Compensation Act 1961**

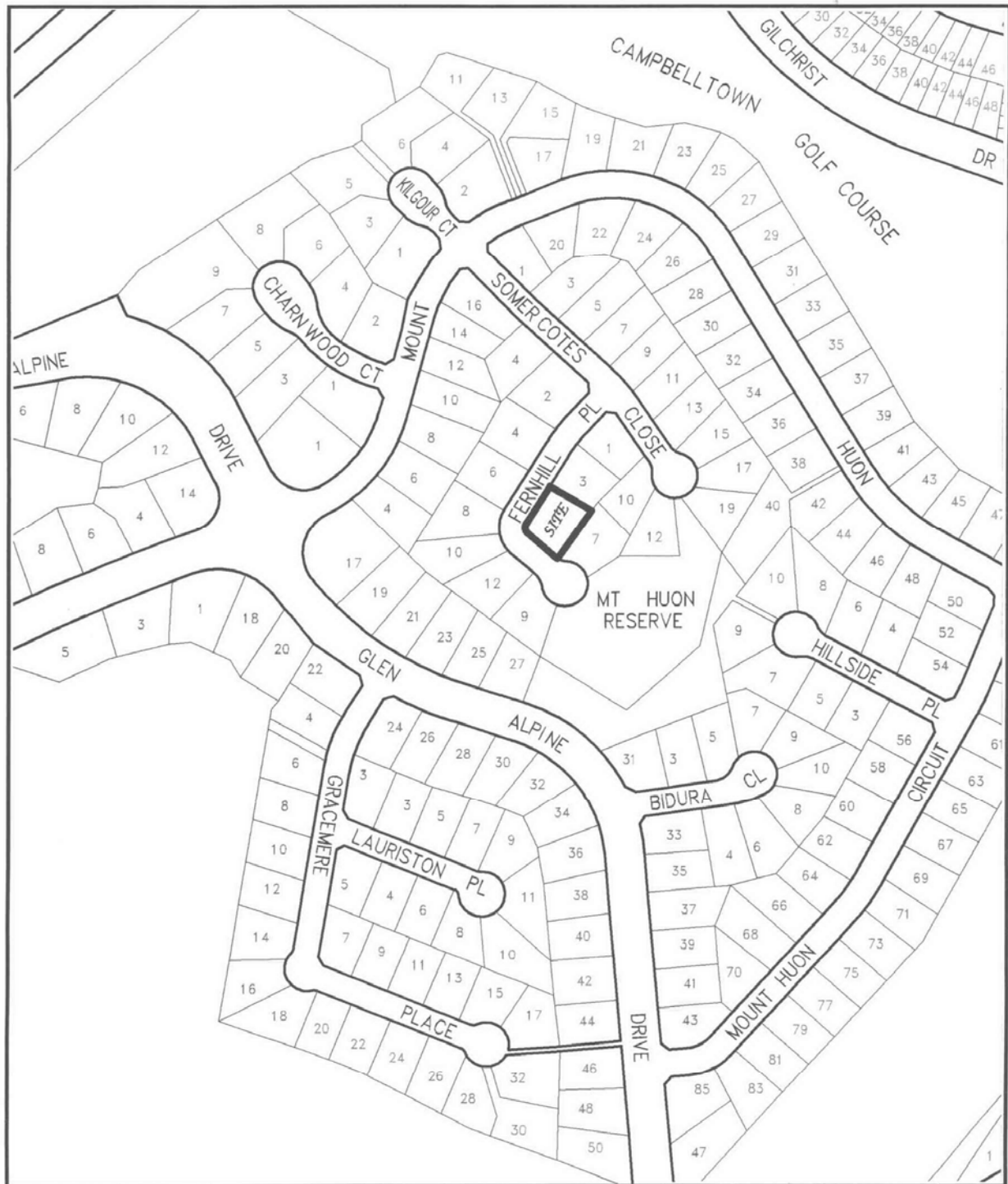
Written approval for the development is to be obtained from the Mine Subsidence Board, under the Mine Subsidence Compensation Act 1961, and a copy provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Any changes required to the design / approved plans as a result of this process, shall require consideration of a modification application (i.e. Section 96) by Council.

**END OF CONDITIONS**

---

## ATTACHMENT 2



### LOCALITY PLAN

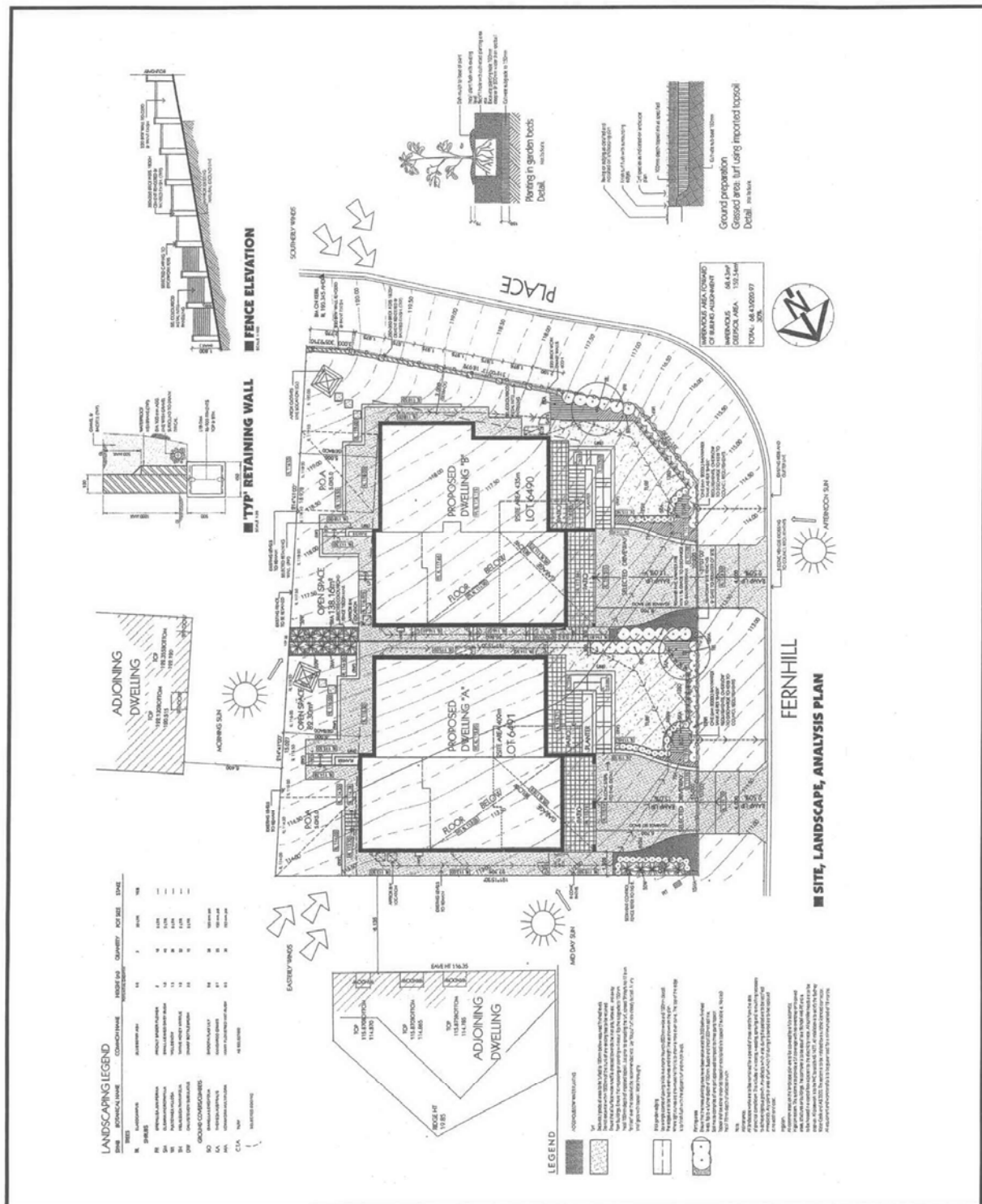


**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.



## ATTACHMENT 3

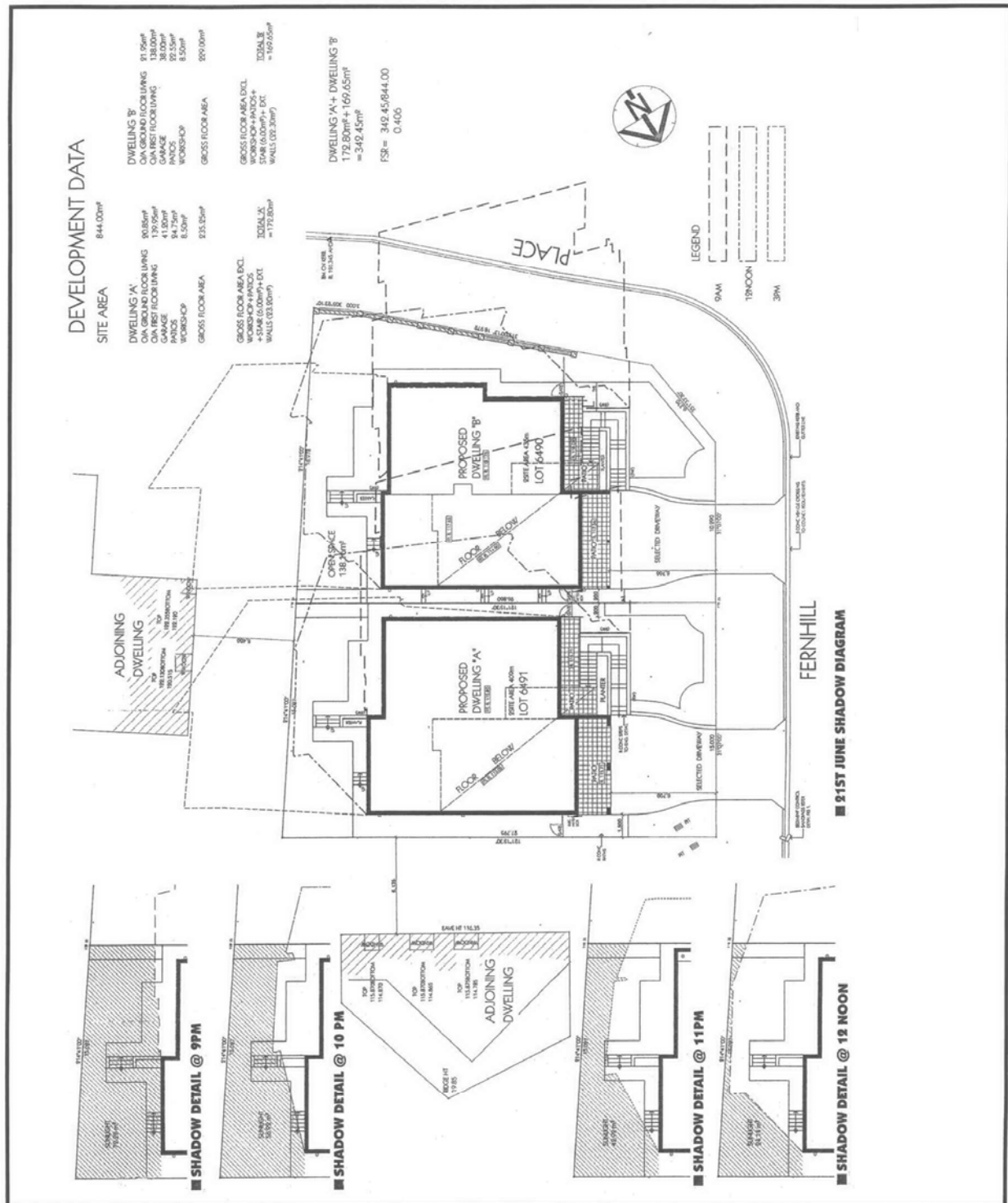


## LANDSCAPE PLAN

**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.

## ATTACHMENT 4

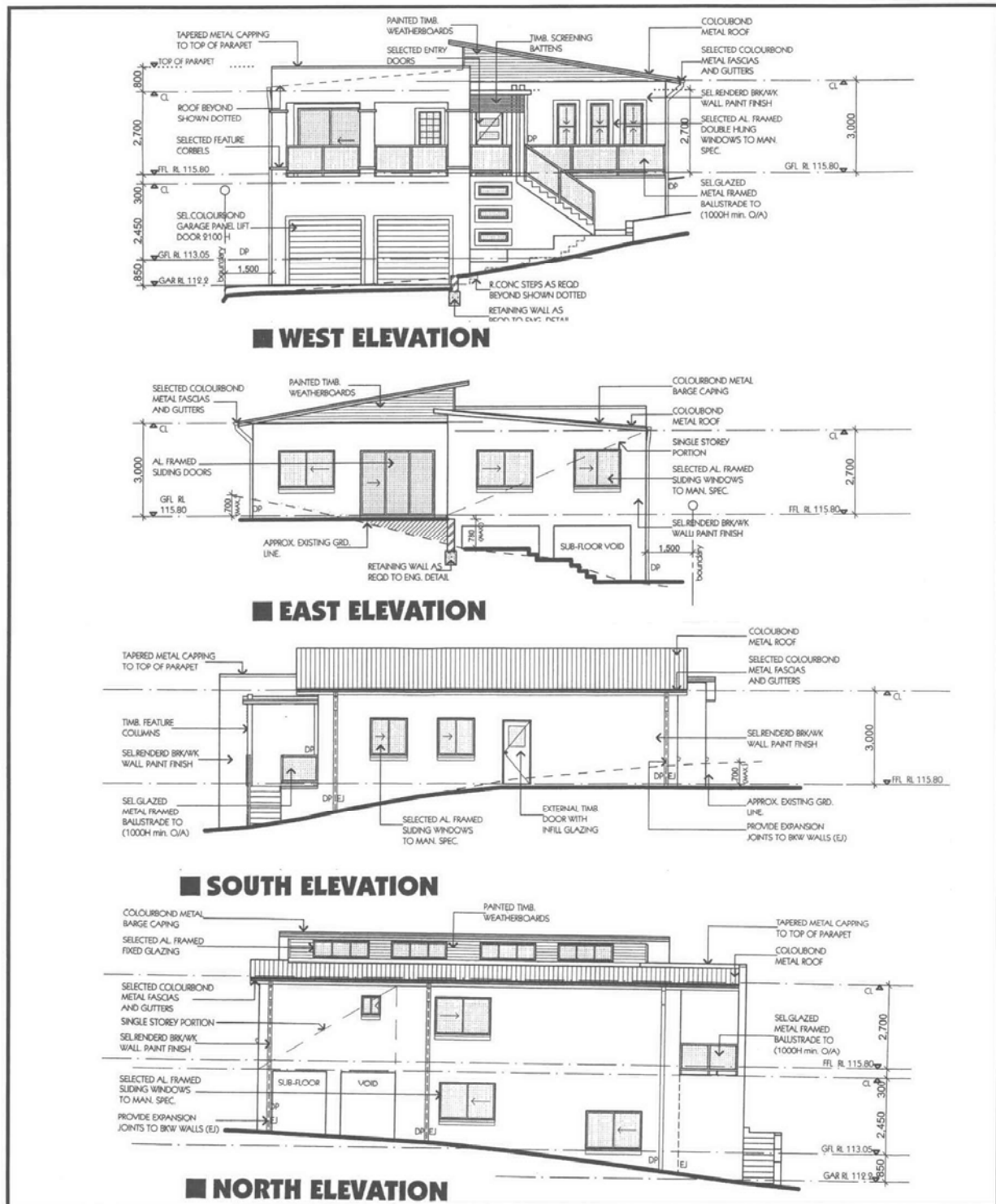


## SHADOW DIAGRAM

**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.

## ATTACHMENT 5

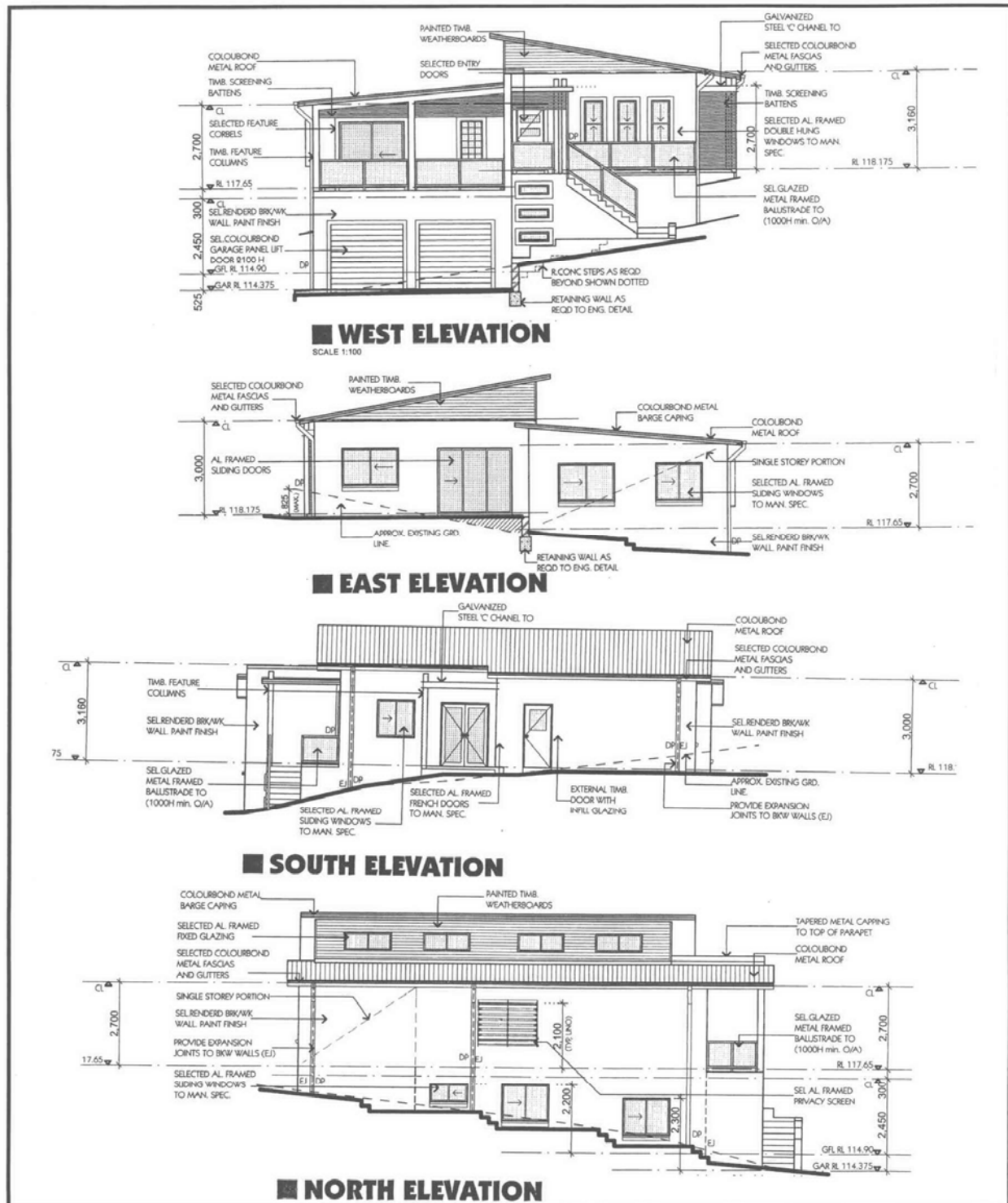


### Dwelling A ELEVATIONS

**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.

## ATTACHMENT 6

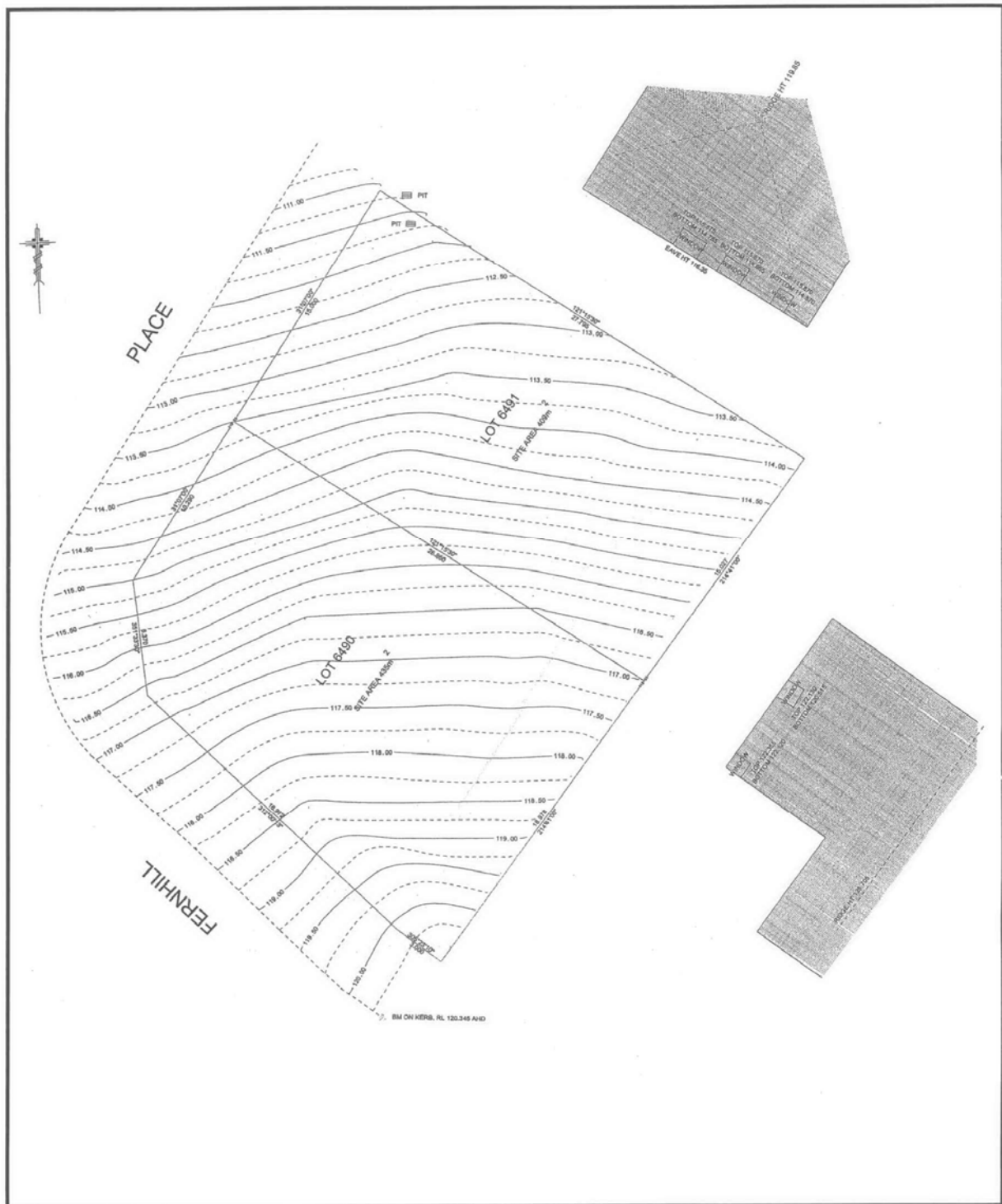


### Dwelling B ELEVATIONS

**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.

## ATTACHMENT 7



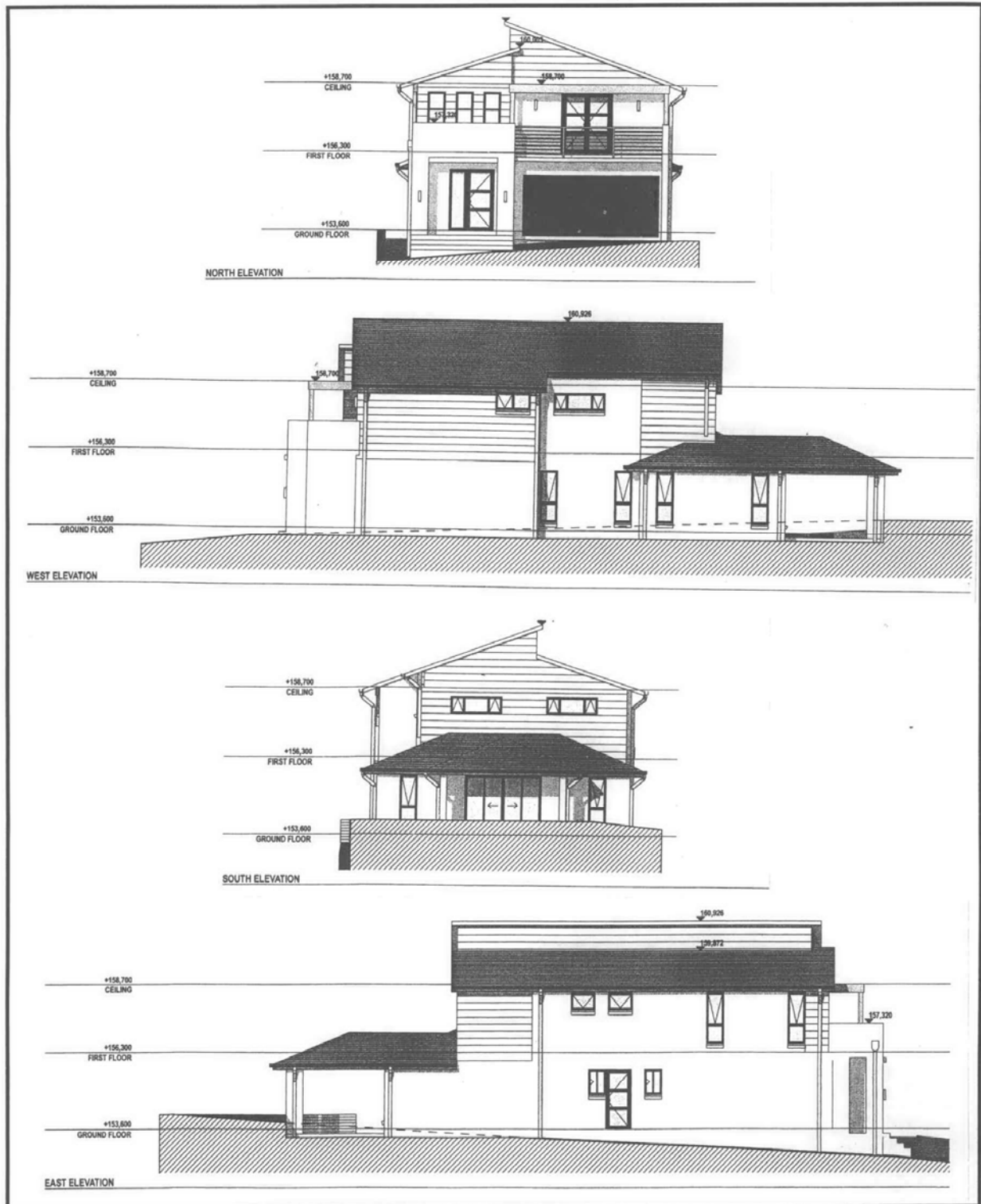
### SUBDIVISION PLAN

**SUBJECT:** CONSTRUCTION OF TWO DWELLINGS AND SUBDIVISION INTO TWO (2) LOTS.

LOT 649 DP 778241 - No. 5 FERNHILL PLACE, GLEN ALPINE.



## ATTACHMENT 6



### U2 ELEVATIONS

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.