



2018

CAMPBELLTOWN CITY COUNCIL

25 July 2018



MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held in Civic Centre, Campbelltown on **Wednesday, 25 July 2018 at 3.00pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

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4.2 Construction of a multi-dwelling housing development comprising four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown

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General Information

Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the panel. Presentations to the panel by the applicant and concerned parties shall be restricted to five minutes each. The panel Chairperson has the discretion to extend the period if considered appropriate.

Members of the public, who have registered to speak at the meeting, will be invited to address the panel by the Chairperson during the meeting.



Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration, advice and determination if the report is for a development application.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council if the report relates to a planning proposal and determination if the report relates to a development application. The panel's recommendations/determinations become public by 4.30 the Friday following the Local Planning Panel meeting.

Information

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development department on 4645 4575 between 8.30am and 4.30pm.

The following reports are referred to the Local Planning Panel Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Planning Proposal - 71 St Andrews Road, Varroville

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Local Planning Panel Referral Criteria

Planning Proposals are to be referred to the Local Planning Panel for advice before it is forwarded to the Minister under section 3.34 of *the Environmental Planning and Assessment Act*.

Executive Summary

- A Planning Proposal request to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to rezone land at 71 St Andrews Road Varroville, from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management.
- A previous Planning Proposal request for the site was rejected by Council in 2016 due to concerns regarding potential impacts on existing bushland and the Scenic Hills. The reduction of the proposed urban footprint and preservation of additional bushland on the land as a potential biobanking site directly responds to the previous concerns raised by Council.
- The current Planning Proposal is considered to have broad level strategic planning merit due to its consistency with the urban-rural interface of the locality and the adjoining East Leppington Growth Centre.
- In accordance with the Local Planning Panels direction for draft planning proposals, advice is sought from the Panel concerning the merits of the proposal.

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on Planning Proposal request (500/2018/E-PP) seeking the amendment of CLEP 2015 to rezone land at 71 St Andrews Road Varroville, from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management.

Purpose

The purpose of this report is to seek advice on a Planning Proposal request to amend Campbelltown Local Environmental Plan 2015 to rezone land at 71 St Andrews Road,

Varroville, from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management, to permit approximately 163 residential lots.

Property Description	71 St Andrew Road Varroville Lot 71 DP 706546
Application No	500/2018/E-PP
Applicant	Gat and Associates P/L
Owner	Mr Dario Petrin and Mrs Angelina Petrin
Provisions	Environmental Planning and Assessment Act 1979 Campbelltown Local Environmental Plan 2015
Date Received	19 February 2018

History

At its meeting on 15 October 2013, Council considered a report in respect of a preliminary planning proposal to rezone the subject site for residential purposes. Council resolved to consider the potential development of the site for rural residential/environmental living allotments, subject to submission of additional information.

On 11 November 2015, GAT and Associates, on behalf of the landowners, lodged and Planning Proposal request that did not align with the Council's previous resolution (outlined above) requesting the rezoning of the majority of the site to R2 Low Density Residential to permit approximately 173 lots, and adopting planning controls broadly consistent with those in the adjoining East Leppington Growth Centre Precinct.

At its meeting on 16 February 2016 Council, resolved to not support the draft Planning Proposal request for reasons relating to:

- Inconsistencies with higher order planning policies
- Inconsistencies with local planning policy and Council's policy position on residential development in the Scenic Hills
- Potential adverse environmental impacts (Cumberland Plain Woodland)

On 3 April 2017, the Sydney South West Planning Panel considered and rejected a request by the applicant for a pre-gateway review, recommending that the proposal should not be submitted for a Gateway Determination for the following reasons:

- Lack of sufficient strategic merit
- Inconsistency with key strategic plans
- Did not demonstrate the protection and conservation of environmentally sensitive land
- Did not adequately consider potential impacts on the Sydney Water Canal.

Councillors were advised of the Sydney South West Planning Panel's decision in the Councillor Weekly Memo dated 2 June 2017.

On 19 September 2017, the proponent presented an amended proposal that retained a greater portion of Cumberland Plain Woodland by reducing the urban footprint. A site inspection was also held on 17 October 2017 and attended by Councillors and senior staff. A revised Planning Proposal request was subsequently lodged with Council on 19 February 2018 and now reported to the Panel for consideration and advice.

Report

This report considers the merit of the Planning Proposal request in relation to previous concerns raised by Council and the potential impacts of the proposal.

Introduction

The subject Planning Proposal request seeks an amendment of the Campbelltown Local Environment Plan 2015 to rezone land at 71 St Andrews Road, Varroville from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management.

The following report provides an overview of the proposal to the Local Planning Panel for advice to assist Council with the decision on whether to recommend the application be forwarded to the Department of Planning and Environment for a Gateway Determination.

The Site

The subject site is known as 71 St Andrews Road, Varroville, and legally described as Lot 71, DP 706546. The land is irregular in shape, has an area of 14 hectares and is zoned E3 Environmental Management under Campbelltown Local Environmental Plan 2015. There is one existing dwelling within the south western part of the site, accessed from St Andrews Road.

The land is bounded by St Andrews Road alignment to the south, the Sydney Water Supply Upper Canal to the east, and new residential subdivisions to north and west forming part of the East Leppington South West Growth Centre.

There is a service infrastructure corridor that runs north-south across the central part of the site, that contains two underground gas pipelines and an overhead high voltage electricity transmission line. Apart from the service infrastructure corridor, the land is vegetated with mature trees (Cumberland Plain Woodland) with a generally cleared understorey.

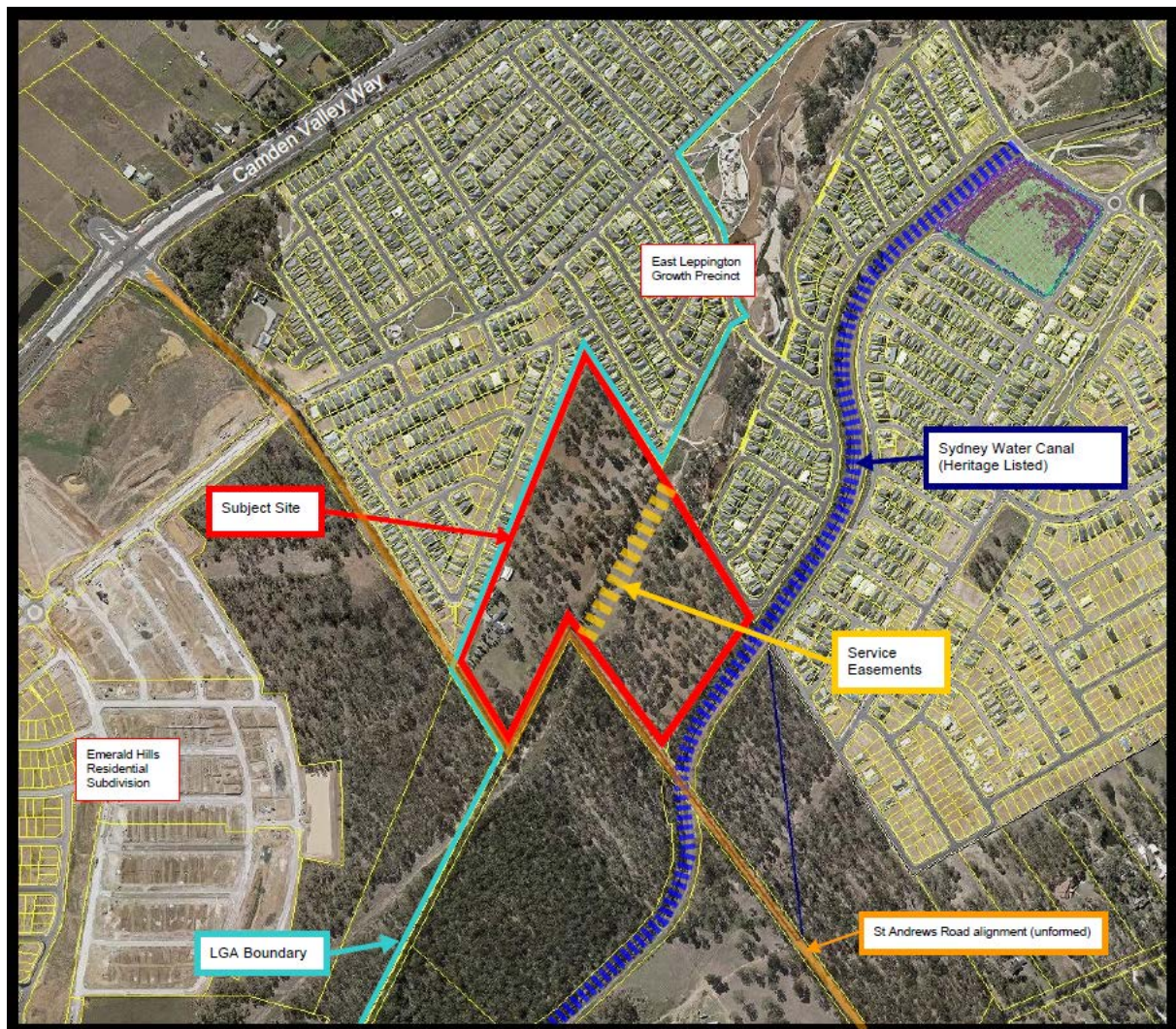


Figure 1: Site Context Plan - 71 St Andrews Road, Varroville

The neighbouring land to the north is being developed as low density residential housing by Stocklands, as part of its Willowdale development within the East Leppington Growth Precinct. This includes a public open space and riparian corridor abutting the northern boundary of the subject land.

The land directly adjoining the subject site to the west (Camden LGA) is zoned R2 Low Density Residential and is being developed for housing by the Cornish Group. Land to the south has been recently subdivided for low density housing as part of the Emerald Hills Residential Subdivision. Accordingly, it is evident that the surrounding landscape has rapidly transitioned in recent years from a rural to an urban setting given residential development associated with the East Leppington Growth Precinct.

The Proposal

The planning proposal seeks to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) in the following manner:

- Rezone the western part of the site (between service easements and western boundary) to R2 Low Density Residential;

- Amend the minimum lot size map for the proposed R2 Low Density Residential zone to 300m²;
- Amend the maximum height of buildings map for the proposed R2 Low Density Residential zone to 9 metres;
- Introduce a minimum dwelling density of 15 dwellings per hectare for the proposed R2 Low Density Residential Zone.

The intended outcome of the planning proposal is to rezone the land for part residential use, to be consistent with recent residential development in the adjoining R2 zoned land within the East Leppington Growth Precinct. The remainder of the site is proposed to remain as E3 Environmental Management Zone, to preserve bushland between the service easements and adjacent Sydney Water Supply Channel.

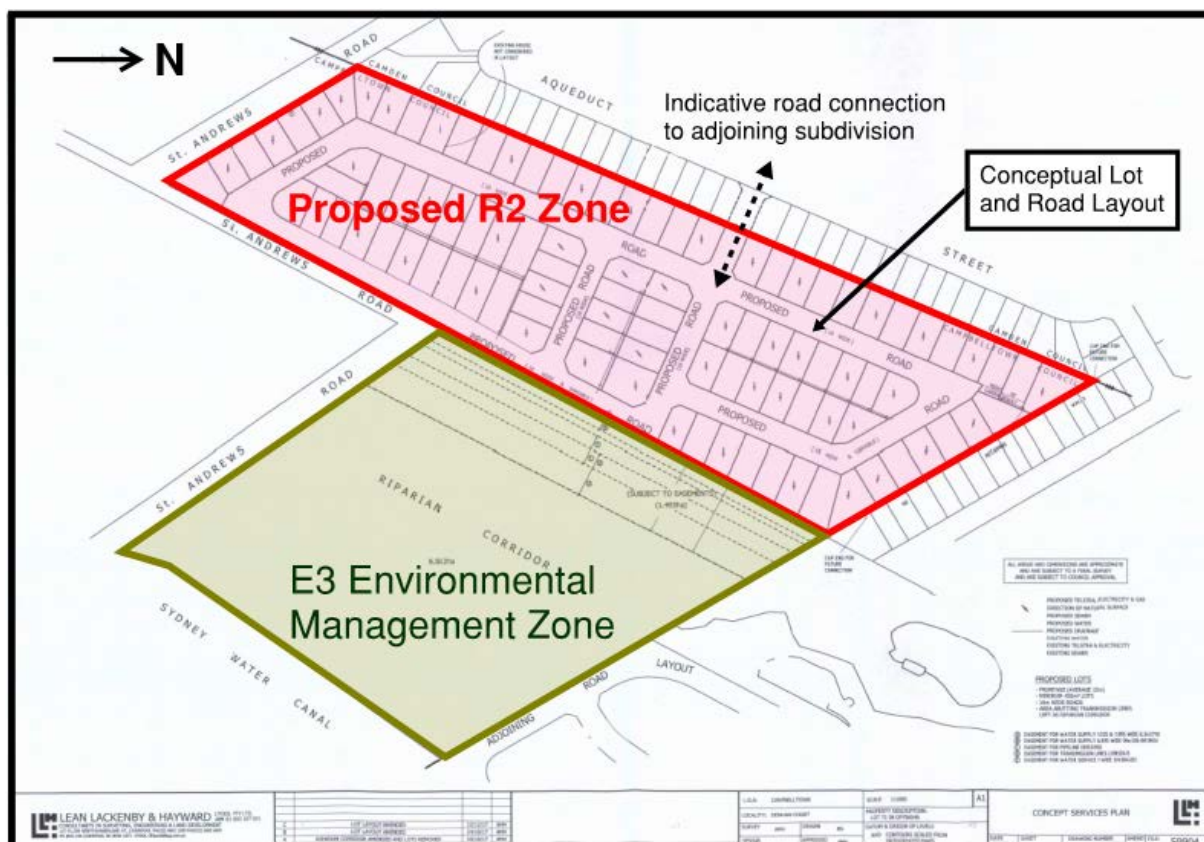


Figure 2: Proposed Zoning and Indicative Subdivision Layout

The zoning and indicative subdivision layout for the proposed R2 zone is shown in Figure 2.

The proposal references a conceptual subdivision layout of 98 lots using a 450m² minimum lot size across the proposed R2 Residential Zone as shown in Figure 2. However, it is noted that a minimum lot size of 300m² would provide opportunity for up to 163 lots.

The indicative road layout proposes a connection to the adjoining residential subdivision to the west of the site. This adjoining subdivision is within the Camden LGA, and was approved and constructed with an anticipated road connection at this point (Figure 2). This road connection is considered the most practical means of vehicular access given that the adjoining St Andrews Road is unformed at this location.

The planning proposal is supported by the following specialist studies:

- Bushfire Report
- Concept Plan of Drainage /Services
- Concept Subdivision Plan
- Contamination Report
- Ecological Report
- Traffic Report

A preliminary assessment of the abovementioned studies has been undertaken as outlined in the following section of this report.

Assessment

The subject proposal has been assessed having regard to concerns raised by Council and the (former) Sydney South West Planning Panel, during the assessment and determination of the previously rejected planning proposal. As detailed above, the main concerns of Council and the Panel related to the potential impact of residential development on existing bushland and the visual qualities of the Scenic Hills.

The main revision to the current proposal is the preservation of additional bushland between the Sydney Water Supply Channel (eastern boundary) and the service easements in the middle of the site. The retention of this area within the E3 Environmental Management Zone, as opposed to the proposed R2 Low Density Residential Zone under the earlier rejected proposal, provides a more sensitive urban-rural interface delineated by surrounding development associated with the East Leppington Growth Centre. In this regard, the proposed R2 Zone now abuts 300m² residential lots to the north and west. The retention of bushland on the eastern portion of the site as a possible biobanking area would enhance the connection with adjoining bushland to the south and east.

The potential impact of the proposal on the Scenic Hills is mitigated due to its location in the landscape which adjoins a natural water course, being a low point in the surrounding topography. For this reason, the site has limited visibility when viewed from the Campbelltown LGA.

For these reasons, it is considered that the proposal provides a more suitable planning outcome that addressed the main concerns previously raised by Council. Accordingly, it is anticipated that a Gateway Determination could be obtained from the Department of Planning and Environment, subject to appropriate conditions. In this respect, it is considered that further investigations and consultation with relevant agencies would be needed in relation to the following matters.

Lot Yield

- The conceptual subdivision plan indicates an indicative lot yield of 98 residential lots. This plan will need to be revised to provide a more accurate indication of the potential yield which is estimated to be in the order of 163 lots should a minimum lot size of 300m² be achieved.

Traffic and Road Connection

- Based on the layout provided with the Planning Proposal request, contributing peak hour traffic from the future residential area is unlikely to warrant any major road or intersection upgrade works to the existing road network.
- The proponent would be required to legally secure the proposed internal road connection to the adjoining subdivision to the north. Should this road connection not be formalised, then an alternative plan to upgrade St Andrews Road for vehicular access would need to be resolved.

Stormwater Management and Riparian Corridor

- The stormwater and drainage in the vicinity of the subject site has been altered as a result of the recent development of adjoining land for residential purposes. It is likely that some filling of the proposed residential area may be required to achieve flood-free lots. In this regard, additional information is required to determine stormwater infrastructure and riparian corridor protection works.
- The applicant will be required to embellish the proposed riparian corridor similar to the adjacent Willowdale residential subdivision to the north. It is possible that the rezoning of this corridor may need to be adjusted to reflect the dual purpose of the riparian zone to serve as a public access corridor. In this respect, the provision of pedestrian links and walkways to the adjoining Willowdale subdivision require further investigation to ensure connectivity with existing recreation areas.

Ecological Issues

- The subject land is occupied by critically endangered Cumberland Plain Woodland that would be impacted by future development in the proposed R2 Low Density Residential Zone. Further ecological assessment would be required to ensure impacts are suitably offset through the NSW Biobanking offsetting scheme. This may potentially result in a conservation agreement to retain the E3 zoned portion of the land as a biobanking site to offset the impacts of the proposed R2 zone.

Open Space/Recreation

- An open space concept plan is required to determine how the riparian area, overhead power easement and active connections would be embellished and funded. Further work may be also required to demonstrate how active links to the adjoining residential subdivisions will be provided.

Bushfire Risk

- Further specialist examination of the bushfire risk would be required to ensure compatibility with the final zoning plan, indicative lot and road layout, and environmental conservation requirements.

Voluntary Planning Agreement

- A Voluntary Planning Agreement would be required to secure the public benefits of the proposal in relation to land dedication, embellishment and contribution towards community facilities and administration costs.

Conclusion

The subject Planning Proposal request seeks to amend Campbelltown Local Environment Plan 2015 to rezone land at 71 St Andrews Road, Varroville from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management, to permit approximately 163 residential lots.

The proposal is considered to have broad level strategic planning merit, given general consistency with the urban-rural interface of the adjoining East Leppington Growth Centre.

The preservation of a greater proportion of bushland on the site as a potential bio-banking site substantially addresses previous concerns regarding impacts on bushland and the surrounding Scenic Hills. Further investigative studies are required to properly inform all aspects of the proposal, including a biobanking agreement to mitigate ecological impacts and a voluntary planning agreement to secure agreed infrastructure outcomes. These issues could feasibly be addressed as conditions of any Gateway Determination issued by the Department of Planning and Environment.

Accordingly, it is requested that the Local Planning Panel provide its advice as to whether the application should be referred by Council for Gateway Determination.

Attachments

1. Planning Proposal Documentation from Applicant - due to size (326 pages) (distributed under separate cover)

Reporting Officer

Executive Manager - Urban Centres

4.2 Construction of a multi-dwelling housing development comprising four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Local Planning Panel Referral Criteria

Member of staff who is principally involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act*.

Executive Summary

- The application was originally presented to the Local Planning Panel for its consideration on 30 May 2018.
- The Panel deferred determination of the application until additional information was provided.
- The additional information sought related to the legal definitions applicable to the housing proposed in the application.
- An independent consultant engaged by Council has prepared a response for the Panel's consideration as contained in attachment 1.

Officer's Recommendation

That the proposed construction of a multi dwelling housing development comprising of four dwellings and subdivision into strata title allotments at 35 Fleming Drive, Campbelltown be approved subject to the attached conditions.

History

At its meeting of 30 May 2018, the Campbelltown Local Planning Panel questioned the applicability of the definition of 'studio apartments' in the assessment of the application and whether the proposed 'studios' should be characterised (and assessed) as another form of housing under the relevant LEP and DCP.

The decision of the Panel requested:

Council's independent planner reconsider the legal definitions applicable to the forms of housing proposed in the application, particularly studio apartments, and that the matter be deferred pending submission of an amended assessment report.

The application was assessed by an independent external consultant, as a member of staff that is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act, has an interest in the land subject of the application.

The additional information sought by the Panel has been provided by an independent external consultant engaged by Council and is found under attachment 1 of this report.

Attachment 2 of this report contains a copy of the original assessment report tabled before the Panel of its meeting of 30 May 2018. This attachment lists, but does not include the range of attachments included in that report.

Report

In response to the question of the LPP regarding the legal definitions surrounding housing types, the additional report provided by the independent external consultant confirms that the proposed development is defined as multi dwelling housing under the provisions of the Campbelltown Local Environmental Plan 2015 (see attachment 1).

Further, the University of Western Sydney Development Control Plan 2008 provides specific controls for residential development types including residential apartments, detached dwellings, small lot housing, studio apartments and garden duplexes.

These controls provide design and numerical guidelines for the type of residential development type proposed and it is established that the proposed development consists of small lot housing and studio apartment dwelling types as a best-fit definition for the style of dwelling.

Conclusion

The LPP deferred the item for the independent external consultant to reconsider the legal definitions applicable to the forms of housing proposed with particular attention made to studio apartments.

The independent external consultant has undertaken additional assessment and provided Council with an addendum to the planning report addressing the Panel's request for additional information.

The finding of the independent consultant is that the best-fit definition for the smaller dwellings that sit above garages is multi dwelling housing with the applicable numerical guidelines being studio apartments in accordance with the DCP.

Attachments

1. Amended Planning Assessment Report (contained within this report)
2. Original report to Panel of 30 May 2018 (attachments excluded) (contained within this report)
3. Recommended conditions of consent (contained within this report)
4. Landscape and Fencing Plan (contained within this report)
5. Materials and Colour Schedule (contained within this report)
6. Site Plan (contained within this report)
7. Strata Plan First Floor (contained within this report)
8. Strata Plan Ground Floor (contained within this report)
9. Streetscape Analysis (contained within this report)

10. Studio East West Elevation (contained within this report)
11. Studio North South Elevation (contained within this report)
12. Terraces East West Elevation (contained within this report)
13. Terrace North South Elevation (contained within this report)
14. Studio Ground Floor and First Floor Plan - confidential for privacy reasons (distributed under separate cover)
15. Terrace First Floor Plan - confidential for privacy reasons (distributed under separate cover)
16. Terraces Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
17. Notification Plan - confidential for privacy reasons (distributed under separate cover)

Reporting Officer

Planning Ingenuity (External Consultant)

AMENDED PLANNING ASSESSMENT REPORT

Construction of a multi-dwelling housing development comprising of four dwellings and subdivision into four strata title allotments

Reporting Officer

Planning Ingenuity for Campbelltown City Council

Report

Property Description	Lot 3129 DP 1201509 35 Fleming Drive CAMPBELLTOWN
Application No	2310/2017/DA-RS
Applicant	Urbanstock
Owner	David William Timmins
Statutory Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown 2025 - Looking Forward University of Western Sydney Development Control Plan 2008
Date Received	24 July 2017

Purpose

This amended planning assessment report is provided in response to a decision of the Campbelltown City Council Local Planning Panel (LPP). A Planning Assessment Report recommending approval of the application was considered by the panel at a meeting on 30/05/18. The decision of the panel was as per below:

The Panel requests Council's independent planner reconsider the legal definitions applicable to the forms of housing proposed in the application, particularly studio apartments, and that the matter be deferred pending submission of an amended assessment report.

The panel considerations and reasons for decision were as follows:

The panel questioned the applicability of the definition of 'studio apartments' in the assessment of the application and whether the proposed 'studios' should be characterised (and assessed) as another form of housing under the relevant LEP/DCP.

The panel considers that an amended report is required to adequately assess the application in light of the above.

This report constitutes the amended assessment report requested by the panel.

Legal Definitions

The subject site is zoned R3 Medium Density Residential under Campbelltown Local Environmental Plan (CLEP) 2015. The following uses are permissible with consent in the R3 zone:

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home occupations; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

The only use which has a definition consistent with the proposed development is 'multi-dwelling housing'. Multi-dwelling housing under CLEP 2015 is defined as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposal provides 4 dwellings within two separate structures, each including two attached dwellings. The development is located on one Torrens lot, being Lot 3129 of DP 1201509. Each dwelling has access at ground level. No dwelling is located above or below another dwelling. Therefore, the proposal is legally defined as a multi-dwelling housing development.

The terms 'studio' or 'studio apartment' are not defined within CLEP 2015.

Development Control Plan

The University of Western Sydney Campbelltown Development Control Plan, dated October 2008, is applicable to the subject site. This site-specific DCP came into effect on 24 February 2009. On 25 April 2018, Campbelltown (Sustainable City) Development Control Plan 2015 Amendment No 5 came into effect. This amendment repealed the residential controls that previously applied within the UWS precinct. However, Campbelltown (Sustainable City) Development Control Plan 2015 section 1.1.9c) states that:

If a development application or an application under Section 96 or 96AA of the Environmental Planning and Assessment Act 1979 to modify a development consent has been made before the effective date of the Plan in relation to land to which this Development Control Plan applies and the said application has not been finally determined before the commencement of this Development Control Plan, the application must be determined as if this Development Control Plan had not commenced.

Since this development application was lodged on 24 July 2017, the University of Western Sydney Campbelltown Development Control Plan applies.

The University of Western Sydney DCP provides specific controls for the following types of residential development:

- Residential apartments

- Detached dwellings
- Small lot housing
- Studio apartments
- Garden duplexes

These types of residential development are defined within the DCP as follows:

Residential Apartment Building means a building that comprises:

- a) three (3) or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level; and
- b) four (4) or more self-contained dwellings.

Detached Dwelling means a dwelling house on a separate allotment of land that is not attached to another dwelling.

Small lot housing means a dwelling in a lot with an area of less than 400m².

Studio Apartment means a self-contained dwelling constructed above a double garage fronting a secondary street frontage or car court.

Garden Duplex means a dwelling consisting of a ground and an upper level single storey dwelling. Garden duplexes may form part of a group of dwellings or be detached.

The proposed dwellings cannot be defined as residential apartment buildings, detached dwellings, or garden duplexes. This leaves small lot housing and studio apartment as the only definitions that are applicable to the development proposed.

The larger of the two structures proposed on site constitutes two attached dwellings. Terrace A provides 3 bedrooms on a site area of 177.16m². Terrace B provides 2 bedrooms on a site area of 167.12m². The best definition for this style of dwelling is small lot housing.

The smaller of the two structures constitutes two attached dwellings above two separate single garages. The ground floor of each dwelling consists of a garage, sunroom and laundry, while the upper floor consists of an open-plan kitchen, living and dining area and an adjacent bedroom. Each dwelling is self-contained, is constructed above a garage, and fronts a secondary street frontage. The best definition for this style of dwelling is therefore studio apartment.

Conclusion

This report has outlined which legal definition is applicable to the proposed development, demonstrated that the University of Western Sydney Campbelltown Development Control Plan applies, and outlined which definition and set of controls within this DCP is best applied to the proposed development.



4.4 Construction of a multi-dwelling housing development comprising of four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Referral Criteria

- Member of staff who is principally involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act*.

Executive Summary

- The application proposes the construction of four dwellings and strata subdivision into four lots.
- The development comprises two small lot houses and two studios with four garages.
- The proposal generally complies with the Campbelltown Local Environmental Plan 2015 and is generally in accordance with Campbelltown (Sustainable City) Development Control Plan 2015, Part 5 Volume 2 The University of Western Sydney Development Control Plan.
- The application was notified to adjoining and nearby land owners. Council received one submission that is addressed in this report.
- The assessment of the application was outsourced to an external independent town planning consultant.
- The independent town planning consultant recommends the panel approve the application subject to the recommended conditions of consent in attachment 1.

Officer's Recommendation

That the proposed construction of a multi dwelling housing development comprising of four dwellings and subdivision into four strata title allotments at 35 Fleming Drive, Campbelltown be approved subject to the attached conditions.

Purpose

To assist the consent authority in its determination of the subject application in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

Council received a development application proposing construction of four dwellings and subdivision into four strata allotments at 35 Fleming Drive, Campbelltown. This report

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documents the assessment of the development application in accordance with *Section 4.15 of the Environmental Planning and Assessment Act 1979*.

Property Description	Lot 3129 DP 1201509 35 Fleming Drive Campbelltown
Application No	2310/2017/DA-RS
Applicant	Urbanstock
Owner	D Timmins
Statutory Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown 2027 Community Strategic Plan University of Western Sydney Development Control Plan 2008
Date Received	24 July 2017

Report

1. Vision and Proposal

1.1 Campbelltown 2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan for the city of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next ten years:

- outcome 1: A vibrant. Liveable city
- outcome 2: A respected and protected natural environment
- outcome 3: A thriving, attractive city
- outcome 4: A successful city

The key outcome relevant to the proposed development is Outcome 3: A thriving, attractive city.

The strategic directions relevant to this application are as follows:

- support the resilience, growth and diversity of the local economy
- enable a range of housing choices to support different lifestyles
- ensure that service provision supports the community to achieve and meets their needs

The application is consistent with the above strategies as the proposal would support the growth and diversity of the local economy and provide a service that supports to the needs of the community.

1.2 The Site

The subject site comprises one lot, legally described as Lot 3129 DP 1201509 with a total area of approximately 532m².

The site is irregular in shape, and lies on the corner of Fleming Drive and Ehrlich Street.

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The site has a gradual fall of approximately 2 metres from north to south west.

The site is a vacant residential allotment and is cleared of vegetation.

The subject site is located in the immediate vicinity of the Western Sydney University (WSU) within the residential estate identified as Macarthur Heights.

An aerial photo is provided and marked Figure 1.

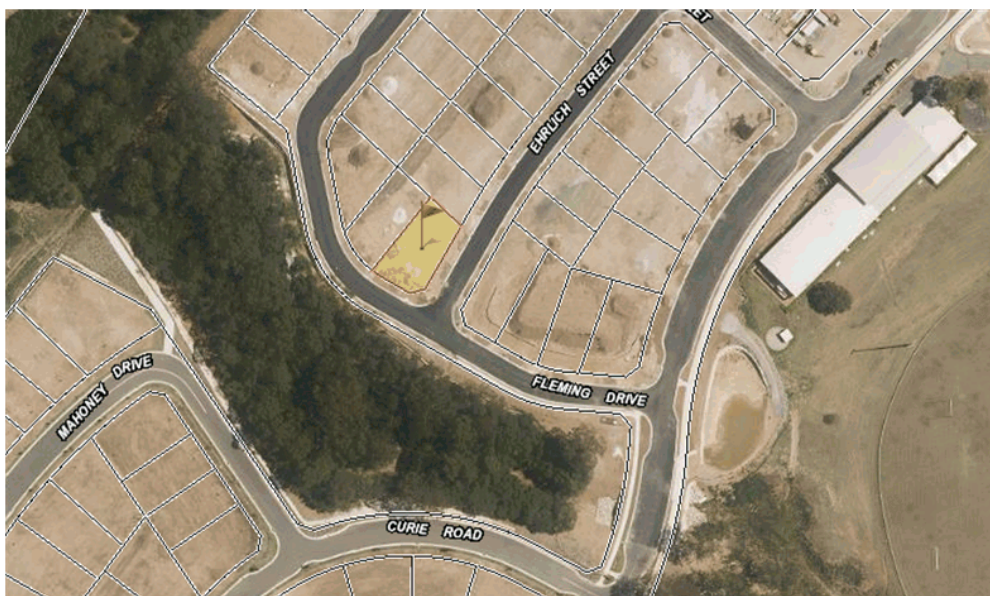


Figure 1: Aerial Photo with subject site highlighted yellow

1.3 Proposal

The development application proposes the construction of a multi-dwelling housing development comprising four dwellings. Two dwellings are proposed as attached dwellings, while two studios are proposed as a separate attached dwelling format above garages.

The proposal specifically includes the following elements:

Terrace A – Proposed Attached Dwelling

- single garage
- kitchen
- living/Dining room
- study
- laundry
- master bedroom with walk in robe and ensuite
- two bedrooms
- bathroom.

Terrace B – Proposed Attached Dwelling

- single garage
- kitchen
- dining room
- living room
- laundry
- second living room
- master bedroom with ensuite
- bedroom
- bathroom.

Studio A – Proposed Attached Studio

- single garage
- sunroom
- bathroom
- laundry
- bedroom with ensuite
- combined kitchen, living and dining room.

Studio B – Proposed Attached Studio

- single garage
- sunroom
- bathroom
- laundry
- bedroom with ensuite
- combined kitchen, living and dining room.

The proposal also involves subdivision of the site into four strata allotments, comprising of the following areas:

- PT1 (Terrace A): 247.8m²
- PT2 (Terrace B): 237.62m²
- PT3 (Studio A): 119.43m²
- PT4 (Studio B): 149.52m²

2. Planning Provisions**2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

BASIX Certificates (Nos. 841527S_02, 841957S_02, 843508S_02 and 843512S_02) have been submitted with the development application and the relevant commitments made on the architectural plans. It is considered the proposed development is acceptable under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

2.2 Campbelltown Local Environmental Plan 2015**Zoning**

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The subject site is zoned R3 Medium Density Residential under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development is defined as multi-dwelling housing and is permissible with development consent.

The proposal is consistent with several zone objectives, particularly the following:

- to provide for the housing needs of the community within a medium density residential environment
- to provide a variety of housing types within a medium density residential environment
- to provide for a wide range of housing choices in close proximity to commercial centres, transport hubs and routes.

The proposed development is consistent with the objectives of the R3 Medium Density Residential Zone as prescribed in CLEP 2015 and provides medium density residential development which is compatible with the anticipated character of the surrounding area. The site is considered to be acceptable and appropriate for the development proposed.

Maximum Dwelling Density

Clause 4.1A(3) of CLEP 2015 states that despite minimum lot size requirements, the total number of dwellings that may be created by the development of land specified in column 1 of the table to this clause must not exceed the number specified in column 2 of the table.

The site is identified in column 1 as being in area 3 on the restricted dwelling yield map, being land at the Western Sydney University. The dwelling density specified in column 2 is 850.

The proposed development will not cause the area to exceed 850 dwellings, and is therefore compliant.

Height of Buildings

Clause 4.3 of CLEP 2015 provides objectives to nominate a range of building heights that will provide a transition in built form and land use intensity across changes in land use zones.

Under this clause, the subject site is prescribed a maximum building height of 9 metres.

The proposed attached dwellings have a maximum building height of 8.66m. The proposed attached studios have a maximum height of 8.134m. Therefore the proposal complies with development standard for maximum height of buildings.

Floor Space Ratio

Clause 4.4 of CLEP 2015 applies objectives and development standards to limit the bulk and scale of future development.

Under this clause, the subject site is prescribed a maximum floor space ratio of 0.75:1.

The total floor space ratio for the development is 0.65:1, which complies with the LEP.

2.3 The University of Western Sydney Development Control Plan (DCP)

Item 4.4

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Local Planning Panel Meeting

30/05/2018

Campbelltown Development Control Plan – The University of Western Sydney was prepared in accordance with Section 72 of the *Environmental Planning and Assessment Act 1979* (the Act) and Clause Nos 16-24 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

The University of Western Sydney DCP came into effect on 24 February 2009 and has now been incorporated as Part 5, Volume 2 of Campbelltown (Sustainable City) DCP.

The DCP applies to all land contained within the Western Sydney University area and relates to all applications lodged for the purpose of obtaining development consent.

Notably, as a result of a recent amendment to the Campbelltown (Sustainable City) DCP 2015 (the SCDCP), The University of Western Sydney DCP no longer applies to Macarthur Heights Precinct, and instead Part 3 Low and Medium Density Residential Development and Ancillary Structures of the SCDCP applies. The amendment to the SCDCP was publicly exhibited between 17 January and 16 February 2018, adopted by Council on 10 April 2018 and came into effect on 25 April 2018.

The primary reason for the removal of the application of the University of Western Sydney DCP to Macarthur Heights Estate is its non-compatibility with the CLEP 2015 in terms of its terminology and development standards.

However, this application was received by Council on 24 July 2017, which was prior to the public exhibition of the above mentioned amendment, and as such it is fair that it be assessed against the University of Western Sydney DCP and not the SCDCP.

The table below contains a checklist comparing the proposal against the relevant sections of the DCP.

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
Part 4.3 Building Form and Streetscape Character			
4.3.1 Design Requirements	Since the site is in a recently subdivided parcel of land, there is no established built streetscape. The proposal generally complies with all DCP controls and is considered to be consistent with development to be anticipated in the R3 zone and the locality	Building design (including façade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the adjoining streetscape	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.3.2 Design Requirements	The proposal provides visual interest and building articulation to the street including stepping, colours and materials, balconies and porches	Articulate building frontages facing the street to add visual interest. Use of stepping, material combinations, verandahs, porches and balconies, canopies and blade walls is encouraged	Yes
4.3.3 Design Requirements	Proposed development addresses both Fleming Drive and Ehrlich Street	Development on corner sites shall incorporate facade treatments that address both street frontages and achieve articulation in the building design	Yes
4.3.4 Design Requirements	The proposal adequately addresses the natural landform of the site	The built form shall relate to the natural landform and setting, particularly when viewed from a public place, building entrance ways and recognised vantage points outside the immediate locality	Yes
4.3.5 Design Requirements	The proposal is able to provide a diverse mix of housing on the subject land, while also resulting in acceptable degree of cut and fill	A site's natural slope should be used to create visual interest and generate innovative housing forms while minimising cut and fill consistent with the requirements of Section 2.9	Yes
4.3.6 Design Requirements	The proposal provides contemporary architectural character and materiality	All dwellings, mixed use buildings and RABs shall be designed with a contemporary architectural character	Yes
4.3.7 Design Requirements	N/A – No outbuildings or ancillary structures proposed	Outbuildings and ancillary structures shall be located to the rear of the site	Yes
4.3.8 Design Requirements	Roof pitches are 22.5 degrees	The maximum slope of a pitched roof shall be 36 degrees	Yes
4.3.9 Design Requirements	Eaves are 450mm on the side of each dwelling	Eaves are mandatory on pitched and sloping roofs and are to extend 450mm from the side of the dwelling except for zero lot line and parapet walls	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.3.10 Design Requirements	None proposed	Parapet, skillion and vaulted roof forms may be incorporated to create variety in architectural style	N/A
4.3.11 Design Requirements	No blank walls are proposed facing the street. There are no continuous wall lengths greater than 10 metres proposed	No blank walls shall be presented to any street frontage. Any continuous wall of more than one storey in height shall be no more than 10m in length on a street frontage and 14m on any other side. Walls over the maximum length shall have a minimum offset of 500mm for the remainder of that wall. This does not apply to party walls between attached dwellings	Yes
4.3.12 Design Requirements	Shadow diagrams indicate the majority of shadow impact falls on the adjoining streets and will not impact neighbouring residential lots	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	Yes
4.3.13 Design Requirements	Terrace A study overlooks the street, Terrace B kitchen and dining room overlook the street, Studios A and B Living and dining rooms and first floor balconies overlook street	All dwellings shall have at least one habitable room with sufficient openings for public surveillance at ground level addressing the primary street frontage	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.3.14 Design Requirements	The proposed dwellings provide appropriate external building materials expected to be typical of the locality. Materials largely comprise masonry walls and lightweight, durable materials	When determining appropriate external building materials for residential development, the following guidelines shall be observed: (i) External wall materials shall be predominantly masonry and finished in either face brickwork, coloured/painted render or coloured bagging; (ii) Lightweight materials can be utilised to provide variety in textures or profiles on dwelling facades (e.g. timber, feature fibre cement sheeting or pre-finished metal sheeting) or if required due to geotechnical constraints; (iii) No galvanised iron or plain cement sheeting shall be utilised on external walls; (iv) Low profile concrete, terracotta or slate roof tiles or pre-finished and pre-coloured corrugated metal roofing shall be utilised	Yes
4.3.15 Design Requirements	Colour schedule provided identifies a range of earthy tones suitable for the development.	The colour palette to be used in all dwellings shall consist largely of neutral, natural tones. Feature colours may be utilised for selected elements to create interest and highlights	Yes
4.3.16 Design Requirements	Schedule of external building colours, materials and finishes has been submitted and is satisfactory	A detailed schedule of the proposed external finishes, materials and colours shall be submitted for Council's approval as part of the development application	Yes
4.4 Small Lot Housing			
4.4.4.1 Design Requirements	The proposal is able to generally satisfy the requirements outlined in Table 4.4	Small lot housing shall comply with the requirements set out in Table 4.4 below	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.4.4.2 Design Requirements	One out of two terraces, and both studios, have access from Ehrlich Street which is the secondary street frontage	Terrace housing is encouraged to have garages accessible from a car court, rear or secondary street frontage	Yes
4.4.4 Table 4.4 Minimum Allotment Size	Terrace A 247.8m ² Terrace B 237.62m ²	200m ² (terrace house) 250m ² (zero lot) 350m ² (small detached)	Yes
4.4.4 Table 4.4 Minimum Allotment Width	Average allotment width 9.32m	6.5m (terrace house) 10m (zero lot) 12.5m (small detached)	Yes
4.4.4 Table 4.4 Maximum Average Allotment Width = Zero Lots Only	N/A	15m	Yes
4.4.4 Table 4.4 Minimum Lot Depth	Terrace A: 18.2m Terrace B: 17.1m	Minimum Lot Depth 20m	No – see discussion of variation below
4.4.4 Table 4.4 Private Open Space (POS)	Terrace A provides 38m ² POS Terrace B provides 37.92m ² POS	20 per cent excluding driveways	Yes
4.4.4 Table 4.4 Minimum Width of POS	POS provided has minimum width of 2m	2m – directly accessible from living areas	Yes
4.4.4 Table 4.4 Minimum dimensions of Principal POS	All proposed dwellings provide a usable area of POS	4m X 4m	Yes
4.4.4 Table 4.4 Maximum Building Site Coverage	46.7 per cent site coverage	65 per cent	Yes
4.4.4 Table 4.4 Setbacks Minimum	Development provides the following minimum setbacks: 3.5m front setback 1m side setback 13.26-17.32m ground and upper rear setbacks 2m secondary street frontage setback	3.5m front setback 1m side setback 4m rear setback 8m rear setback (upper level) Zero side and rear (garage) 2m secondary street frontage 2m Lightweight projections	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.4.4 Table 4.4 Maximum Number of Storeys	All units proposed are two storeys	2	Yes
4.4.4 Table 4.4 Maximum Building Length of Any Second Storey Wall Component	No walls on the second storey are greater than 14m in length	14m	Yes
4.4.4 Table 4.4 Maximum Height of Dwelling	5.7m to uppermost ceiling, 8.66m to ridgeline	7.2m – to uppermost ceiling 10m – to ridgeline	Yes
4.4.4 Table 4.4 Car Parking Spaces	Each dwelling provides a garage, Terrace A provides an uncovered space on the driveway	2 spaces with at least one covered for 3x bedrooms, 1 covered space for 2x bedroom	Yes
4.4.4 Table 4.4 Minimum Garage Dimensions Internal	All garages within the proposal provide dimensions of 3m x 5.5m. Uncovered space provides 2.5 x 5.2m	3m x 5.5m	Yes
4.4.4 Table 4.4 Maximum Garage Door Width	Garage doors are not more than 50 per cent of the dwelling widths	Not more than 50 per cent of the dwelling width	Yes
4.5 Studio Apartments			
4.4.5 Table 4.5 Minimum Frontage Width	N/A for strata subdivided studio apartments	6.5m for attached dwellings (9m for corner lot)	N/A
4.4.5 Table 4.5 Minimum Average Allotment Width (measured at primary building line)	N/A for strata subdivided studio apartments	5m	N/A
4.4.5 Table 4.5 Minimum Lot Depth	N/A for strata subdivided studio apartments	25m	N/A
4.4.5 Table 4.5 Private Open Space (POS)	Studio A: 10.0m ² Studio B: 11.34m ²	10m ² (studio – minimum balcony width 2m) 16m ² (duplex)	Yes
4.4.5 Table 4.5 Minimum Width of POS	2.2m	2m for studios	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.4.5 Table 4.5 Setbacks (Min/m)	19-20.62m front setback 2.2m minimum side setback	4.0m front building façade 2.0m front articulation zone 1.0m side setback 4m rear ground level setback 8m upper level rear setback (duplex only) 2m secondary street frontage	Yes
4.4.5 Table 4.5 Maximum No. of Storeys	2	2 (excludes attic)	Yes
4.4.5 Table 4.5 Maximum Building Length of any Second Storey Wall Component	10.558m	14m	Yes
4.4.5 Table 4.5 Max Height of Dwelling	5.99m to uppermost ceiling, 8.134m to ridgeline	7.2m to uppermost ceiling 10m to ridgeline	Yes
4.4.5 Table 4.5 Car Parking Spaces	Single garage per studio	2 bedroom or less: 1 covered space	Yes
4.4.5 Table 4.5 Garage Minimum Internal Dimension	3.1 x 5.5m	Enclosed single garage: 3.0 x 5.5m	Yes
4.4.5 Table 4.5 Max Carport and Garage Door Width	55 per cent	Not more than 50 per cent of the dwelling width	No
4.6 Landscaping (Private)			

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.5.1 Design Requirements	A landscape plan has been submitted with the development application which demonstrates the areas to be planted and the typical structure of plant selection. No garbage storage area, clothes drying area or water storage tank indicated on landscape plan. These are proposed as exempt development	A detailed landscape plan is required for all development applications for residential apartment buildings, mixed use development and small lot housing. This plan shall be prepared by a suitably qualified professional and show the extent and type of materials and finishes, garbage storage area and access, clothes drying area, water storage tank, built elements including fencing and retaining walls, existing trees to be retained or removed, noxious weeds removed, planting layout, species (botanical and common names), numbers, installation size	Yes
4.5.2 Design Requirements	Landscaping incorporates species identified in Fencing and Landscape Guidelines prepared by Landcom for Macarthur Heights	Landscaping shall incorporate the plant species identified in the species list attached in appendix 2	Yes
4.5.3 Design Requirements	The site is vacant. No tree removal is proposed	Existing vegetation shall be retained where possible however all noxious weeds shall be removed. A report shall be provided with the development application detailing tree protection during construction prepared by a suitably qualified professional	Yes
4.5.4 Design Requirements	Screen planting has been adopted to enhance privacy between proposed dwellings. Boundary fencing provides privacy to adjoining sites	Screen planting shall be used to enhance privacy between dwellings and to assist in climate control	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.5.5 Design Requirements	Landscape plan does not indicate bin storage, rainwater tanks, hot water units or A/C	Landscape designs shall have regard for direct and easy access to, and appropriate screening of, bin storage areas, rainwater tanks, hot water units and air conditioning units associated with the dwelling	Can comply. Conditions are recommended for additional information to be indicated on the plans submitted with the construction certificate
4.5.5 Design Requirements	A range of landscape treatments will be adopted and utilised including trees, lawns and verandahs	A variety of landscape treatments shall be incorporated in the front setbacks of dwellings such as lawns, paved areas, mass planting beds and shade trees	Yes
4.7 Private Open Space			
4.7.1 Design Requirements	Private open spaces for each dwelling are of a usable size, clearly defined, and are accessible from internal living area. Adequate solar access can be provided to all POS areas	Private open space must be: (i) clearly defined for the private use of occupants. (ii) a useable size and dimension, (iii) a suitable slope. (iv) directly accessible from a living area, and (v) capable of receiving sufficient sunlight	Yes
4.7.2 Design Requirements	All POS is located beyond the street-front setback, except for Terrace B. However, this POS is provided with adequate privacy through fencing and landscaping	Private open space must be located beyond the street-front setback where orientation permits	Yes
4.7.3 Design Requirements	For Terrace B, 19.22m ² of POS (58 per cent) provided outside required 2m setback	On corner lots a minimum of 50 per cent of the required private open space is to be located outside of the street-front setback where orientation permits	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.7.4 Design Requirements	The proposal has located private open space in suitable areas of the site and has considered adjoining land uses	The location of private open space should not adversely affect the privacy of adjoining and nearby properties (Refer to Section 4.8)	Yes
4.8 Privacy			
4.8.1 Design Requirements	Proposed balconies are oriented to the street, and create no privacy issues Rooms of Studio bedrooms face the neighbouring residential allotment to the north east and will likely be within 6m of the façade of a future dwelling on the neighbouring site. However, a single storey dwelling is approved on the lot to the north. Proposed studio windows would therefore face the roof, and create no privacy issues	No window of an upper level 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. Notwithstanding, any window of a habitable room located on an upper level will be considered only where it: (i) is offset to limit views between windows; or (ii) has a sill height 1.5m above the floor level; or (iii) is splayed to avoid direct views between windows; or (iv) has fixed translucent glazing in any part of the window within 1.5m of the floor level	Yes
4.8.2 Design Requirements	Balconies oriented to street, therefore no screening required	Screening of balconies and principal private open space areas of neighbouring properties will be required from upper level windows/balconies	Yes
4.9 Fencing and Retaining Walls			
4.9.1 Design Requirements	Fencing and retaining wall details are submitted within the landscape plan and are considered satisfactory	All fencing and retaining wall details must be submitted to Council for approval as part of any new development application	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.9.2 Design Requirements	1.8m hardwood timber proposed to side and rear street boundaries. The secondary street frontage fencing adjacent to the POS of Terrace B is proposed as 1.26m high face brick, and 540mm high operable louvres above, with a total fence height of 1.8m	All front fencing, secondary street fencing and fencing adjoining common boundaries with public open space areas must be constructed in accordance with the relevant Fencing Strategy for that development stage	Yes
4.9.3 Design Requirements	N/A – Front fencing not proposed to Fleming Drive frontage	Front fencing (i.e. located forward of the front building line including those on corner lots) shall be provided for small lot housing and residential flat buildings and be between 700mm and 1200mm in height and in accordance with the Fencing Strategy for that development stage	Yes
4.9.4 Design Requirements	No primary street fencing forward of building line	Side fences forward of the building line shall comply with the requirements for front fences in height and design	Yes
4.9.5 Design Requirements	1.8m hardwood timber fencing proposed	Fencing to all side and rear property boundaries (i.e. to those property boundaries that are not publicly visible) shall be provided. Such fencing shall have a maximum height of 1.8m and shall consist of lapped and capped hardwood timber. Metal sheeting, open mesh steel fencing and the like are not permitted	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.9.6 Design Requirements	N/A	A separate fencing strategy may be adopted for allotments in excess of 2000m ² which may not comply with the requirements contained herein but rather may adopt a more rural fencing approach	N/A
4.9.7 Design Requirements	Terrace B fence encloses private open space. Fence is 1.8m high and less than 35 per cent of length of secondary street boundary	On corner lots fencing to any secondary street frontage shall comply with the requirements listed above for front fencing. However, where such fencing encloses the rear private open space area, the maximum height of the fencing may be increased to 1.8m for no more than 50 per cent of the length of the long frontage boundary	Yes
4.9.8 Design Requirements	Fencing will not obstruct existing services and rights of way	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage services (including overland flow paths) or any easements or rights of way	Yes
4.9.9 Design Requirements	Letter boxes to be installed as exempt development	Small lot housing shall incorporate a private letter box to be incorporated within one of the masonry front fencing elements.	Can comply See recommended conditions
4.9.10 Design Requirements	No retaining walls proposed since site is relatively flat	All retaining walls proposed on site must be simultaneously approved as part of any dwelling development application	Yes
4.9.11 Design Requirements	No retaining walls directly face the street	Any retaining wall that is proposed within a publicly visible location (e.g. Front and side forward of the building line building setback area) must be constructed of masonry materials (i.e. no timber products) that respond to the streetscape and/or materials to be utilised within the construction of the dwelling	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.9.12 Design Requirements	No retaining walls proposed	Retaining walls shall be stepped/terraced at a maximum height of 900mm, with the exception of those retaining walls constructed during the subdivision phase, and incorporate a minimum horizontal step of 900mm face to face	Yes
4.10 Car Parking and Access			
4.10.1 Design Requirements	Single garage is proposed for Terrace B and both studios single garage and 1 hardstand space is proposed for Terrace A	Car parking spaces shall be provided in accordance with Table 4.7 below 1 covered space for 2 bedroom dwelling or less 2 spaces with at least one covered for 3 bedroom dwelling or more	Yes
4.10.2 Design Requirements	Complies	All driveways shall be located a minimum distance of 6m from the tangent point of the kerb and gutter of an adjacent street corner (regardless of boundary splay)	Yes
4.10.3 Design Requirements	Designed to comply and conditions are recommended for verification with the Construction Certificate	The geometric design of all driveways, including car courts, is to be in accordance with Councils Engineering Guide to Development and AS 2890 (as amended)	Yes Can be conditioned
4.10.4 Design Requirements	Uncoloured concrete proposed	All driveway crossings between the front property boundary and the road kerb shall be finished in uncoloured natural concrete to match the kerb. Dwellings shall utilise the driveway crossover provided	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.10.5 Design Requirements	Blade walls project beyond the garage frontage by 1m. Balconies also project to the same level, enduring garages are recessed in the building frontage	To reduce the visual impact of garages, built elements such as balconies projecting past the garage frontage shall be encouraged	Yes
4.10.6 Design Requirements	Proposed garages satisfy the minimum dimensions of 3m x 5.5m. Proposed uncovered space satisfies the minimum dimension of 2.5m x 5.2m	The minimum dimensions of garages and parking areas shall be as shown in table 4.8 below	Yes
4.10.7 Design Requirements	Terrace A: 2.47m Terrace B: 1.65m Studios: 1.28m	Garages shall be setback a minimum 1.5m behind the building facade	Yes
4.10.8 Design Requirements	N/A	Detached garages may have a zero setback from side or rear boundaries	N/A
4.10.9 Design Requirements	N/A	Garages to rear loading accessways and car courts shall be setback a minimum 1m to accommodate adequate turning and manoeuvrability	N/A
4.10.10 Design Requirements	N/A	Garage setbacks from secondary street frontages can be reduced to 2m and 1m in car courts	N/A
4.10.11 Design Requirements	N/A	Where external space adjoins a building or fence an additional 0.5m width is required	N/A
4.11 Solar Access and Energy Efficiency			
4.11.1 Design Requirements	All living areas have a northern, eastern or western aspect, and are directly accessible to POS	Living areas shall generally have a northern orientation and be directly accessible to private open space areas	Yes

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.11.2 Design Requirements	All dwellings, except for Terrace B, comply. Terrace B provides 3 hours of sunlight, however between the hours of 8 and 11. Although non-compliant, this variation is well justified and is supported	For dwellings at least 50 per cent of the private open space and all of the nominated outdoor clothing drying area shall receive three hours of direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level	Yes
4.11.3 Design Requirements	Suitable shadow diagrams submitted	Dwellings shall be designed to maximise solar access to all private open space areas. Suitable shadow diagrams shall be required	Yes
4.11.4 Design Requirements	Dimensions and orientation of corner lot and appropriate siting of dwellings ensures minimal impact on adjoining properties	Development shall have appropriate regard to the impact on solar access to usable private open space, solar collectors and clothes drying areas of adjoining residential development	Yes
4.11.5 Design Requirements	Sufficient access to daylight provided	Dwellings shall be designed to reduce the need for artificial lighting during daylight hours	Yes
4.11.6 Design Requirements	Eaves and balconies offer protection from direct summer sun	Windows shall be protected from direct summer sun with appropriate hoods, eaves or louvres or adjustable shading devices wherever possible	Yes
4.11.7 Design Requirements	Materials and colours schedule details appropriate selection	Materials selection and construction shall respond to orientation and potential for heat retention and protection including insulation	Yes
4.11.8 Design Requirements	Clothes lines can be installed as exempt development	An outdoor clothes line with adequate solar access shall be provided for every dwelling	Can comply.
4.11.9 Design Requirements	Cross ventilation is encouraged through location of rooms and placement of windows	Windows and doors shall be arranged to encourage cross ventilation	Yes

The University of Western Sydney Development Control Plan 2006			
Control	Proposed	Requirement	Complies
4.11.10 Design Requirements	No deciduous trees proposed	Council may consider the use of deciduous trees at the north and west elevations to protect against hot summer temperature and to allow for solar penetration in winter, where it may otherwise be inappropriate to plant native trees	N/A
4.11.11 Design Requirements	BASIX Certificate has been submitted with the application and is found to be satisfactory	A BASIX certificate shall be submitted with the development application for all residential dwelling development. Further information is available at www.basix.nsw.gov.au	Yes
4.12 Waste Management			
4.12.1 Design Requirements	Waste storage location to be indicated on plans submitted with the Construction Certificate subject to recommended conditions	Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building alignment and out of public view	Can comply See condition of consent
4.12.2 Design Requirements	Waste storage location to be indicated on plans submitted with the Construction Certificate subject to recommended conditions	Space shall be allocated to store the following bins: (i) a 140 litre/dwelling/week for household garbage; (ii) a 240 litre/dwelling/fortnight for dry recyclables; and (iii) a 240 litre/dwelling/fortnight for garden organics	Can comply See condition of consent
4.12.3 Design Requirements	Waste storage location to be indicated on plans submitted with the Construction Certificate subject to recommended conditions	Any area for storing garbage and recycling shall be located in a position that is convenient for occupants and waste collection staff	Can comply See condition of consent
4.12.4 Design Requirements	Waste storage location to be indicated on plans submitted with the Construction Certificate subject to recommended conditions	The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1:8	Can comply See condition

		The University of Western Sydney Development Control Plan 2006	
Control	Proposed	Requirement	Complies
4.12.5 Design Requirements	Kerbside collection	Collection vehicles must be able to service the development efficiently with minimal need to reverse, from a nominated collection point	Yes
4.12.6 Design Requirements	N/A	Rear loaded, battle axe and car court dwellings shall make provision for bin collection on a public street accessible by collection vehicles	N/A
4.12.7 Design Requirements	No waste incineration is proposed	No waste incineration devices shall be permitted	Yes
4.13 Services			
4.12.1 Design Requirements	Can comply Conditions are recommended to ensure installation is not in a visually prominent location and for details to be included in the Construction Certificate	All metre boxes and services plant shall be treated to reduce their visual prominence from the public domain by screening, recessing or colour treatments	Can comply See condition of consent
4.12.2 Design Requirements	Can comply Can be installed as exempt development	TV aerials shall be located to the rear of the dwelling, whilst satellite dishes may only be erected if they are suitably screened from view of the public and neighbours Only one aerial will be allowed per dwelling	Can comply See condition of consent
4.12.3 Design Requirements	Can comply Can be installed as exempt development	Letter boxes shall be located visible from the street and accessible from the public footpath. If no footpath is present access shall be provided accessible from outside the front boundary of the property	Can comply See condition of consent
4.12.4 Design Requirements	Can comply Can be installed as exempt development	Air-conditioning units shall be located a minimum of 4m from the site boundary or screened for visual and acoustic privacy. They shall not be located along the front site boundary	Can comply See condition of consent

3. Planning Assessment

Built Form and Character

The proposed development is designed to positively contribute to the streetscape by applying a consistent architectural style and coordinated materials, colours and finishes capable of harmonising with surrounding and adjoining development within the existing and future streetscape.

The proposal is consistent with the objectives for development in the R3 Medium Density Residential zone and provides diverse housing in close proximity to Western Sydney University.

Solar Access

The proposal provides adequate solar access to private open space areas of dwellings. Detailed shadow diagrams and calculations indicate that Terrace A receives three hours of solar access from 12.00pm-3.00pm, Terrace B receives 3 hours of solar access from 8.00am-11.00am, studio A receives five hours of solar access from 10.00am-3.00pm, and studio B receives seven hours of solar access from 8.00am-3.00pm. However, the UWS DCP Part 4.11 requires solar access to be achieved between 9.00am and 3.00pm. Terrace B only achieves adequate solar access from 8.00am-11.00am, and is therefore numerically non-compliant.

Although terrace B is numerically non-compliant, it still achieves the objectives of providing solar access to residents at a usable time of day. The non-compliance is well justified, and achieves the control objectives despite the technical non-compliance. The control objectives are to encourage building design and siting to take advantage of climatic factors and reduce household energy consumption, and to encourage features to be incorporated into site and building design to optimise passive solar access to internal and external spaces. Proposed fencing allows suitable solar access while providing adequate levels of privacy to residents, through 1.26m solid wall, 540mm adjustable louvres to create a total fence height of 1.8m, and landscaping at the street side of the fence. The private open space of terrace B will receive adequate solar access throughout the majority of the year. For these reasons the variation is supported.

Terrace B Private Open Space Fencing

Terrace B POS is provided within the secondary street setback to Ehrlich Street. The Macarthur Heights Fencing and Landscape Guidelines prepared by Landcom require, for corner lots, that 1.8m high fence along the secondary frontage of a corner lot may not extend more than 50 per cent the length of the lot. The proposal provides a 1.8m high fence comprising 1.26m high face brick, and 540mm high operable louvres and aluminium posts above. This fence extends for approximately 36 per cent of the secondary frontage and is therefore compliant.

Minimum Lot Depth

The minimum lot depth control for small lot housing (including attached dwellings) is identified in table 4.4 of UWS DCP as 20m. The proposed lot depth for the new strata lots containing terrace A is 18.2m and for terrace B it is 17.1m. However, due to the site being a corner lot, the lot depth non-compliance does not result in any negative impacts. The objectives of small lot housing controls are to encourage quality-designed dwelling houses

that make a positive contribution to the streetscape and amenity of the neighbourhood, to promote housing choice/variety/affordability, and to provide higher density dwellings on collector roads and bus routes, around parks and close to community facilities. The development adequately addresses the streetscape and provides housing choice. Both terraces are provided with adequate solar access, POS areas and will achieve acceptable overall amenity. The setbacks from site boundaries are compliant and sufficient landscaped areas are achieved. There will be no detrimental consequences from non-compliance with the lot depth standard. The variation to minimum lot depth is therefore supported.

Studio Garages

The maximum carport and garage door width of studio apartments is identified in table 4.5 of UWS DCP as being not more than 50 per cent of the dwelling width. The proposed studios have 55 per cent of each frontage occupied by single width garage doors. The proposed attached studio apartments still achieve the objectives and design requirements outlined in section 4.4.5 of UWS DCP. In particular, it is consistent with design requirement 2; studio apartments shall be located on top of detached double garages accessible from car courts or secondary street frontages only. The garage doors are visually recessive in the facades of the studio apartments, since blade walls and first floor balconies protrude 1.05m from the garage doors.

Privacy

In the absence of neighbouring dwellings there are currently no privacy issues.

Bush Fire

The application was forwarded to the RFS as integrated development pursuant to Section 91 of the *EP&A Act 1979*.

A conditioned bushfire safety authority was received in response on 11 August 2017 providing general terms of approval which will be incorporated into the recommended conditions of consent.

Contributions

The proposal is not subject to Section 94 or Section 94A contributions as the site is subject to a Voluntary Planning Agreement (VPA) between the Western Sydney University, Landcom (trading as UrbanGrowth) and Council. The developer of the estate has agreed to make developer contributions in connection with the carrying out of works relating to the subdivision.

4. Public Participation

The application was notified to nearby and adjoining property owners from 9 August to 23 August 2017. A late submission was received on 30 August 2017. The issues raised in this submission are summarised below, and responses provided.

Issue	Response
4 dwellings on one block is too high a density	The site is zoned R3 Medium Density Residential. Multi-dwelling housing is permissible with consent in the R3 zone. Multi-dwelling housing is defined as 3 or

	more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building. The maximum floor space ratio permitted on the site is 0.75:1. The proposal has a floor space ratio of 0.65:1, and therefore complies
No. of driveways limits on street parking. No. of dwellings and residents could cause parking chaos Cars parked on driveways on Ehrlich Street will block pedestrian path	The dwellings are compliant with parking requirements, therefore there should be limited demand for on-street parking. However, there is sufficient area on-street to accommodate 3 parking spaces, should it be required. Australian road rules prohibit parking across/on footpaths and nature strips To reduce the potential issues it is recommended that a condition require installation of automatic door opener so that a vehicle is not parked on the footpath while opening the door Should an issue arise, it is to be dealt with as an enforcement matter. There is no control regarding no. of driveway crossings per property
Approving development would set a precedent for other developments	The proposal is entirely consistent with the objectives of the R3 zone, particularly to provide a variety of housing types within a medium density residential environment, and is a permitted development type in the R3 zone
Studio building exterior is a square box	The original design has been modified to incorporate blade walls and first floor balconies that extend beyond the garage doors and provide suitable articulation to the Ehrlich Street façade

5. Referrals

Council's Development Engineer has assessed the development application and concluded the application can be supported subject to standards conditions of consent.

6. Conclusion

The development application 2310/2017/DA-RS proposing the construction of a multi dwelling housing development comprising of four dwellings and subdivision into four strata title allotments has been assessed under the heads of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

This report has assessed the proposed development in accordance with relevant environmental planning instruments including Campbelltown Local Environmental Plan 2015 (LEP) and Campbelltown (Sustainable City) Development Control Plan 2015 (DCP). The

proposal is considered to be consistent with the general intent of the vision for the Campbelltown and Macarthur region. The development is permissible within the zone and is considered to be acceptable and compatible with the surrounding area. The proposal complies with the LEP development standards and the controls and objectives of the DCP with the exception of solar access to studio Unit B and the lot depth for terraces A and B

The variation to the solar access for studio B is considered to be minor and will not be detrimental to the amenity of future residents and is considered appropriate in this case.

The depth of the strata allotments for terraces A and B do not compromise compliance with any other controls and objectives and will have no detrimental environmental impact or detrimental impacts to the amenity of future residents and future neighbours. The variation is considered appropriate in this case.

It is recommended that the proposed development be approved, subject to the attached conditions.

Attachments

1. Recommended conditions of consent (contained within this report)
2. Landscape and Fencing Plan (contained within this report)
3. Materials and Colour Schedule (contained within this report)
4. Site Plan (contained within this report)
5. Strata First Floor (contained within this report)
6. Strata Plan Ground Floor (contained within this report)
7. Streetscape Analysis (contained within this report)
8. Studio East West Elevation (contained within this report)
9. Studio North South Elevation (contained within this report)
10. Terraces East West Elevation (contained within this report)
11. Studio Ground and First Floor Plan (distributed under separate cover)
12. Terraces First Floor Plan - confidential for privacy reasons (distributed under separate cover)
13. Terraces Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
14. Terraces North South Elevation - confidential for privacy reasons (distributed under separate cover)
15. Notification Plan - confidential for privacy reasons (distributed under separate cover)

Reporting Officer

Planning Ingenuity (External Consultant)

2310/2017/DA-RS

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Version/ Revision	Prepared by	Date
A101	D	UrbanStock NSW	April 2018
A102	D	UrbanStock NSW	April 2018
A103	D	UrbanStock NSW	April 2018
A104	D	UrbanStock NSW	April 2018
A105	D	UrbanStock NSW	April 2018
A106	D	UrbanStock NSW	April 2018
A107	D	UrbanStock NSW	April 2018
A108	D	UrbanStock NSW	April 2018
A109	D	UrbanStock NSW	April 2018
A110	D	UrbanStock NSW	April 2018
A111	D	UrbanStock NSW	April 2018
A112	D	UrbanStock NSW	April 2018
A113	F	UrbanStock NSW	April 2018
A114	D	UrbanStock NSW	April 2018
A115	D	UrbanStock NSW	April 2018
A116	D	UrbanStock NSW	April 2018
A117	D	UrbanStock NSW	April 2018
A120	D	UrbanStock NSW	April 2018
A121	D	UrbanStock NSW	April 2018
A122	D	UrbanStock NSW	April 2018
A123	D	UrbanStock NSW	April 2018
Bushfire Hazard Assessment		Urbanstock NSW	July 2017
Statement of Environment Effects	C	Urbanstock NSW	November 2017

2. Building Code of Australia

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

3. **Contract of Insurance (residential building work)**

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

This clause does not apply:

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

4. **Notification of Home Building Act 1989 Requirements**

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

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

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

5. **Landscaping**

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

6. **External Finishes**

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

7. Fencing

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

8. Switchboards/Utilities/Air Conditioning Units

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

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.

10. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown City Engineering Design Guide for Development (as amended).

11. Bush Fire Safety Authority

The bush fire safety authority issued by NSW Rural Service, reference D17/2656 DA17080808616 MA, dated 11 August 2017 and attached to this consent, forms part of the conditions of consent contained herein.

12. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans and located behind the primary building line/s.

13. 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.

14. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

15. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. the applicant shall obtain a construction certificate for the particular works;
- b. the applicant shall appoint a principal certifying authority; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

16. Use of Studio Dwellings

The ground floor sunroom is to be used in conjunction with the upper floor of each Studio as a single dwelling. At no time shall the ground floor sunroom be used as a separate domicile.

17. Remote Control Garage Access

To reduce potential traffic conflicts and impacts on Ehrlich Street, the garage doors to the studio/s shall be remotely controlled to allow for the automatic door opening for vehicle access.

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.

18. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

19. 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.

20. Classification of Residential Lots (Development with dwelling construction)

Prior to the principal certifying authority issuing a construction certificate for any dwellings approved under this consent, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (as amended).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

21. 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 existing council drainage system. All proposals shall comply with the requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

22. 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.

23. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

24. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

25. 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.

26. Erection of Construction Sign

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

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

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

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. Fencing

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

33. Sydney Water

Prior to works commencing, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to works commencing.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au

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.

34. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

35. 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.

36. 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.

37. 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.

38. 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 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

39. 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.

40. 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.

41. Excess Material

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

42. 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.

43. Compliance with Relevant Specifications

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Campbelltown City Engineering Design Guide for Development (as amended);
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

44. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site. 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 City Engineering Design Guide for Development (as amended).

45. Residential Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and 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.

46. 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.

47. 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 City Engineering Design Guide for Development (as amended).

48. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION/SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation and/or 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 an occupation/subdivision certificate.

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

49. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate (or subdivision certificate, whichever shall occur first), a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

50. 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.

51. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, a final occupation certificate is required to be issued for all buildings on the land.

52. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing a occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

53. 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.

54. Lot/House Numbers

Prior to the principal certifying authority issuing an occupation certificate all lot / house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

55. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

56. 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.

57. Public Area Landscaping

The development shall relocate/provide three street trees of the same tree species and maturity as that existing within the street in front of the property. New trees shall be of a minimum of a 25 litre pot size. The street trees shall be free of, and not impact any subsurface infrastructure when located. The location of street trees shall be approved by council Executive Manager Urban Centres. The planting method of the trees shall be in accordance with Council's relevant standards for the planting of trees in the road verge area. The trees are to be inspected once planting has been complete, and written approval from Council officers, of the acceptance of the trees, is received prior to issuing of an Occupation Certificate or Subdivision Certificate (whichever occurs first).

58. 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 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the

commencement of any works.

- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. 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 3. Retaining Walls

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

Advice 4. Filling on Site

Council's records in respect of this lot indicate that varying depths of filling may cover 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. Inspection within Public Areas

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

Advice 8. Adjustment to Public Utilities

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

Advice 9. Strata Linen Plan and Copies

Should Council be nominated as the principal certifying authority for the strata subdivision, an original linen plan, administration sheet and if required an original 88B Instrument together with four copies of each including cover letter and, copy of contents on a USB shall be submitted to Council prior to the release of the strata subdivision certificate.

Note the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) SSI Regulation 2012.

Advice 10. Linen Plan Checking Fee

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

Advice 11. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

Advice 12. Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Advice 13. 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 14. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 15. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS



LANDSCAPE PLANTING SCHEDULE

Legend	Common Name	Botanical Name	Quantity	Pat 1
	Bottlebrush	Callistemon Western Glory	4	10
	Grevillea	Grewia Polyn Gordot	10	5L
	Orange Jasmine	Murraya Paniculata	4	5L
	Weeping Lily Pilly	Syzygium Cascade	10	5L
	Dwarf Lily Pilly	Acmena Smithii 'Minor'	3B	2L
	Gardenia	Gardenia Florida	12	2L
	Halpin Banksia	Banksia Sprubosa	3	2L
	Chinese Star Jasmine	Trachelospermum Jauminoides	3	2L

TREE PLANTING TECHNIQUE

The watering (W) immediately after planting, the soil has been thoroughly watered to ensure adequate conditions. Quantity of water will be adequate to saturate the root ball to its core.

The watering (W) post-planting, provide a minimum 10 litres of water for trees in a 45 litre pot to the new planted tree per 7 days. Water at a slow rate so as to displace mulch. For trees in pots also larger than 4 litres, provide quantity of water one third of that pot.

All trees to be healthy specimens free of pests and diseases. Trees to be at least a minimum of 24 hours prior to planting.

(3) 500x200x100mm hardware or recycled plastic at all vertically and clear of rootball and minimum 100mm clearance from trunk. This hardware is to be secured to underground services a minimum of 200mm to ensure damage is caused to underground services.

(3) 50mm wide Heasman flag wrapped around trunk a the height and tapered/huller to stabilize allowing a lag of root ball with retained level of planting to be in horizontal.

Create a dish to keep mulch clear of tree trunk.

75mm high berm to form a watering basin.

150mm edges of approved mulch shall be spread a minimum of 1200mm diameter from centre of tree as beyond the edge of the planting hole, overlapping mulch/under-soil.

Excavate a shallow planting hole with sloping sides; limit the width of the root ball and base-up sides a maximum of 100mm. The hole must be at least 100mm deep and must be at the same height as surrounding level. Backfill with 50/50 blend imported topsoil broken up to feasible texture, firming progressively.

Slow release fertiliser (for exotic species only).

Lightly compact soil under rootball to prevent settling.

Water retaining product to be mixed into backfilled soil as per manufacturers specifications.



It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation or staking works.



SHRUB PLANTING TECHNIQUE

Excesses hole large enough to provide a 75mm - 100mm clearance around rootball. Post hole aligns not to be used. Backfill with approved topsoil. Hole to be no deeper than height of rootball.

Rootball to be mixed with backfilled soil around rootball.

Fertiliser to be mixed with backfilled soil around rootball.

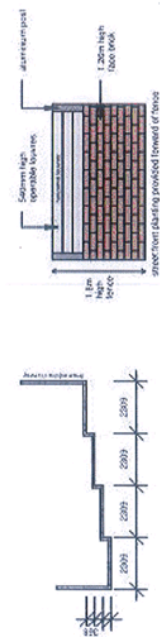
75mm depth approved mulch to be laid away from stems.

Top of rootball level with soil.

Specified shrub



SECONDARY STREET FENCE PLAN & DETAIL



Landscape Plan

1 : 200

Notes:
 . All plants are subject to seasonal availability.
 . Where a plant cannot be locally sourced, it shall be replaced with a similar native plant species.

SCHEDULE OF EXTERNAL BUILDING COLOURS, MATERIALS & FINISHES

Roof & Gutters

Material: Metal - Colorbond
 Indicative Colour: Grey, white

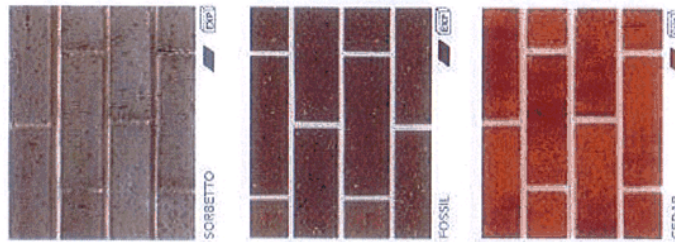
Samples:



Bricks

Material: Masonry
 Indicative Colour: Grey, brown, red

Samples:



Window Frames and Fascia

Material: Metal
 Indicative Colour: White

Samples:



Pearl White Gloss
 (GA078A)

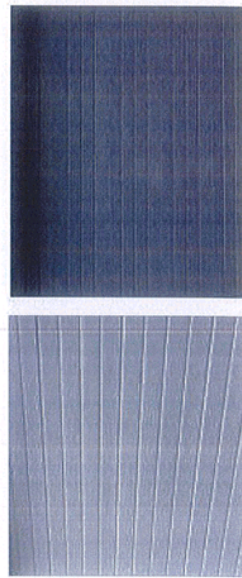
Surfmast® Matt
 (GA236A)

Garage Door

Material: Metal

Indicative Colour: Visually recessive: Grey, cherry, brown, black

Samples:



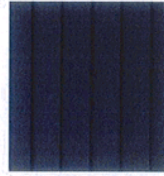
Driveway

Material: Concrete - broomfinish
 Indicative Colour: Gunmetal grey



Cladding

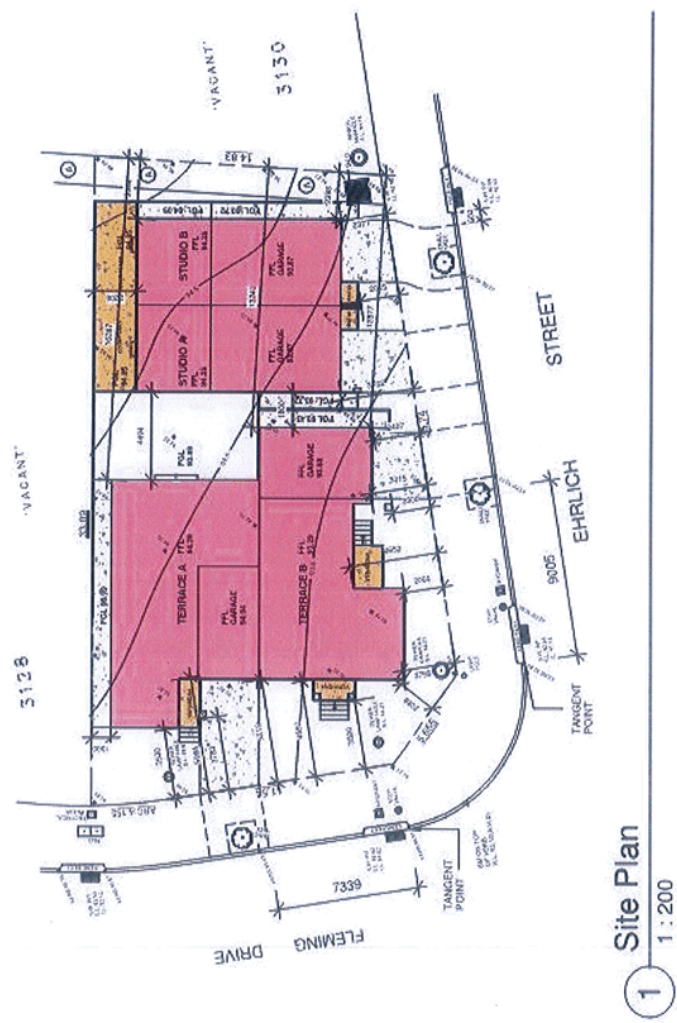
Material: Weatherboard
 Indicative Colour: Blue, white, purple



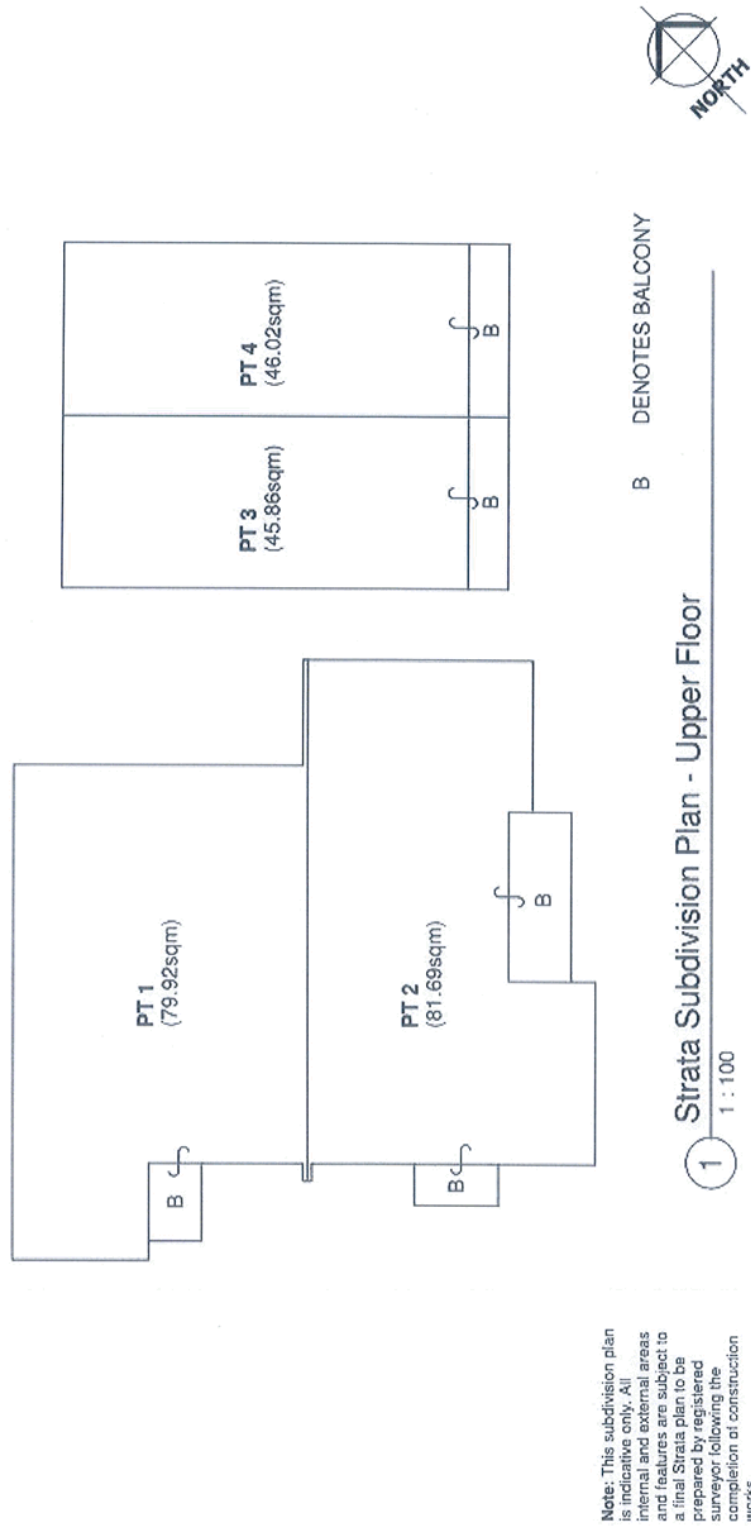
Downpipes

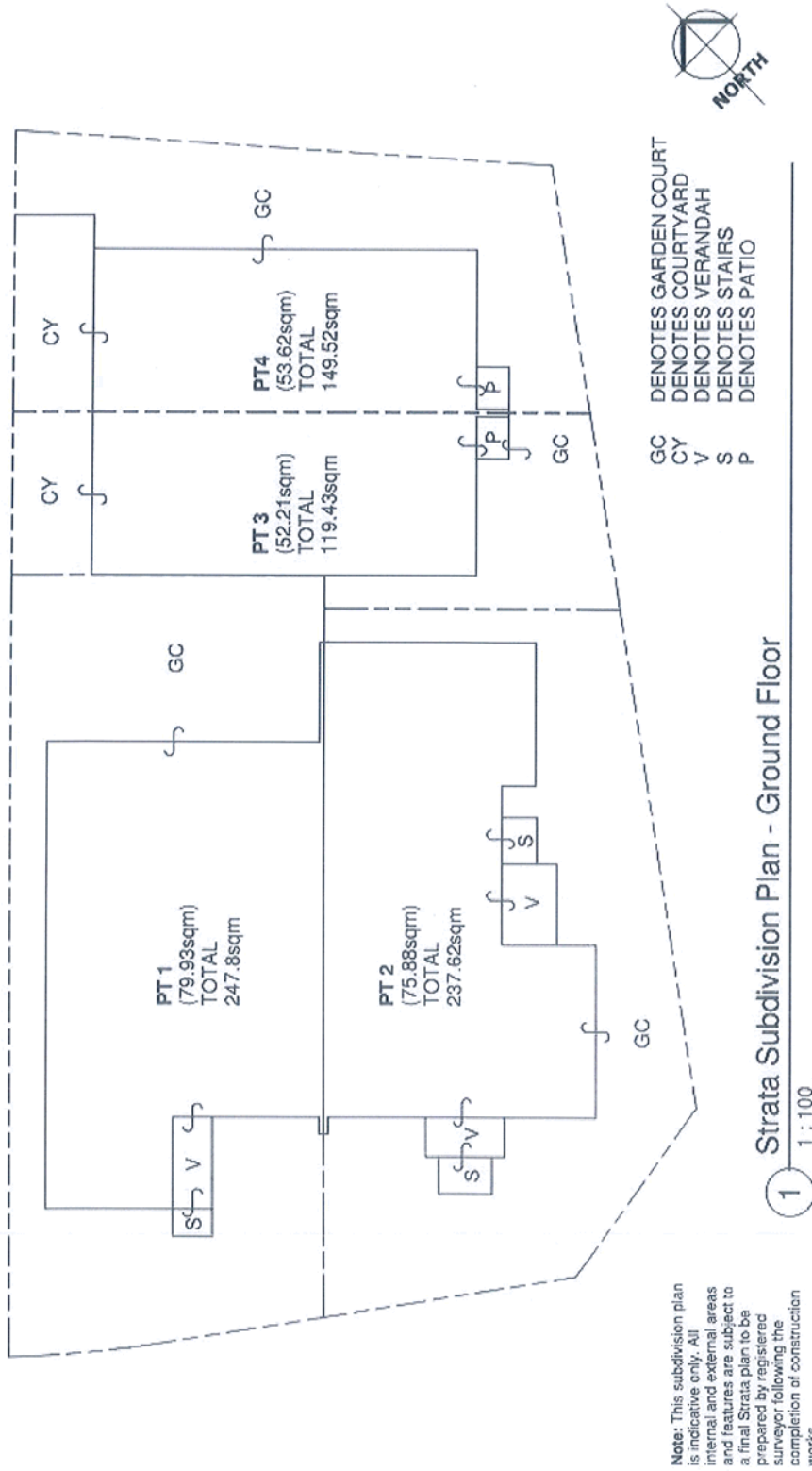
Material: PVC or metal
 Indicative Colour: Sympathetic to brick colour

Notes:
 1. ALL COLOURS ARE INDICATIVE ONLY AND SUBJECT TO MATERIAL AVAILABILITY & OWNERS PREFERENCE
 2. FINISHED COLOURS MAY VARY BUT MATERIALS WILL BE GENERALLY CONSISTENT WITH THE SAMPLES PROVIDED.



1 Site Plan
1 : 200







1 Ehrlich Street Streetscape Analysis Plan

1 : 200



North-west view of subject corner lot



2 Fleming Drive Streetscape Analysis Plan

1 : 200

