



# 2018

CAMPBELLTOWN CITY COUNCIL

30 May

## 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, 30 May 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

### 3. DECLARATIONS OF INTEREST

<b>4. REPORTS</b>	<b>4</b>
4.1 Modifications of Development Consent - General Procedures	4
4.2 Campbelltown RSL Planning Proposal - 158 to 168 Queen Street, Campbelltown	14
4.3 Demolition of existing structures, consolidation of two lots and construction of a five storey residential flat building with 24 units, communal roof terrace and two levels of basement parking - 10 - 12 Palmer Street, Ingleburn	37
4.4 Construction of a multi-dwelling housing development comprising of four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown	116
4.5 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury	165

### 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 and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The panel's determinations become public day 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 Division on 4645 4575 between 8.30am and 4.30pm.

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

Lindy Deitz  
General Manager

## 4. REPORTS

### 4.1 Modifications of Development Consent - General Procedures

#### 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

#### Executive Summary

The purpose of this report is to consult with the Campbelltown Local Planning Panel (LPP) and seek clear delineation on which occasion an application to modify an existing consent should be referred to the LPP for its determination.

The ministerial direction that directs which types of applications will be forwarded to the LPP for determination provides a level of flexibility in relation to applications to modify an existing development consent that was either determined by the LPP or met the criteria to be determined by the LPP.

Some modifications to a development consent are minor in nature and have little bearing on the impact of a development. Delaying such modifications until the meeting of an LPP can have an unreasonable impacts on an applicant in some circumstances.

There will also be cases where the proposed modification relates to a matter raised objected to through the public notification process, or which otherwise materially alters the original proposal, and therefore it may be considered appropriate that such a modification is dealt with in a public forum by the LPP.

Clear delineation on which types of modification applications require reporting to the LPP for determination, is therefore required.

#### Officer's Recommendation

That an application for the modification of a development consent for a kind of development that is to be referred to the panel for determination, be reported to the panel for its determination unless the application meets the following criteria, in which case the application can be determined by the General Manager or their delegate.

1. The modification is to correct a minor error, misdescription or miscalculation under Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*
2. The modification is one of minimal environmental impact under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and if notification is required of such an amendment, no submissions have been received
3. The modification application is made under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and:

- i. the modification does not result in an increase in the non-compliance of the proposal with a development standard in an environmental planning instrument; or
  - ii. the modification does not result in a proposal failing to comply with a development standard in an environmental planning instrument when the current consent complies; or
  - iii. the modification does not result in an increase in the non-compliance of the proposal with a Development Control Plan; or
  - iv. any written objections received in response to the public notification of the modification application only reaffirms previous objections that were considered and dealt with under the original development application and/or does not detail the concern with the proposed change. In all cases where a submission relevant to the modification itself is made, the modification shall be referred to the panel for consideration.
4. The modification is made under section 4.56 (modification of Land and Environment Court consent) of the *Environmental Planning and Assessment Act 1979* and would satisfy the criteria for a modification under points 1, 2 and 3 above, had the application been determined by the Council or Local Planning Panel instead of by the Land and Environment Court.
- 

## Report

The purpose of this report is to consult with the Campbelltown Local Planning Panel (LPP) and seek clear delineation on which occasion an application to modify and existing consent should be referred to the LPP for its determination.

Section 4.8 of the *Environmental Planning and Assessment Act 1979* (the Act) provides the Minister with power to declare under section 9.1 of the Act what types of applications shall be reported to the Local Planning Panel for determination. The ministerial declaration (attached) that directs which types of applications will be forwarded to the Local Planning Panel for determination provides a level of flexibility as to who can determine an application to modify a development consent. In particular, the direction says:

Note: Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.

Some modifications to a development consent are minor in nature and have little bearing on the impact of a development. Examples might be a change to the staging of a development, a change to the tree species to be planted or a reduction in the number of bedrooms in a dwelling. Delaying such modifications until the next available meeting of the LPP can have an unreasonable impact on an applicant in some circumstances.

In other cases the modification application may relate to a matter that was included in the original consent in response to objections raised by the community, or proposals that materially alter the original consent. Examples of such modifications can include changes to increase the size of an approved building, or the replacement of windows, or the adjustment of the location of a building and it is appropriate in these circumstances that such a modification is considered in a public forum by the LPP.

**Conclusion**

Given some applications to modify existing consents have little to no material impact on the expected outcome of the original consent, it should hold that not all modifications need to be reported to the Local Planning Panel for its determination.

Given this, it is considered to be in the public interest to save time and money by limiting the types of applications reported to the panel and enabling those modification applications of limited environmental and social consequence to be determined by Council staff under delegation.

**Attachments**

1. Local Planning Panels Direction Development Applications 2018 (contained within this report)

**Reporting Officer**

Executive Manager Urban Centres

**LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS**

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2018

**Objective**

The objective of this direction is to identify the development applications that are to be determined by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

**Application**

This direction applies to councils in the Greater Sydney Region and Wollongong. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979*.

**Interpretation**

A word or expression used in this direction has the same meaning as it has in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

**Direction**

Local planning panels of councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below.

Note: Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.

Table

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel constituted under the EP&A Act	Schedule 1
Blacktown, Canterbury-Bankstown, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

This direction takes effect on 1 March 2018 and applies to development applications made but not determined before 1 March 2018.

If a council to which this direction applies has not delegated the function of determining a development application to an officer or employee of the council, then the local planning panel is to determine the development application.

## SCHEDULE 1

### 1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

### 2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.



**3. Departure from development standards**

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

**SCHEDULE 2****1. Conflict of interest**

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

**2. Contentious development**

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

**3. Departure from development standards**

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.

- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

**SCHEDULE 3****1. Conflict of interest**

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item,
- (d) development for the purpose of end of journey facilities, or
- (e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

**2. Contentious development**

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

**3. Departure from development standards**

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard imposed by an environmental planning instrument by 10% or non-numerical development standards.

**Note:** If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

## 4.2 Campbelltown RSL Planning Proposal - 158 to 168 Queen Street, Campbelltown

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

### Executive Summary

- On 14 March 2018, Think Planners Pty Ltd submitted a planning proposal request to Campbelltown City Council seeking an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) in relation to the following sites: 158-168 Queen Street, 1 Carberry Lane and 3 Cordeaux Street, Campbelltown
- The submitted proposal seeks an amendment to the CLEP 2015 Height of Building Map as follows:
  - 158 – 168 Queen Street, Campbelltown from 32m to 85m
  - 1 Carberry Lane, Campbelltown from 32m to 85m
  - 3 Cordeaux Street, Campbelltown from 32m to 85m
- The purpose of the amendment is to facilitate a mixed use development for the three sites over four buildings, which would incorporate commercial/retail space, residential apartments, additional club space and a hotel
- The draft planning proposal would enable Campbelltown RSL to revitalise their landholdings and allow for the ongoing functions of the Club
- A merit assessment of the draft planning proposal, by Council officers indicates that the proposal has strategic merit for the reasons outlined in this report, particularly the following:
  - consistency with the objectives and requirements of the Greater Sydney Region Plan and Western City District Plan
  - the proposed amendment would facilitate the desired future vision and functioning of the site which would be consistent with local planning strategies
  - additional housing stock in close proximity to existing transport hubs.

## Officer's Recommendation

That the Campbelltown Local Planning Panel recommend to the Campbelltown City Council:

1. That pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal for Campbelltown RSL be supported by the Council and forwarded to the Department of Planning and Environment for a Gateway Determination with a reduction in the permissible height limit for 158-168 Queen Street from 85m to 45m to be consistent with the original concept submitted with the proposal and maintain a high quality sense of place for Queen Street.
2. Subject to recommendation No.1, the Council consider the inclusion of a standard building setback from the Queen Street interface with the objective of maximising solar penetration into Queen Street at ground level, and to ensure a distinct visual openness along Queen Street.
3. Subject to recommendation No.1, the Council requests the gateway determination include a condition requiring the submission of a heritage impact assessment and a traffic impact assessment and preparation of a site specific Development Control Plan to be exhibited at the same time as the Planning Proposal.

## Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal to be forwarded to the Campbelltown City Council for its consideration.

<b>Property Description</b>	158 - 168 Queen Street, Campbelltown
<b>Applicant</b>	Think Planners Pty Ltd
<b>Owner</b>	Cabra-Vale Ex-Active Servicemen's Club Ltd and Campbelltown RSL
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions SEPP 55 – Remediation of Lands SEPP 64 – Advertising and Signage SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Educational Establishments and Child Care Facilities) 2017 SEPP (Affordable Rental Housing) 2009 SEPP (Infrastructure) 2007 SEPP (State and Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Precinct Campbelltown Community Strategic Plan 2017 – 2027 Campbelltown Residential Development Strategy 2014 Re-imagining Campbelltown Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	14 March 2018

## History

Prior to the submission of the proposal a meeting was held on 7 March 2018 at Campbelltown City Council with the proponent. The intention of the meeting was to allow the proponent to brief Council staff about the proposal and receive guidance and feedback in relation to key issues in relation to the proposal. A planning proposal request was lodged with Council for consideration on 14 March 2018.

On 2 May 2018, a briefing on the proposal was presented to the Councillors by the proponent.

Key matters that were raised at the briefing were as follows:

- the need to ensure that the proposal responds positively in relation to environmental factors such as the heat island effect
- design outcomes and the built form of the development that complement surrounding buildings and provide articulation
- the need for a high quality hotel in Campbelltown CBD
- promotion of active street frontages that allow for pedestrian interaction and promote economic growth within the area
- the need to respect and take into consideration adjoining heritage items, particularly Glenalvon, and the relationship with Mawson Park
- potential Voluntary Planning Agreement (VPA) inclusions
- consideration of the potential impact on adjoining land holders to ensure that any potential development does not have a negative impact on future revitalisation.

Council was advised that a Report would be presented in the near future.

## Report

### 1. Assessment of Planning Proposal Request

#### 1.1 Summary of Planning Proposal Request

In summary, the planning proposal request seeks to amend the CLEP 2015 Height of Building Map to increase the permissible building height for the subject site from 32m to 85m.

A copy of the draft planning proposal is included at attachment 1.

#### 1.2 Justification

The NSW Department of Planning and Environment's (DPE) A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the draft planning proposal has been undertaken in accordance with the latest version of the guide.



### 1.3 Consideration of Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the *Environmental Planning and Assessment Act 1979* allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The directions that are most relevant to this proposal are listed below.

- Direction 1.1 Business and Industrial Zones
- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor.

Further detail and explanation of the relevant Ministerial directions are outlined in the draft planning proposal located in attachment 1 to this report.

### 1.4 Consideration of State Environmental Planning Policies (SEPPs)

The following SEPPs are applicable to the proposal and have been discussed below.

- SEPP 55 – Remediation of Lands
- SEPP 64 – Advertising and Signage
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Affordable Rental Housing) 2009
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017.

Further detail in relation to the relevant SEPPs is outlined in the draft planning proposal which is located in attachment 1 to this report.

### 1.5 Consideration of the Campbelltown Local Environmental Plan 2015

The proposal to develop the subject site for the purposes of four buildings ranging from 11 storeys to 24 storeys in height would be out of character with the existing adjoining development. Currently, the subject site is zoned B3 - Commercial Core with a permissible building height of 32m.

The amendment to the height of building map has merit, taking into consideration the recent data released by the Greater Sydney Commission which indicates 1.5m people are expected to reside in the Campbelltown Local Government Area (LGA) by 2036 and that greater housing diversity is needed within the area, particularly around existing transport hubs.

With a large emphasis placed on strategic direction by the NSW State Government and more recently by Council, the proposal would not be entirely out of character. Increase in heights in Campbelltown is likely and will be part of further planning studies and planning proposals in the near future for adjoining sites.

To maintain a sensitive transition with the existing adjoining properties along Queen Street, the RSL and Hotel component of the site it is proposed to incorporate a maximum building height of 45m. The remainder of the site would incorporate greater heights of up to 85m. The future design of the development would be guided by a site-specific DCP, which is discussed in Section 2.7 of this report.

Further setback of the building line from the Queen Street interface will be an important aspect to the future development of the whole of Queen Street. Genuine and substantial levels of solar penetration should be encouraged so as to ensure Queen Street is developed as a people friendly space and one that can easily accommodate on-street dining during all seasons. For this reason it is critical that draft planning proposals such as this and future planning proposals/development account for and accommodate adequate building setbacks from the Queen Street interface so as to achieve the objective of delivering and protecting a high quality and desirable streetscape environment.

The subject site is also located in the vicinity of one state heritage listed item known as Glenalvon House (State Item No. I00004) and two locally listed Items, St Peter's Anglican Church (Item 13) and Richmond Villa (Item 18). Further discussion about the heritage impact is discussed in section 2.9 of this report.

## **2. Strategic Context – Relationship to State and Local Planning Policies**

The following State and local planning policies are relevant to the proposal as discussed below.

### **2.1 Greater Sydney Region Plan**

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036. The plan identifies that the most suitable locations are in locations close to jobs, public transport, community facilities and services.

The subject site is located in a commercial core which is generally consistent with Greater Sydney Region Plan to locate new, mixed-use dwellings and employment generating floor space in close proximity to the transport and amenities.

### **2.2 Western City District Plan**

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The plan provides guidance in relation to job creation, housing supply and sustainability.

The Western City District Plan identifies (in part), the following priorities for Campbelltown CBD:

- encourage revitalisation of the commercial core
- identify, prioritise and deliver collaboration areas which includes the health and education precinct and Campbelltown Mall
- provide an additional 6,800 dwellings across the Campbelltown LGA by 2021
- enhance the centres civic, cultural and heritage role

- encourage new lifestyle and entertainment uses to activate streets and grow the night-time economy
- improve east-west pedestrian connectivity
- improve accessibility through walking, cycling and public transport;
- support mixed use development and surrounding high quality apartments and medium density residential development; and
- capitalise on the Western Sydney Airport and Western Sydney City Deal.

Implementation of the district plan would be via Council initiated actions such as a review of the Local Environmental Plan and Development Control Plan. The proposal itself is consistent with the district plan.

### **2.3 Glenfield to Macarthur Urban Renewal Corridor Strategy**

The NSW Government recently finalised the Campbelltown Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Campbelltown has been identified as a metropolitan city centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Campbelltown as a health and education precinct which provides a variety of housing types within walking distance of the station.

The strategy outlines that the vision would be initiated through the lodgement of planning proposals and council initiated LEP amendments. The site is identified in the precinct plan as commercial and retail core and an increase in maximum building height would help achieve the desired future precinct character. The proposal is considered to be consistent with the approach outlined by the State Government's strategy.

### **2.4 Campbelltown Community Strategic Plan 2017-2027**

The Campbelltown Community Strategic Plan 2017-2027 is a document which will guide Campbelltown over the next ten years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The proposal would assist in promoting a range of housing choices while supporting the resilience, growth and diversity of the local economy through the activation of commercial premises. The opportunity to provide public domains and thoroughfares would be considered through agreements such as VPAs.

Opportunities for the potential widening of Queen Street would also be explored as part of any proposal for CBD redevelopment fronting Queen Street. This will enable the creation of more useable civic space and greater activation of the public realm.

### **2.5 Campbelltown Residential Development Strategy 2014**

The 2014 strategy is a background document which informed the preparation of the CLEP 2015. The proposal would assist in the improvement of housing affordability within the area due to the increase in dwellings in close proximity to local transport hubs.

A theme identified in the residential strategy noted that changing population demographics would also continue to challenge the local community. The proposal would assist with providing sustainable and accessible housing, particularly for Campbelltown's aging population as the requirements such as lift access would be considered at the development application stage.

## **2.6 Re-imagining Campbelltown**

On 14 March 2018 the Re-imagining Campbelltown strategy was announced which is intended to promote a green city and a healthy local economy. As part of the strategy, new buildings are urged to incorporate and adopt sustainable energy solutions and encourage growth along existing transport corridors. The strategy uses six key indicators to assess and measure the progress of project:

- no grey to be seen
- city and bush
- connected place
- confident and self-driven
- centre of opportunity
- the good life.

Although the concept plans submitted with the proposal are not concluding, early visualisations incorporate green walls to minimise the impact of the four proposed buildings and rooftop gardens for residents to utilise. The location of the development is also in close proximity to Campbelltown Railway Station fostering public transport use and lower needs for motor vehicles. Further discussion regarding traffic and parking is made in section 2.9 of this report.

Early preliminary assessment of the proposal outlines consistency with the strategy. Further consideration of the requirements relating to built form and land use mix which are promoted in the strategy would be considered at the development application stage.

## **2.7 Site Specific DCP**

The proponent submitted an urban design report with the proposal which also included concept plans. The report and concept plans are shown as attachment 2 of this report.

Site specific development control plans (DCP) can be used to guide the design of a development as a means of achieving a satisfactory outcome which corresponds to the surrounding locality of a subject site. The implementation of a site specific DCP would promote good design outcomes which address potential design issues through overshadowing and the design of a development.

Subject to the issuing of a Gateway Determination for the planning proposal, a site specific DCP for the site will also be drafted to guide the proposed development to maintain consistency across local and state government strategies. It would also incorporate any controls resulting from a heritage study. Consideration should be given to linking Glenalvon and St Peters heritage items via view corridors and pedestrian links. A site specific DCP will encourage good design outcomes that correspond to the surrounding character and will encourage active street frontages that promote increased commercial and pedestrian activity.

## **2.8 Voluntary Planning Agreement (VPA)**

A site specific planning proposal generates the need for individual consideration of development contributions or works in kind. In this case this may be best managed by a voluntary planning agreement. A draft VPA offer has not been made to Council with the planning proposal. Council officers are working on a new development contributions plan. This would be used as a baseline for any VPA. If a VPA is not agreed/proposed, the contributions plan would be used. Should a VPA be agreed to, a future report would be presented to Council for consideration and any development application would need to be reported to the Local Planning Panel.

## **2.9 Concerns relating to the Planning Proposal**

The draft planning proposal aims to increase the height fixed for the subject site to facilitate an increase in dwellings and commercial space in close proximity to transport hubs such as Campbelltown Railway Station. However, early assessment conducted by Council officers indicate that issues relating to heritage and traffic have not yet been investigated and would require further assessment post gateway.

Early assumptions made on the proposal indicate extra motor vehicles within the vicinity of the subject site due to the increase in dwellings. Potential development on the site would possibly reduce the level of service for key intersections and translate into a travel time increase through Queen Street and surrounding streets.

A site specific traffic assessment will be required and will need to include current traffic counts and assessment (in a network connected SIDRA model) of all intersections within a 400m radius from any part of the site plus the intersections of Queen St/Rudd Road and Moore Oxley Bypass and Hurley Street/Kellicar Road/ Narellan Road.

The subject site is located in the vicinity of one state heritage listed item known as Glenalvon House (State Item No. I00004) and two locally listed Items, St Peter's Anglican Church (Item 13) and a Richmond Villa (Item 18). A heritage impact assessment was not submitted to support the proposal and assessment of its impact has been made against the requirements of Part 2.11 of the Campbelltown (Sustainable City) Development Control Plan 2015. An increase of the permissible built form in proximity to the surrounding heritage items has a potential to impact on the landscape values and visual backdrop of the items. This assessment should also detail and opportunities to enhance the setting of the heritage items. As discussed earlier in this report, the 85m height limit is not supported in proximity to Queen Street.

Therefore, it is recommended as a condition of the Gateway Determination that a heritage assessment be prepared by a suitably qualified heritage consultant to assess the heritage significance of all three heritage items, future development constraints and opportunities of the site and the extent to which the carrying out of the planning proposal and proposed development would affect the heritage items.

## **3. Public Participation**

Should the planning proposal proceed through Gateway Determination, community consultation will be undertaken in accordance with section 3.34 of the EP&A Act. The specific requirements for community consultation will be listed in the Gateway Determination.

#### **4. Conclusion**

The planning proposal seeks to achieve a strategic planning outcome that will facilitate higher density living opportunities within 400m of Campbelltown Railway Station and other shops and services such as Campbelltown Mall. The planning proposal is consistent with the directions and planning priorities contained in the Greater Sydney Region Plan and the Western City District Plan. Due to the location of the site within the Campbelltown CBD a site-specific DCP would be prepared to guide any future development on the site and provide a good design outcome which corresponds to the local commercial tenancies and heritage items.

The proposed increase in height could provide a gateway into future rejuvenation of the local area, consistent with local strategies such as Re-imagining Campbelltown. Should a Gateway Determination be issued for the proposal it is likely heritage and traffic assessments would need to be lodged to Council as a condition of the Gateway Determination.

#### **Attachments**

1. Campbelltown RSL Draft Planning Proposal (contained within this report)
2. Urban Design Report - due to size of document (59 pages) (distributed under separate cover)

#### **Reporting Officer**

Executive Manager Urban Centres



**Planning Proposal**

**Campbelltown RSL**

**May 2018**

### Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Campbelltown Local Environmental Plan 2015* for the following sites:

- Various retail premises including a pharmacy and newsagent – Property Nos. 158-168 Queen Street, Campbelltown (Lot 1 DP 558320 and Lot 5 DP 1167855)
- Campbelltown RSL Club – Property No. 1 Carberry Lane, Campbelltown (Lot 4 DP 1167853)
- Macarthur Infant Child and Adolescent Mental Health Services – Property No. 3 Cordeaux Street, Campbelltown (Lot C DP 377836)

The proponent is seeking an amendment to the *Campbelltown Local Environmental Plan (CLEP) 2015* Height of Building Map to increase the permissible building height from 32m to 85m for 1 Carberry Lane and 3 Cordeaux Street and 32m to 45m for 158-168 Queen Street to facilitate the redevelopment of three lots totalling 7,374m<sup>2</sup>, which would include the following:

- Campbelltown RSL: Increase in building height to facilitate an 11 storey building which would include two storeys of club space and enable a further 9 storeys for the purposes of a hotel.
- Building A: Development of an 18 storey mixed use building to include ground floor retail/commercial and 17 storeys of residential apartments.
- Building B: Development of a 24 storey mixed use building with ground floor retail/commercial space and 23 storeys of residential apartments.
- Building C: Development of a 21 storey mixed-use building which would include ground floor retail/commercial space and 20 storeys of residential units.

### Existing Situation

The sites (see Figure 1 – Location Map) are currently owned separately and are located on the southern side of Campbelltown Railway Station. The existing sites form part of the commercial core of the Campbelltown CBD which is largely made up of other small retail and commercial premises.

The Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' August 2016.





Figure 1: Location Map - Subject site and its immediate locality



Figure 2: Design Concept

**Part 1 – Objectives or intended outcomes**

The objective or intended outcomes of the Planning Proposal are as follows:

- Amend the configuration of the RSL Club to face Queen Street and facilitate additional club space and a hotel.
- To provide ground floor commercial/retail space across three buildings to allow street level activation and promote the rejuvenation of the commercial core of Campbelltown CBD.
- Facilitation of additional housing within the local area in close proximity to Campbelltown Station.

**Part 2 – Explanation of provisions****2.1 Proposed amendments to CLEP 2015**

It is proposed to amend the CLEP 2015 'Height of Building Map' to outline an increase in maximum building height from 32m to 45m for 158-168 Queen Street and 32m to 85m for the remainder of the subject site (refer to Figure 3 and 4 attached).

**Part 3 – Justification****Section A – Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

No.

The Planning Proposal is not a result of any strategic study or report. However, the Proposal relates to land currently identified by a number of key strategies and reports such as the Greater Sydney Region Plan, Western District Plan and the Glenfield to Macarthur Urban Renewal Precincts.

The current proposal relates to land which has been identified as a metropolitan centre under the Glenfield to Macarthur Urban Renewal Strategy. The proposal to increase the permissible building height would complement state and local government strategies and would be consistent in providing additional housing and employment to the local area.

**2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?**

Yes.

Proceeding with a stand-alone planning proposal is considered appropriate in this instance to enable the timely consideration of urban design, traffic and heritage related issues.

**Section B – Relationship to strategic planning framework****3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney', Greater Sydney Region Plan and the Western City District Plan.

**A Plan for Growing Sydney**

'A Plan for Growing Sydney' sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport community facilities and services.

The proposal is consistent with the strategy as it would allow for the delivery of hotel accommodation, residential flat buildings and employment generating floorspace in close proximity to Campbelltown Train Station.

**Greater Sydney Region Plan**

The Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

- Infrastructure and collaboration – The proposal is located in very close proximity to existing infrastructure such as Campbelltown Train Station, Campbelltown Hospital, Campbelltown Public School and Western Sydney University. Additionally, the site would also be located 30km to the proposed Western Sydney Airport.
- Liveability – The concept design supplied with the Planning Proposal outline a variety of enhancements to the surrounding character such as landscaped frontage, shared open space and opportunities for pedestrian links which would create a more liveable space.
- Productivity – The proposal has the potential to provide further productivity within the commercial core of Campbelltown. The proposed hotel would support job creation and housing options in conjunction with pedestrian links and the opportunity for thoroughfares and bike tracks.
- Sustainability – The opportunity for green walls, rooftop gardens and the design of apartments would promote a sustainable development. Sustainability of the developments would be considered at the development application stage.

The Planning Proposal would be the best means of achieving additional housing within the local area to meet the anticipated population increase in the next few years.

5

**Western City District Plan**

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The proposal will provide additional housing supply in close proximity to existing transport which would support the State Government's direction for creating a 30 minute city.

The Western City District Plan also requires the need for creating a stronger local economy and promoting the commercial core of Campbelltown. The proposed hotel would support this notion by creating local jobs and providing short term accommodation for visitors to the local area. Additionally, the Proposal would be consistent with the outcomes of the B3 zoning of the subject site by providing additional mixed use development.

**Glenfield to Macarthur Urban Renewal Precinct**

The Glenfield to Macarthur Urban Renewal Precinct was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design. Under the Strategy, Campbelltown has been identified as a priority precinct that provides retail and commercial activity.

Accordingly, the Glenfield to Macarthur Urban Renewal Precinct identifies the Campbelltown CBD as a primary area for the revitalisation of the commercial core which attracts further mixed-use development to allow for stronger integration with the centre and encourage the development of lively street frontages.

**4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?****Campbelltown Community Strategic Plan – Campbelltown 2027**

The overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The Proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city;
- A respected and protected natural environment;
- A thriving attractive city; and
- A successful city.

The proposed increase in height will provide the opportunity for a revitalised commercial and retail core which will support the growth of a strong local economy. The proposal also supports the possibility of integrating open space and walkable thoroughfares to Queen Street.

**Campbelltown Local Planning Strategy 2013**

The strategy identifies the importance of Queen Street as an existing commercial and retail core of Campbelltown. The strategy also considers the promotion of active street frontages and the conservation of heritage items within the local vicinity of Queen Street.

The proposal is consistent with the directions of the Campbelltown Local Planning Strategy 2013.

**Campbelltown Residential Development Strategy 2014**

The 2014 Strategy is a background document which informed the preparation of the CLEP 2015. The proposal would assist in the improvement of housing affordability within the area due to the increase in dwellings in close proximity to local transport hubs.

A theme identified in the Residential Strategy noted that changing population demographics would also continue to challenge the local community. The proposal would assist with providing sustainable and accessible housing, particularly for Campbelltown's aging population as the requirements such as lift access would be considered at the development application stage.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

<b>State Environmental Planning Policies</b>	<b>Comment</b>
SEPP No. 1 Development Standards	Not applicable as Clause 4.6 of the CLEP 2015 negates the need for SEPP 1
SEPP 14 – Coastal Wetlands	Not applicable
SEPP 19 – Bushland in Urban Areas	The site does not contain any significant vegetation
SEPP 21 – Caravan Parks	Not relevant to the proposal
SEPP 26 – Littoral Rainforests	Not relevant to the proposal
SEPP 30 – Intensive Agriculture	Not relevant to the proposal
SEPP 33 – Hazardous or Offensive Development	Not relevant to the proposal
SEPP 36 – Manufactured Home Estates	Not relevant to the proposal
SEPP 44 – Koala Habitat Protection	This site does not contain any koala habitat
SEPP 47 – Moore Park Showground	Does not apply to land within Campbelltown
SEPP 50 – Canal Estate Development	Not relevant to the proposal
SEPP 52 – Farm Dams	Not relevant to the proposal
SEPP 55 – Remediation of Lands	The existing urban use of the land is unlikely to result in land contamination  Future development of the site will need to address the requirements of the SEPP
SEPP 62 – Sustainable Aquaculture	Not relevant to the proposal
SEPP 64 – Advertising and Signage	The planning proposal is consistent with the SEPP Future development of the site would need to take

	the SEPP into consideration.
SEPP 65 – Design Quality of Residential Apartment Development	The Proposal seeks to facilitate high rise development in the form of shop top housing. The concept designs submitted with the proposal consider potential design options which address the provisions of the SEPP
SEPP 70 – Affordable Housing Schemes	Not relevant to this proposal
SEPP 71 – Coastal Protection	Not relevant to this proposal
SEPP (Building Sustainability Index: BASIX) 2004	Future development of the site would take into consideration the requirements of the SEPP
SEPP (Educational Establishments and Child Care Facilities) 2017	The planning proposal is consistent with the SEPP. Any future child care centre or the like would take into consideration the requirements and provisions of the SEPP.
SEPP (Affordable Rental Housing) 2009	The proposal is consistent with the SEPP. Any future development on the site may incorporate affordable housing which would be considered in conjunction with the SEPP
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Proposal
SEPP (Infrastructure) 2007	Future development of the site may constitute traffic generating development and trigger an assessment under this SEPP
SEPP (Housing for Seniors or People with a Disability)	It is not proposed to carry out the development under the provisions of this SEPP
SEPP (Integration and Repeals) 2016	Not relevant to the proposal
SEPP (Kosciusko National Park) 2007	The SEPP does not apply to the land
SEPP (Kurnell Peninsular) 1989	The SEPP does not apply to the land
SEPP (Mining and Extractive Industries) 2007	Not relevant to the proposal
SEPP (Miscellaneous Consent Provisions)	Not relevant to the proposal
SEPP (Penrith Lakes Scheme) 1989	Not relevant to the proposa
SEPP (Rural Lands) 2008	Not relevant to the proposal
SEPP (State and Regional Development) 2011	It is likely that future development of the site will constitute Regional Development thus being determined by the Sydney Planning Panel
SEPP (State Significant Precincts) 2005	The SEPP does not apply to the land
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP does not apply to the land
SEPP (Sydney Region Growth Centres) 2006	The SEPP does not apply to the land
SEPP (Three Ports) 2013	The SEPP does not apply to the land
SEPP (Urban Renewal) 2010	The SEPP does not apply to the land
SEPP (Western Sydney Employment Area) 2009	The SEPP does not apply to the land
SEPP (Western Sydney Parklands) 2009	The SEPP does not apply to the land
SEPP (Vegetation in Non-Rural Areas) 2017	The subject site is within a well-established urban area, having historically been used for commercial purposes. The proposal will not impact any significant vegetation.

The following table provides a brief assessment of consistency against each Deemed SEPPs relevant to the Planning Proposal.

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal
Greater Metropolitan Regional Environmental Plan No2 – Georges River Catchment	Consistent  The proposal would not impact on the water quality and river flows of the Georges River and its tributaries. The Proposal would be subject to further assessment relating to stormwater and drainage should a future development application be lodged

#### 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	The proposal is consistent with this Direction as the amendment to the Height of Building Map would not reduce the amount of commercial/retail floor space within the Campbelltown CBD  The proposed amendment would increase the potential for additional retail/commercial floor space due to the B3 zoning of the site
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent  The subject site is not located within a residential zone, although shop-top housing is a form of housing which can be incorporated into business zones. The proposal would be consistent with this

	Direction as additional dwellings would be in close proximity to existing infrastructure and services and would provide for existing and future housing needs of the local area
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	Consistent  The subject site is within 400m of Campbelltown Train Station and other forms of services such as buses which can provide access to jobs and amenities.
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 – 5.7	Repealed
5.8 Second Sydney Airport	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	Not applicable
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority
6.2 Reserving Land for Public Purposes	The Proposal does not impact on land reserved for public purposes
6.3 Site Specific Provisions	The proposal is relating to building height, and therefore the proposal is consistent with this Direction
<b>7. Metropolitan Planning</b>	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban	Not applicable



Transformation Strategy	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	The proposal is consistent with this Direction as the Proposal will allow for a revitalised and activated Queen Street which will deliver a significant amount of retail and commercial jobs. The concept design identifies higher densities around Campbelltown Railway Station and linkages through public domain parks.

### Section C – Environmental, Social and Economic Impact

#### 7. Is there any likelihood that critical habitat or threatened species, populations' or ecological communities, or their habitat will be adversely affected as a result of the proposal?

No.

The subject site does not contain any known critical habitat or threatened species, populations' or ecological communities, or any other habitat. Therefore, the proposal will not have an impact on any ecological communities.

#### 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes.

The Planning Proposal proposes to increase the maximum building height on three sites which form part of the commercial core of Campbelltown CBD and Train Station. The proposal would have impacts related to urban design, traffic management, solar access and heritage that require careful consideration.

Although the development concept submitted with the proposal is indicative only, the proposed development would have to meet the requirements of Council's DCP and LEP as well as the requirements of the Apartment Design Guide. Additionally, a site-specific DCP is being prepared to guide any future development of the site to address the issues associated with the proposal.

The subject site is located within close proximity to 'Glenalvon', a colonial Georgian sandstone home which was constructed in circa 1841. The two storey home is a rare example of residence and garden of

its period. Accordingly, it is suggested that comments on the proposal should be sought from the Office of Environment and Heritage as a condition of Gateway.

**9. Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal is not supported by a social or economic assessment. However, it is assumed that the proposal to expand the club to incorporate a hotel would assist with creating future job opportunities outlined in the Western City District Plan and benefit other land uses within the Campbelltown commercial core and surrounding area that rely close on, high quality accommodation and conferencing facilities. The proposal may also have a multiplier benefit to the local economy. More detailed assessment of social impacts would need to occur at DA stage for the club.

**Section D – State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the planning proposal?**

Yes.

Services are available in the vicinity of the site. The proposal would not impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services.

**11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Consultation would occur with the public authorities identified in the Gateway Determination, including Transport for NSW, NSW Police and the Office of Environment and Heritage.

**Part 4 – Mapping**

The Planning Proposal seeks to amend the Campbelltown LEP Height of Building Maps as proposed below: -

<b>Map</b>	<b>No</b>	<b>Requested Amendment</b>
Height of Buildings Map	HOB_008 Date 11 March 2016	Amend the height of building maps for 158-168 Queen Street from 32m to 45m and 32m to 85m for 1 Carberry Lane and 3 Cordeaux Street, Campbelltown.

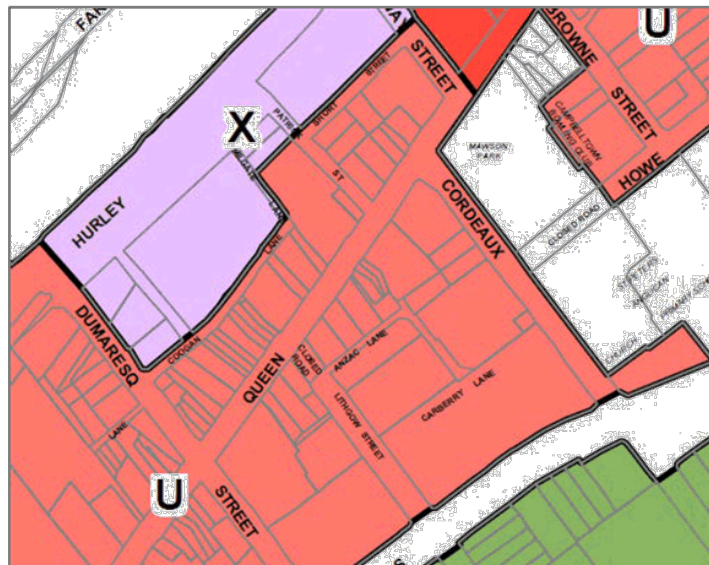


Figure 3: Current CLEP 2015 Height of Building Map

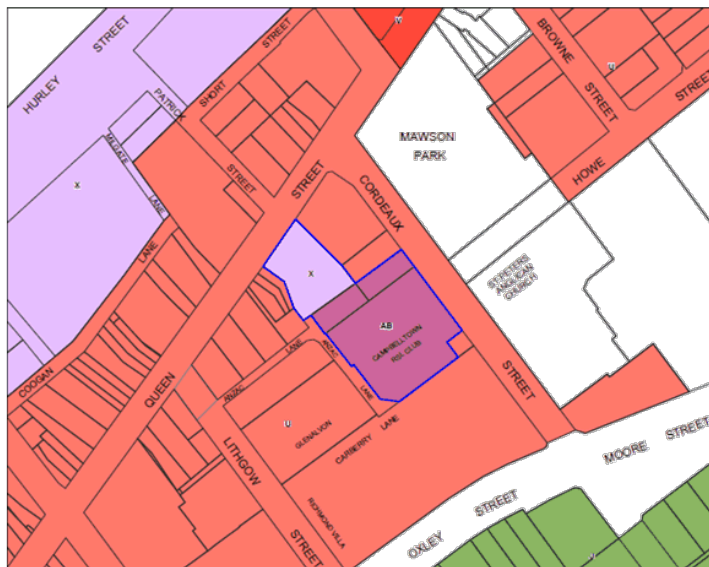


Figure 4: Proposed CLEP 2015 Height of Building Map

**Part 5 – Community consultation**

In accordance with “A guide to preparing local environmental plans” prepared by the Department of Planning and Environment (2016), the consultation strategy would include:

**Advertisement in the local newspaper**

An advertisement placed in the local newspaper identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

**Advertisement on the Council website**

The Planning Proposal would be exhibited on Council’s website ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)). Council’s libraries also have access to the website.

**Letters to affected owners**

A letter would be sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions.

**Displays at the Council Administration Buildings and the local libraries**

The Planning Proposal would be displayed at the Council Administration Building, 91 Queen Street, Campbelltown and Campbelltown Library.

**Part 6 – Project Timeline**

<b>Weeks after Gateway Determination</b>	<b>Item</b>
0	Gateway Determination
8	Exhibition Start
13	Exhibition End
17	Consideration of submissions from exhibition
22	Report to Council on submissions
24	Request draft instrument be prepared

**4.3 Demolition of existing structures, consolidation of two lots and construction of a five storey residential flat building with 24 units, communal roof terrace and two levels of basement parking - 10 - 12 Palmer Street, Ingleburn**

**Community Strategic Plan**

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

**Referral Criteria**

- Residential Flat Building, 3 or more storeys in height.

**Executive Summary**

- The application proposes the demolition of existing structures, consolidation of 2 lots and construction of a 5 storey residential flat building with basement parking at 10-12 Palmer Street, Ingleburn.
- The application does not comply with Clause 4.3 of the Campbelltown Local Environmental Plan 2015 (CLEP) as the height of the proposed building exceeds the maximum building height. The variation sought is 1.3 per cent of the development standard. A request has been made under Clause 4.6 of the CLEP to approve the application even though it does not comply with the maximum height standard.
- The proposal otherwise generally complies with, SEPP 65, the Apartment Design Guide, the Campbelltown Local Environmental Plan 2015, and is generally in accordance with Campbelltown (Sustainable City) Development Control Plan 2015.
- The application was notified to nearby and adjoining neighbours and two submissions were received, one of which includes a petition with ten signatures.
- It is recommended to the Panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.

**Officer's Recommendation**

That the Local Planning Panel allow the proposed Clause 4.6 variation of 1.3 per cent to the Height of Building development standard and approve development application 1576/2017/DA-RA proposing demolition of existing structures, consolidation of 3 lots and construction of a five storey residential flat building with basement parking at 10-12 Palmer Street, Ingleburn subject to the conditions in attachment 1.

## Purpose

Council has received a development application for the demolition of existing structures, consolidation of two lots and construction of a five storey residential flat building with basement parking at 10-12 Palmer Street, Ingleburn. The purpose of this report is to assist in the determination of the subject development application in accordance with the provision of the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	10-12 Palmer Street, Ingleburn
<b>Application No</b>	1576/2017/DA-RA
<b>Applicant</b>	Designcorp Australia Pty Ltd
<b>Owner</b>	Ms Rhonda Saba
<b>Provisions</b>	State Environmental Planning Policy 55- Remediation of Land State Environmental Planning Policy (Infrastructure 2007) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown Local Environmental Plan 2015
<b>Other Provisions</b>	Campbelltown 2027
<b>Date Received</b>	19 May 2017

## History

No recent development history related to the subject site.

A separate development application has been lodged for 16-20 Palmer Street Ingleburn, which will result in 14 Palmer Street being a residual lot between the two developments. This is discussed elsewhere in this report.

The subject application was deferred on 17 July 2017 to address issues relating to the isolation of 14 Palmer Street. The applicant addressed this matter by way of additional information submitted to Council on 17 August 2017, the issues relating to the isolated allotment is addressed elsewhere in this report.

The application was deferred for additional information on 6 December 2017 for a number of matters relating to the design of the proposal. The additional information was submitted to Council on 22 December 2017.

## Site and Surrounding Locality

A site visit was carried out by Council officers on 13 November 2017.



Figure 1: Locality map.



Figure 2: Street frontage of 12 Palmer Street.



Figure 3: Streetscape Elevation

The sites are legally identified as Lot 2 in DP 504867 and Lot 5B in DP 402416, known as 10 and 12 Palmer Street, Ingleburn. Lot 2 has a frontage of 20.115m, a depth of 34.745m and a total site area of 695.6m<sup>2</sup>, Lot 5B has a frontage of 20.115m, a depth of 30.48m and a site area of 607m<sup>2</sup>. The sites have a combined street frontage of 40.23m and a total site area of 1302.6m<sup>2</sup>. The site is located on the northern side of Palmer Street and is generally flat.

The site is occupied by a single storey detached dwelling on each lot with vehicular access provided from Palmer Street. No. 10 Palmer Street also has ancillary structures within the rear setback. There are a number of existing trees and shrubs dispersed on the site. It is also noted a number of large trees are located in close proximity of the rear boundary of 10 Palmer Street and four street trees are present across the frontage of the two sites.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments including detached dwellings, multi dwelling development and Ingleburn Public School. The subject site is located approximately 200m from the Ingleburn town centre.

The property is not listed as an item of environmental heritage, and is not located within a heritage conservation area.

### **Proposal**

The proposal includes the demolition of the existing dwellings and associated structures on site, the removal of four trees on the site and four street trees and the consolidation of the two lots into a single lot and the construction of a residential flat building.

The residential flat building will be comprised of a two storey basement, four storeys of apartments and an upper level common room and roof terrace. The particulars of the development are detailed below:

#### **Basement Level 2:**

- sixteen car parking spaces, including one accessible car parking space
- five bike parking spaces
- eighteen storage areas for units 6-11 and 13-24
- a bulk waste storage area
- fire stairs
- lift access.

#### **Basement Level 1:**

- sixteen car parking spaces, including two accessible car parking spaces
- bin storage area
- five storage areas for units 1-5 and 12
- two fire stair access
- lift access.

#### **Ground Floor:**

- units 1 to 6 including two x one bedroom units (units 1 and 6), three x two bedroom units (units 2, 3 and 5) and one x three bedroom unit (unit 4)
- each unit is provided with a private open space area



- basement ramp entry to the north-east corner of the site
- two fire stair access
- lift access
- building entry and foyer
- communal open space to the side and rear of the site
- landscaping, fencing and ancillary works.

**Level 1:**

- units 7 to 12 including two x one bedroom units (units 8 and 10) and four two bedroom units (units 7, 9, 11 and 12)
- each unit is provided with a balcony
- unit 8 is an accessible unit
- fire stair access
- lift access
- services
- waste room.

**Level 2:**

- units 13 to 18 including two x one bedroom units (units 14 and 16) and four two bedroom units (units 13, 15, 17 and 18)
- each unit is provided with a balcony
- unit 14 is an accessible unit
- fire stair access
- lift access
- services
- waste room.

**Level 3:**

- units 19 to 24 including two x one bedroom units (units 20 and 22) and four two bedroom units (units 19, 21, 23 and 24)
- each unit is provided with a balcony
- unit 20 is an accessible unit
- fire stair access
- lift access
- services
- waste room.

**Level 4:**

- communal room including amenities and waste services
- lift access
- roof terrace with fixed tables and chairs and three trees in planter boxes.

## Report

### 1. Vision

#### 1.1 Campbelltown 2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan (CSP) for the city of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve:

- 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.

Outcome 1 is the most relevant to the proposed development.

The strategy relevant to this application is as follows:

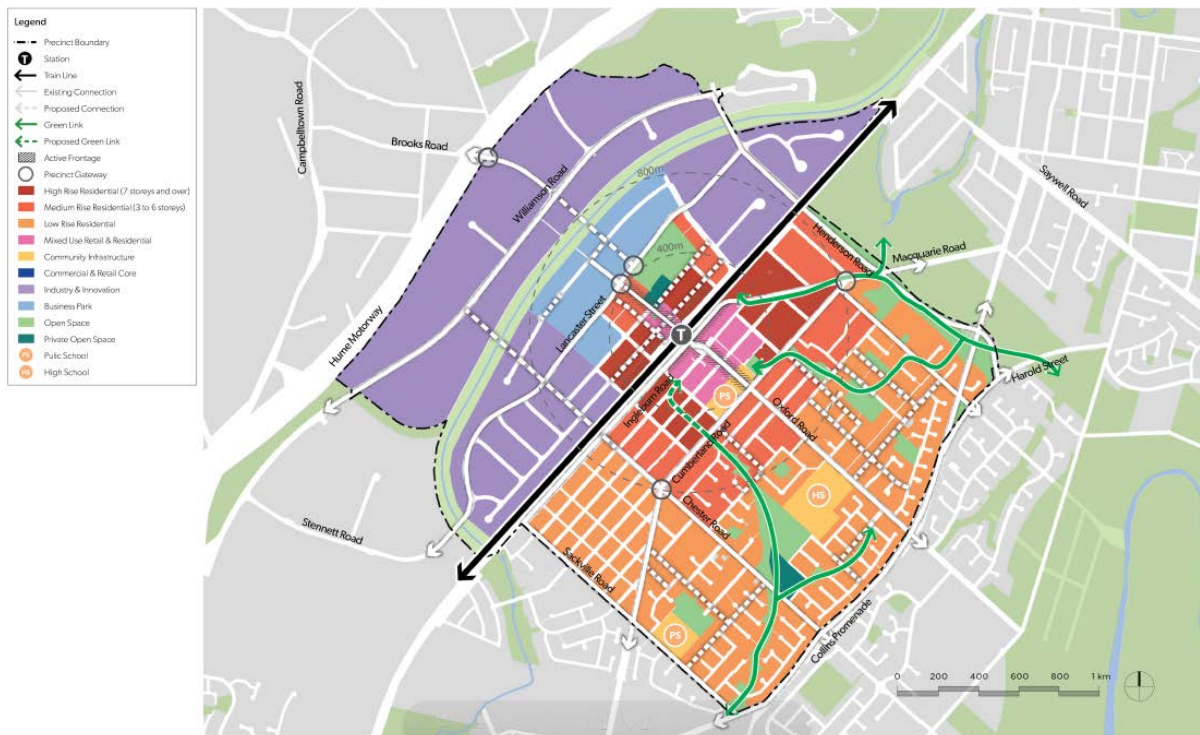
- 1.8- Enable a range of housing choices to support different lifestyles.

The existing lots are readily capable of facilitating the proposed development. The development is consistent with the above strategy as it would contribute to the provision of affordable housing to meet the needs of the growing local population and presents a design that is consistent with desired future character of Palmer Street and the wider Ingleburn locality.

#### 1.2 Campbelltown to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Corridor Strategy relates to the subject site. The Ingleburn Precinct Plan was finalised in December 2017.

The subject site is identified within the strategy as being high density residential. The proposal is in line with plans within the strategy to provide a variety of housing types within walking distance of the station to cater for all members of the community and enable residential, commercial and mixed use buildings between four and eight storeys in height in close proximity to the station and surrounding the town centre to maximise pedestrian activity and increase trade for local businesses. The proposed development is considered to be consistent with the vision for the Ingleburn Precinct plan and is supported.



## 2. Planning Provisions

### 2.1 State Environmental Planning Policy 55 - Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

### 2.2 State Environmental Planning Policy 65- Design Quality of Residential Apartment Development

SEPP 65 was introduced by the state government in 2002 to improve the design of residential apartments in NSW. The aims of the policy are listed below:

- (1) this policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) this policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.
- (3) improving the design quality of residential apartment development aims:
  - (a) to ensure that it contributes to the sustainable development of New South Wales:
    - (i) by providing sustainable housing in social and environmental terms, and
    - (ii) by being a long-term asset to its neighbourhood, and
    - (iii) by achieving the urban planning policies for its regional and local contexts, and
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and

- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
  - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
  - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
  - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
  - (g) to support housing affordability, and
  - (h) to facilitate the timely and efficient assessment of applications for development to which this policy applies
- (4) this policy aims to provide:
- (a) consistency of policy and mechanisms across the State, and
  - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

The proposed development satisfies the aims of this policy.

This policy is required to be applied to development for the purpose of the following:

- (1) residential flat building, shop top housing or mixed use development with a residential accommodation component if:
- (a) the development consists of any of the following:
    - (i) the erection of a new building,
    - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
    - (iii) the conversion of an existing building, and
  - (b) the building concerned is at least three or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
  - (c) the building concerned contains at least four or more dwellings.

The proposed development meets the abovementioned requirement and is therefore required to be assessed in accordance with this policy.

Part 4 of the SEPP states that a development application that relates to residential flat development must be accompanied by a design verification statement from a qualified designer, being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Joe El-Sabbagh of Designcorp Architects.

The application was assessed against the 9 design quality principles under SEPP 65 and a planning response to each comment is set out in table 1 below:

**Table 1: Assessment against the 10 Design Quality Principles under SEPP 65**

<b>Principle</b>	<b>Planning Comment</b>
1. Context and Neighbourhood Character	Palmer street is emerging as a high density residential neighbourhood as a result of the area being rezoned to R4. Several applications to amalgamate and redevelop existing detached dwellings into multi storey residential flat buildings have occurred recently on the northern side of the road. The proposed development is considered to be consistent with the emerging character of the new neighbourhood and is considered to be contextually appropriate.
2. Built form and Scale	The built form and scale of the building is consistent with the maximum height of 15m for the precinct, which informs the desired future character of bulk and scale for the R4 zone. The applicant has provided compliant setbacks, consistent with the apartment design guide, which provides articulation and good design.
3. Density	The proposal provides for 24 units on a 1302.6m <sup>2</sup> site. The proposed density permits the development to satisfy setback and open space requirements whilst providing unit sizes that satisfy the ADG and provide a suitable level of internal amenity, which demonstrates the density of the development is consistent with principle 3.
4. Sustainability	The design seeks to maximise solar access and natural ventilation. A number of adaptable living units are provided, which will provide sustainability over the life of the building to enable units to be adapted for a range of living requirements. The proposal includes the harvesting of rain water and suitable provision has been made for recycling and management of solid waste. The proposal satisfies BASIX requirements.
5. Landscape	The applicant has submitted a landscape plan, prepared by a qualified landscape designer. The landscape plan provides for a range of vegetation to provide an attractive development with high amenity. The landscaping will contribute to the streetscape character and neighbourhood, consistent with principle 5.
6. Amenity	The design provides for room sizes that exceed the requirements of the ADG, with satisfactory levels of solar access and natural ventilation. The external private open space areas and communal open space areas exceed the requirements of the ADG.
7. Safety	The design provides for casual surveillance of public areas and communal open space. The public and private open spaces are clearly delineated by way of landscaping. Appropriate external lighting is proposed to ensure safety of the premises and the surrounding areas. Notwithstanding, appropriate conditions of consent will be applied to ensure external lighting does not adversely affect surrounding residents. Additional safety measures including secure parking, storage areas and internal building access also ensure the safety of the occupants of the building.
8. Housing Diversity and social interaction	The range of units includes one, two and three bedrooms designs. The range of units sizes, will suit varying housing needs. In an area that is predominantly larger detached dwellings. Smaller units will cater for smaller families, couples and single people seeking housing within the locality. The architect has stated, they envision the units would be ideal for first home owners.
9. Aesthetics	The revised façade design increases the use of natural materials and the overall aesthetic includes brick, render, timber and metal elements to provide a suitable mix of materials, consistent with contemporary apartment design. Articulation to the built form is provided with the provision of balconies which break up the building form on each elevation.

**Table 2: Apartment Design Guide**

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). It should be noted that the ADG is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. An assessment of the application against the ADG prepared by Council is presented below.

Control	Proposal	Consistent
<b>Part 1: Identifying the context</b>		
<b>1A: Apartment Building Types</b> Infill development	Favourable infill development that responds to the desired future character of the immediate vicinity.	Yes
<b>1B: Local Character and Context</b> Urban Neighbourhoods/ Suburban Neighbourhoods	The proposed development is consistent with the desired future character of the area as an urban neighbourhood.	Yes
<b>1C Precincts and individual sites</b> Individual Sites	The proposed development amalgamates adjoining lots to achieve a site area that provides a development that addresses the desired future character at both a neighbourhood and streetscape scale.	Yes
<b>Part 2: Developing the controls</b>		
<b>2C: Building Height</b>	The proposed development has a maximum height of 15.2m. The maximum height of building development standard applicable to the subject site is 15m. The minor variation to the height control is acceptable for the proposed development.	Yes - Generally
<b>2D: Floor Space Ratio</b> Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	The proposal has a floor space ratio of 1.39:1, no FSR applies under the CLEP 2015. However, it is considered the proposed floor space ratio is consistent with the considerations for floor space ratio outlined within the ADG.	Yes
<b>2E: Building depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line	The building has a maximum depth of 18.8m – 23m with the depth of apartments generally ranging from 8-9m.	Yes - Generally
<b>2F: Building separation</b> Up to four storeys  12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable	The building is articulated to provide increased setback to the fifth level.  As the area is undergoing transition from a low density to a high density area, the minimum building separation distances do not comply	Yes

rooms  Five to eight storeys (approximately 25m):  18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms	with the existing adjoining development. However, in accordance with the ADG, when applying the building separation controls at half rate to the proposed development, the proposal achieves compliance with the controls and the expected redevelopment on the adjoining site.  The upper level includes a setback of 8.5m to the communal open space area and 9m to the communal room. See discussion below.	Partial Compliance
<b>2G Street setbacks</b>  Street setbacks to be consistent with existing/desired future setbacks.  In conjunction with height controls, consider secondary upper level setbacks to: • reinforce the desired scale of buildings at the street frontage • minimise overshadowing of the street and other buildings  To improve passive surveillance, promote setbacks which ensure a person on a balcony or at a window can easily see the street	The proposed development complies with the front setbacks in accordance with the SCDCP 2015. The front setback to the street is considered to be consistent with the desired future character of the locality.	Yes
<b>2H: Side and rear setbacks</b>  On infill sites follow the existing open space patterns, limit side setbacks and locate habitable rooms to face the street and rear boundary to optimise amenity and privacy for all  On narrow infill sites select a building type that orientates habitable rooms to the street and rear, minimising required side setbacks	Habitable rooms are oriented to the front and rear of the site. The proposal complies with the side and rear setback controls of the SCDCP 2015.	Yes
<b>Part 3: Siting the development</b>		
<b>3A Site Analysis</b>	The design of the development appropriately responds to the site constraints.	Yes

<b>3B: Orientation</b>	<p>The design of the development maximises solar access to living areas of the proposed units to satisfy the ADG.</p> <p>The overshadowing of the adjoining property at 14 Palmer Street is minimised during mid-winter and ensures three hours solar access to the private open space area is maintained.</p>	Yes
<b>3C: Public domain interface</b>	<p>The transition between the private and public domain is achieved through the use of landscaping and lighting. The transition is not considered to compromise the safety of occupants. The proposed development contributes to the public domain.</p>	Yes
<p><b>3D: Communal and public open space</b></p> <p>Controls: 25 per cent communal open space</p> <p>50 per cent direct sunlight to useable communal open space for min two hours between 9.00am–3.00pm on 21 June</p>	<p>The proposal has a communal open space area of 33 per cent (431.5m<sup>2</sup>), which complies with the control.</p> <p>The communal open space is provided within the side and rear setbacks with a combination of hard surface and landscaped areas.</p> <p>Due to the orientation of the site the side and rear setbacks are substantially overshadowed. However, parts of the communal open space area receive solar access to 49 per cent of the communal open space area, which is considered to be sufficient to comply with the control.</p>	Yes
<p><b>3E: Deep Soil</b></p> <p>Control: Min deep soil provisions:</p> <p>Site 650m<sup>2</sup> to 1500m<sup>2</sup>, minimum dimensions 3m 7 per cent deep soil</p> <p>Site: 1302m<sup>2</sup> 7 per cent = 92m<sup>2</sup></p>	<p>Suitable levels of deep soil planting would be provided on the site. The landscape plan includes a variety of trees and shrubs to improve residential amenity.</p> <p>The proposed development includes 23 per cent of the site as deep soil planting.</p>	Yes
<p><b>3F: Visual privacy</b></p> <p>Control: Min separation distance from buildings to side and rear boundaries:</p> <p>Up to 12m (4 Storeys): Habitable 6m, non-habitable 3m</p> <p>Up to 25m (5-8 storeys): habitable 9m, non-habitable 4.5m</p>	<p>The proposed 6m side and rear setbacks to the ground to third floor provide setbacks consistent with the application of half of the required building separation for future development on the adjoining properties. Application of a setback consistent with half the required building separation is consistent with application of building separation to residential flat buildings, where no adjoining residential flat building development is present on the adjoining site.</p> <p>The upper level communal area includes setbacks to the side and rear boundaries, which are partially compliant with a building</p>	Yes



	<p>separation required of 9m, where the upper level does not achieve the required 9m setback, a condition of consent to amend the setbacks of the upper level is recommended.</p> <p>The proposed development does not adjoin other multi storey development. Therefore, there is no direct viewing between the proposal and the adjoining development. The ground floor is screened by fencing and landscaping. The design of the façade incorporates movable screens to windows and balconies to improve privacy.</p>	
<b>3G Pedestrian access and entries</b>	The building entry is defined by a projected awning, which also provides for weather protection for occupiers and visitors. The entry is timber with white accents, which contrasts with the dark ground floor external finish.	Yes
<b>3F Vehicle access</b>	The basement access and visible portion of the basement is incorporated into the design of the building, which does not detract from the streetscape character or add visual bulk to the building.	Yes
<p><b>3J: Bicycle and car parking</b></p> <p>For development in the following locations:</p> <p>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p>	<p>The subject site is located within 85m of B4 zoning.</p> <p>The proposal is designed to comply with Council controls.</p> <p>Required: 30 resident spaces and 2.4 visitor spaces.</p> <p>Proposed 30 resident spaces and 3 visitor spaces.</p> <p>5 secure underground bike parking spaces would be provided.</p>	Yes
<b>Part 4: Designing the building</b>		
<p><b>4A: Solar and Daylight Access</b></p> <p>Living rooms and private open spaces for at least 70 per cent of apartments should receive two hours direct solar access on winter solstice (Sydney metro area)</p>	The proposed development provides for 79 per cent of all dwellings to receive a minimum of 2 hours direct solar access on the winter solstice.	Yes
Max 15 per cent of apartments receive no direct sunlight between 9.00am and 3.00pm in mid-winter	12.5 per cent of unit will receive less than 1 hour solar access on the winter solstice and 8.5 per cent of units will receive no solar access on the winter solstice.	Yes
<p><b>4B: Natural ventilation</b></p> <p>At least 60 per cent of</p>	79 per cent of the proposed units are naturally	Yes

apartments are naturally cross ventilated, in first nine storeys	cross ventilated.	
Overall depth of crossover or cross through unit does not exceed 18m, measured glass line to glass line		
<b>4C: Ceiling heights</b> Habitable room 2.7m	All units and the common room have an internal height of 2700mm.	Yes
<b>4D: Apartment size and layout</b> 4D-1: Minimum internal areas:  1 bed 50m <sup>2</sup> 2 bed 70m <sup>2</sup> 3 bed 90m <sup>2</sup>  More than 1 bathroom increase area by 5m <sup>2</sup>	All units are designed to meet the minimum internal area.	Yes
Every habitable room must have an external wall with a total minimum glass area of not less than 10 per cent of the floor area of the room. Daylight and air may not be borrowed from other rooms <b>4D-2 : Environmental performance</b> Habitable room depth limited to 2.5m x max ceiling height  In Open plan layout (i.e. combined living, dining, kitchen) max habitable room depth is 8m from a window	Each habitable room is provided with a window, which is no less than 10 per cent of the floor area of the room.  The depth of each room does not exceed 6.75m.  Unit designs that include open plan layouts do not exceed 8m in depth.	Yes  Yes  Yes
<b>4D-3: Layout designed to accommodate variety of household activities and noise</b> Master bedroom min area 10m <sup>2</sup> , other bedrooms 9m <sup>2</sup>  Bedroom min dimensions 3m  Living rooms: 3.6m (studio/ 1 bed)  4m (2 bed+)	All master bedrooms have a minimum area of 10m <sup>2</sup> and all other bedrooms have a minimum area of 9m <sup>2</sup> .  All bedrooms are a minimum of 3m wide.  All one bedroom apartments have a minimum width of 3.6m.  All other apartments have a minimum width of 4m to living rooms.	Yes  Yes  Yes  Yes
<b>4E: private open space and balconies</b> Primary balconies minimum area:	All proposed balconies provide a minimum area in accordance with the control.	Yes

<p>1 bed – 8m<sup>2</sup>, 2m  2 bed – 10m<sup>2</sup>, 2m  3+ bed – 12m<sup>2</sup>, 2.4m</p> <p>Ground floor units: 15m<sup>2</sup>, depth 3m</p>	The proposed ground floor private open space areas would be provided with a minimum open space of 20m <sup>2</sup> and 3m width.	Yes
<p><b>4F: Common circulation spaces</b>  Max units off core per level is 8</p>	The proposal provides for 6 units per level.	Yes
<p><b>4G: Storage</b>  1 bed 6m<sup>3</sup>  2 bed 8m<sup>3</sup>  3+ bed 10m<sup>3</sup></p> <p>50 per cent of required storage to be located within the unit</p>	Each dwelling is provided with a minimum of two storage areas, one in the basement and one in the unit. The combined size of the storage areas provided to each unit exceeds the minimum requirements of the control. The design and location of the storage areas are acceptable to satisfy the requirements under section 4G of the ADG.	Yes
<b>4H: Acoustic Privacy</b>	Relevant conditions of consent shall be applied to ensure noise transfer between units is minimised.	Yes, conditioned
<b>4J: Noise and Pollution</b>	The subject site is not located adjacent to major roads or a rail corridor, the location of the proposed development is considered to minimise noise and pollution impacts on future residents of the development	Yes
<b>4K: Apartment Mix</b>	A suitable range of apartment sizes are provided within the development, which are evenly distributed throughout the building.	Yes
<b>4L: Ground Floor Apartments</b>	The proposed ground floor apartments have active street frontages with private terraces in the front setback with appropriate landscaping.	Yes
<b>4M: Facades</b>	The proposed façade includes a mix of materials of low maintenance finishes, including timber, brick, cladding, render and metal. The finishes define the base, middle and top of the building. The façade design is considered to satisfy the objectives of section 4M of the ADG.	Yes
<b>4N: Roof Design</b>	The roof design has a recessed upper level, which functions as a communal room and communal open space. The roof design is not visually dominant within the streetscape and is proportionate to the overall form of the building.	Yes
<b>4O: Landscape Design</b>	The proposed landscaping design for the site includes substantial deep soil planting. The landscape plans include 4 large trees and 6 medium trees and a range of small trees, shrubs and landscaping, which satisfies the requirements of the ADG.	Yes
<b>4P: Planting on Structures</b>	The proposed development includes the provision of three trees on the rooftop balcony, in planter boxes. Appropriate conditions of consent will be included to ensure the roof top planting is appropriately designed so plant growth is achieved.	Yes, conditioned

<b>4Q: Universal Design</b>	The proposed development will be appropriately conditioned to ensure 20 per cent of the units within the building meet the measures outlined for liveable housing.	Yes, conditioned
<b>4U: Energy Efficiency</b>	The proposed development incorporates measures to improve the sustainability of the building with natural ventilation, water efficient fixtures, shading devices and clothes drying areas.	Yes
<b>4V: Water Management and Conservation</b>	The proposal includes water efficient fittings to each unit. Measures for a rainwater tank will be required as a condition of consent for watering of landscaping on site.	Yes, conditioned
<b>4W: Waste Management</b>	The proposed waste management measures are adequately sized and located, a bulky waste storage is provided in the basement and appropriately designed for access by residents	Yes
<b>4X: Building Maintenance</b>	The proposed building design provides protection from weathering, the proposed material selection is considered to reduce ongoing maintenance costs with the façade being predominantly face brick work.	Yes

### **2.3 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004**

A BASIX Certificate for the development (No. 821545M) was submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable under State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.

### **2.4 State Environmental Planning Policy (Infrastructure) 2007**

The proposed development is not adjacent to or located on a classified road. The proposed development is not considered to be affected by road noise or vibration. Therefore, Clause 87 of the SEPP is not applicable.

The number of units does not meet the requirements under schedule 3 to be classified as traffic generating development. Therefore, referral to the RMS is not required.

The proposed development makes provision for a pad mount substation in the front setback to service the proposed development. The application was referred to Endeavour Energy, who raised no objection to the proposed development, subject to the imposition of the recommended conditions of consent.

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

The proposal is within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

- a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the catchment
- b) to protect and enhance the environmental quality of the catchment for the benefit of all users through the management and use of the resources in the catchment in an ecologically sustainable manner
- c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries
- d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the catchment
- e) (Repealed)
- f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the water reform package.

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

## **2.6 Campbelltown Local Environmental Plan 2015**

The subject site is zoned R4 High Density Residential in accordance with the Campbelltown Local Environmental Plan 2015. The proposed development is defined as a 'residential flat building' as follows:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposed development is considered to be consistent with the following objectives of the R4 High Density Residential Zone:

- to provide for the housing needs of the community within a high density residential environment
- to provide a variety of housing types within a high density residential environment
- to encourage high density residential development in close proximity to centres and public transport hubs
- to maximise redevelopment and infill opportunities for high density housing within walking distance of centres
- to minimise overshadowing and ensure a desired level of solar access to all properties.

The proposed residential flat building will contribute to the provision of housing stock to meet the housing needs within the Campbelltown Local Government Area.

The following details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown Local Environmental Plan 2015.

Provision	Comment	Compliance
<b>Part 2 Permitted or Prohibited Development</b>		
2.7 Demolition required development consent	Clause 2.7 provides that the demolition of a building or work may be carried out only with development consent. Consent is sought as part of this application for the demolition of the existing single storey dwelling, detached carport and other ancillary structures.	Yes
<b>Part 4 Principal Development Standards</b>		
4.1C Minimum qualifying site area and lot size for certain residential and child care centre development in residential zones <ul style="list-style-type: none"> <li>1000m<sup>2</sup> for RFB's in R4 zone.</li> </ul>	The combined site area is 1302.6m <sup>2</sup> . The combined site area meets the minimum qualifying site area required by the Development Standard in Clause 4.1C.	Yes
4.3 Height of Buildings <ul style="list-style-type: none"> <li>15m maximum</li> </ul>	The proposed height of the building of 15.2m exceeds the maximum height permitted by the development standard by 200mm.  The proposal seeks a 1.3 per cent variation to the development standard. See discussion below.	No
4.3A Height restriction for certain residential accommodation 2 storey limit for <ul style="list-style-type: none"> <li>dwelling in RFB</li> </ul>	All dwellings within the proposed residential flat building are single storey.	Yes
4.6 Exceptions to development standards	The application is accompanied by a written request pursuant to clause 4.6 of Campbelltown LEP 2015 to vary the height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.	See discussion
<b>Part 5 Miscellaneous Provisions</b>		
5.10 Heritage Conservation	The site is not identified as an item of environmental heritage or within a heritage conservation area. In addition, the property is not within the vicinity of a heritage item.	N/A
<b>Part 7 Additional local provisions</b>		
7.1 Earthworks	The proposed development includes excavation for the purpose of a two storey basement car park. The applicant has submitted a geotechnical report in support of the application, to ensure the stability of surrounding development a dilapidation report will be required as a condition of consent. The proposed excavation is not considered to affect heritage, waterways, adjoining properties or restrict future development on the land. As the proposal satisfies the matters for consideration outlined within Clause 7.1 of the CLEP 2015, the proposed excavation is supported, subject to the recommended conditions of consent.	Yes
7.2 Flood Planning	The subject site is not identified as a flood control lot.	Yes

7.4 Salinity	The submitted geotechnical report has addressed salinity, Council is satisfied the proposal satisfies Clause 7.4 of the CLEP 2015.	Yes
7.10 Essential Services	The site has access to all required essential services.	Yes
7.13 Design Excellence	The site is located within the R4 zone, the applicant has provided a statement addressing the matters outlined within (4), with regard to design excellence. Council has determined the proposed development exhibits design excellence pursuant to the matters for consideration outlined in (4).	Yes

The heights of proposed development result in a minor departure from the height of building development standard. The applicant has submitted a Clause 4.6 request in support of the proposed development.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the non-compliance with the height of building development standard and consideration of a Clause 4.6 request.

### **Exceptions to Development Standards**

#### **Clause 4.3 Height of buildings**

The proposed development has a maximum height of 15.2m, as measured to the highest point of the building from natural ground level. The proposal exceeds the height of buildings development standard of 15m prescribed under clause 4.3 of Campbelltown LEP 2015 by 200mm or 1.3 per cent. It should be noted, the majority of the building does not exceed the maximum height.

A written request pursuant to clause 4.6 of Campbelltown LEP 2015 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The overall height of the development presents as a compatible form of development with the evolving high density development within this locality noting the 4-5 storey built form is consistent with the emerging character of the locality and the height departure is limited to a recessed part of the building that does not impact on the presentation of the building as largely a 4 storey form that is substantially below the height limit to the majority of the building.
- The extent of visual impact, privacy and solar access to adjoining properties and the public domain is considered acceptable when considered that the proposal provides only a point encroachment of 200mm. This does not impact on privacy or overshadowing to adjoining properties.
- The building separation proposed means that privacy impacts are limited and not discernible different to a compliant building height on the site.

In seeking a variation to the development standard an assessment against Clause 4.6 is detailed below:

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Flexibility in the application of Clause 4.3 is considered to be appropriate for the particular development. Overall, the proposal is appropriate for the subject site and location, given the proximity to the Ingleburn town centre and limited impacts on the amenity of the adjoining residential dwellings.

- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposed variation is relatively minor and relative to a small portion of the building, variation to the height of the proposed development provides flexibility in the application of building height controls to facilitate a very minor variation to the development standard, which does not affect the amenity of the surrounding residential properties.

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The Clause does not exclude the variation of Clause 4.3 of the CLEP 2015.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

A written request was received as the proposed development seeks a maximum variation of 1.3 per cent to the maximum height of building development standard. The variation to the development standard does not detract from the amenity of the surrounding development with regard to solar access, views or privacy. The proposed development is permissible within the zone and demonstrates compliance with the relevant controls outlined within the ADG and the SCDCP 2015 with regard to setbacks, privacy, open space, apartment size, car parking and built form. The compliance of the proposal with regard to the aforementioned controls demonstrates that variation to the height of building development standard is acceptable, given the circumstances of the case.

- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and



- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

The proposed variation to Clause 4.3 maximum height of building development standard is considered to satisfy the objectives with regard to visual impact, views, privacy and solar access to future development and the public domain. The development is also considered to be in the public interest considering the circumstances of the case.

The applicant's written request is considered to be satisfactory for the proposed development having regard to subclause (3). Non-compliance with the development standard is considered to be acceptable given the minor nature of the variation. The proposal is considered to be acceptable and adequate justification is provided for contravention of the development standard. The proposal is consistent with the objectives of Clause 4.3 and the R4 zone, and is therefore supported for approval.

## 2.7 Campbelltown (Sustainable City) Development Control Plan 2015

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) is to provide more detailed provisions to supplement the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Under to Clause 4.15 (1) (a) (iii) Council is required to consider the relevant provisions of the applicable development control plan of the Campbelltown Local Government Area (LGA), being SCDCP 2015.

### Volume 1 Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions is discussed below:

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
2.2 Site Analysis	a) The development application for all development involving the construction of a building and the Torrens title subdivision of land.	The site analysis plan submitted to Council is considered to be compliant with the requirements for a Site Analysis plan in accordance with Section 2.2 of the SCDCP 2015.	Yes
2.4.2 Solar Hot Water	a) All new buildings are encouraged to provide a solar hot water system. b) Where the site is connected to the gas main, the solar hot water system is encouraged to be gas boosted.	The proposed development does not make provision for solar hot water. Given the size of the proposed development, solar hot water systems are not considered to be appropriate in this instance.	No
2.4.3 Natural Ventilation	The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	The proposed development maximises cross flow ventilation to each dwelling.	Yes

2.4.4 Light Pollution	Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	The consent shall be appropriately conditioned to ensure outdoor lighting does not adversely affect adjoining residential properties or traffic.	Yes
2.4.5 BASIX	BASIX	The applicant has submitted a BASIX Certificate in support of the proposed development.	Yes
2.5 Landscaping	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape design will enhance the visual character of the development and complement spaces within the site.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	The landscape design will retain existing trees where possible and enhance the existing native flora with the provision of native plant species on the site.	Yes
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposed landscape design is considered to contribute to the character of the streetscape	Yes
2.7 Erosion and Sediment Control	a) An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface. For requirements relating to the preparation of an ESCP, refer to Appendix 5 of Volume 1 and Council's Engineering Design Guide for Development	The applicant has not submitted an erosion and sediment control plan with the application. To ensure the proposal complies with the SCDCP 2015, a condition of consent is recommended to ensure an ESCP is provided prior to the issue of a construction certificate.	Yes, conditioned
	b) Site activities shall be planned and managed to minimise soil disturbance.	Site activities shall be planned to minimise soil disturbance.	Yes
	c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	Appropriate measures will be included to divert water around soil disturbance.	Yes
	d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	The location of stockpiles has been detailed on the erosion and sediment control plan.	Yes
2.8.1 Cut and Fill	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A cut and fill management plan will be required as a condition of consent.	Yes, conditioned
	c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	A dilapidation report will be required as a condition of consent.	Yes, conditioned

	e) All fill shall be Virgin Excavated Natural Material (VENM).	A condition of consent shall be applied to ensure any fill imported onto the site is VENM.	Yes, conditioned
2.8.2 Surface Water and Floor Levels	a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The site is not identified as being flood affected by Council's Engineers.	N/A
	e) Buildings involving basements, hospitals, seniors living dwellings and educational establishment with more than 50 students shall comply with the provisions of Council's Engineering Design Guide for Development	The proposed basement will be conditioned to ensure the design complies with the Engineering Design Guide for Development	Yes, conditioned
	g) Where underground car parking is proposed, measures shall be taken in design and construction to ensure escape routes, pump out drainage systems (which include backup systems) and location of service utilities (including power, phone, lifts) are appropriately located in relation to the 100 year ARI event, in accordance with Section 4.13.8 of Council's Engineering Design Guide for Development	Appropriate conditions of consent are recommended	Yes
2.9 Demolition	a) A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures ( as amended); ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number); iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.	The demolition of the structures is supported. Appropriate conditions of consent are recommended to ensure the demolition is carried out in accordance with the controls.	Yes
	b) Where appropriate, demolished materials shall be recycled for reuse on site.	The waste from the demolition will be removed to appropriate sites for processing and recycling.	N/A

2.10.2 Stormwater	a) All stormwater systems shall be sized to accommodate the 100- year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development	The proposed development was reviewed by Council's Development Engineer, who has applied relevant conditions of consent.	Yes
	b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	The design of the stormwater was undertaken by an engineer.	Yes
	d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	The proposed development does not affect the adjoining properties with regard overland flow.	Yes
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device.	The proposal includes the disposal of stormwater run-off via gravity to the street.	Yes
	i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times.	Appropriate conditions of consent will address public safety.	Yes
	j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The proposed development does not appear to result in flooding or erosion to adjoining properties/	Yes
	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development	The stormwater will be disposed of into Council's system.	Yes
2.10.3 Stormwater Drainage	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	The applicant has submitted a stormwater management plan, which was reviewed by Council's Development Engineer and is supported, subject to the imposition of relevant conditions of consent.	Yes, conditioned
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	The applicant has provided information in the stormwater concept plan consistent with (b).	Yes
2.12 Retaining Walls	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	The proposed development does not include retaining walls on the site property boundaries. The proposal includes retaining structures within the property boundaries	Yes

		which are acceptable. All retaining walls will be required to be designed by a structural engineer, which will be included as a condition of consent.	
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) No filling shall be permitted within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.	The proposal does not seek to fill the site within 2m of the boundary.	Yes
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.	The cut of the basement excavation is not located within 450mm of the property boundary, and no retaining walls are proposed.	Yes
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	The design of the proposed retaining walls does not appear to adversely alter surface flows.	Yes
	e) Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	Relevant conditions of consent will be included to require any retaining wall to be located within the property, unless adjoining owner's consent can be obtained.	Yes, conditioned
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	The consent will be appropriately conditioned to require a dilapidation report to be prepared for surrounding affected properties to ensure adjoining structures are protected.	Yes, conditioned
2.13 Security	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead ends and other possible entrapment areas; iii) clearly identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space.	The proposed development is designed to facilitate casual surveillance from the building to public domain areas and communal open space areas in the on the property. Access points to the building are clearly identified and public and private space is clearly delineated by way of landscaping and design features.	Yes

	<p>b) External lighting shall be designed to:</p> <p>i) encourage the use of safe areas;</p> <p>ii) define safe corridors for movement of people; and</p> <p>iii) allow facial recognition of approaching pedestrians at 15 metres.</p>	The proposed development clearly defines corridors and pedestrian access paths.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.	The property will be landscaped, fenced and designed with appropriate security devices to assist in crime prevention.	Yes
	e) Development applications for multi dwelling housing, attached dwellings residential fat buildings, mixed-use development, boarding houses, shop top housing, commercial development, industrial development and large scale subdivision comprising more than 10 dwellings/units allotments or incorporating works to be dedicated to Council shall be accompanied by a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.	The applicant has satisfactorily addressed how the proposed development will satisfy CPTED principles.	Yes
2.15.1 Waste Management Plan	a) A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	The applicant has submitted a waste management plan. A revised waste management plan satisfying all relevant sections of the SCDCP 2015 will be required as a condition of consent.	Yes, conditioned
2.15.2 Waste Management during demolition & construction	a) All waste and recyclable streams shall be stored separately on site.	A condition of consent is recommended to reflect this.	Yes, conditioned
	b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP.	A condition of consent is recommended to reflect this.	Yes, conditioned
	c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management facility. Details of disposal arrangements shall be specified in the WMP.	The waste management plan makes provisions for disposal of building materials.	Yes
	d) Convenient and safe vehicular access to waste and recycling material storage areas shall be provided.	Safe access to the waste storage areas will be provided	Yes

### Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures

The development application was further assessed under the relevant controls outlined in Part 3 of the SCDCP 2015 with regard to requirements for ancillary structures in residential zones.

Compliance with the relevant provisions of Part 3 of the plan is discussed as follows:

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
3.5.1 Fencing	Bonded sheet metal fencing shall not be constructed at any location other than alongside and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	The proposed front fence is a combination of timber and masonry materials.	Yes
	Residential fencing along the rear and side boundaries shall be: i) located behind the primary street building line; ii) a maximum 2.1 metres in height (excluding retaining walls); and iii) a maximum 1.8 metres in height, if adjoining a secondary street.	Part of the boundary fence will project beyond the front building line on the southern boundary. See discussion below.	No
	Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	The proposed front fence varies in height from 1.2m to 2m in height. See discussion below.	No
	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	Fencing shall be designed and located to ensure services are not obstructed.	Yes
	Details for fencing shall be submitted with the development application.	Fencing details have been submitted with the development application.	Yes

### Part 5 – Residential Flat Buildings and Mixed-Use Development

The development application was further assessed under the relevant controls outlined in Part 5 of the SCDCP 2015 with regard to requirements for residential flat buildings.

Compliance with the relevant provisions of Part 5 of the plan is discussed as follows:

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
5.2 Desired Future Character	High density residential neighbourhoods shall be characterised by: <ul style="list-style-type: none"> <li>building forms that have a high level of architectural merit and</li> </ul>	The proposed residential flat building is considered to have a high level of architectural merit and will positively contribute to the local area and	Yes

	<p>make a positive contribution to the local area;</p> <ul style="list-style-type: none"> <li>• a diversity of high density residential forms;</li> <li>• residential forms that provide high quality residential living environments;</li> <li>• integration with high intensity public transport forms and fine grained pedestrian/cycleway networks;</li> <li>• access to a safe and high quality public domain;</li> <li>• articulated front facades with balconies and deep soil planting and landscaping of street frontages.</li> </ul>	<p>the desired future character of Ingleburn.</p> <p>The proposed development includes articulated front facades with balconies and landscaping of the front setback. The proposed development is considered to contribute to the streetscape character of the area and is consistent with the desired future character of the R4 zone in Ingleburn.</p>	
5.4.1 Relationship of the Plan to SEPP 65 Design Quality of Residential Flat Development	<p>a) In addition to satisfying the requirements of the plan, all residential flat buildings, and mixed use development having a height greater than 12 metres or 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) shall satisfy all the standards within State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (Published by the NSW Department of Planning and Environment, July 2015).</p>	<p>An assessment against the design principles of SEPP 65 and the Apartment Design Guide is detailed elsewhere in this report.</p>	Yes
5.4.2 Building Form and Character	<p>a) Building design shall consider foremost the qualities (both natural and built) and the desired future character of the areas including the significance of any heritage item on the land.</p>	<p>The building design considers the qualities of the surrounding natural and built environment. The design and building materials consider the context of the locality and desired future character of the locale.</p>	Yes
	<p>b) Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:</p> <p>i) incorporation of appropriate facade treatments that help the development properly address the respective street frontages, key vistas and to add visual interest to the skyline;</p> <p>ii) incorporation of articulation in walls, roof lines, variety of roof pitch, individualised architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building;</p> <p>iii) variation in the vertical planes of exterior walls in depth and/or direction;</p>	<p>The building design incorporates an appropriate facade treatment to each building elevation that are articulated with balconies and fenestrations. The design is considered to add visual interest to the skyline.</p> <p>The articulation provided to the walls and roof includes fenestrations and balconies into the facade of the building.</p> <p>A variety of vertical planes are provided with external walls and screens.</p> <p>The building is articulated, which breaks up the building</p>	Yes



	<p>iv) variation in the vertical and horizontal planes of the building so that the building appears to be divided into distinct base, middle and top massing elements;</p> <p>v) articulation of building facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used;</p> <p>vi) utilisation of landscaping and interesting architectural detailing at the ground level; and</p> <p>vii) avoidance of blank walls at ground and lower levels.</p>	<p>into two seemingly distinct forms, the setback of the upper level presents as an appropriate upper massing element, which is recessive in design.</p> <p>Appropriate articulation is provided to all elevations utilising a variety of façade elements.</p> <p>Landscaping is provided at the ground level, to provide visual relief and screen private areas. Blank walls are not provided at the ground and lower levels.</p>	
	<p>c) Building design shall demonstrate to Council's satisfaction that the development will:</p> <p>i) facilitate casual surveillance and active interaction with the street;</p> <p>ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building at street level; and</p> <p>iii) maximise cross flow ventilation, therefore minimising the need for air conditioning.</p>	<p>The orientation of private open space areas facilitates casual surveillance.</p> <p>The proposed front setback complies with Council's controls and provides sufficient space for vegetation.</p> <p>The design of units maximises natural ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>d) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised to feature and highlight element only.</p>	<p>The building colours and materials use natural and earth based tones with subtle contrast.</p>	<p>Yes</p>
	<p>e) Building materials shall be high quality, durable and low maintenance.</p>	<p>The proposed building material being, brick, render, timber and metal, will provide a high end, low maintenance finish.</p>	<p>Yes</p>
5.4.3 Site Services	<p>a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.</p>	<p>The design and location of the utilities satisfies Council.</p>	<p>Yes</p>
	<p>b) Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, internet and stormwater drainage).</p>	<p>The proposed development makes adequate provisions for essential services.</p>	<p>Yes</p>
	<p>c) All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.</p>	<p>The basement within the building includes a substantial plant room for mechanical services. No external details for mechanical plant have been provided on the plans.</p>	<p>Yes</p>

	d) All communication dishes, antennae and the like shall be located or integrated into the built form so as to minimise visual prominence.	Details of communication dishes and the like have not been included on the plans.	N/A
	e) An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	An external lighting plan will be required as a condition of consent.	Yes, conditioned
	f) All site services areas including any associated equipment and storage structures shall be incorporated into the design of the building and screened from public view.	The design of the building provides for a plant room in the basement, which is not visible from public view.	Yes
	g) An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	An ongoing waste management plan was submitted.	Yes
5.4.4 Acoustic Privacy	a) Residential flat buildings, and the residential component of a mixed-use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded: i) in any bedroom in the building—35 dBA , ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dBA.	The applicant has submitted an acoustic report in support of the proposed development. The report contains acoustic measures for windows and doors for construction to ensure acoustic privacy. The report shall be an endorsed consent document and measures outlined within the report, will be incorporated into the design requirement prior to the issue of a Construction Certificate.	Yes, conditioned
	b) Residential flat buildings, and the residential component of a mixed-use development near railway corridors and major roads shall demonstrate to Council's satisfaction compliance with the requirements under the Guidelines entitled Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008)	The subject site is not located adjacent to railway corridors or major roads.	N/A
5.4.5 Vehicular Access	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that existing road networks are capable of providing safe and efficient vehicle access to and from the proposed development.	The subject site is located on Palmer Street, which is identified as a through street. However, the street is not a through street and the proposed development is effectively located at the end of a cul-de-sac. The proposal was referred to Council's Traffic Engineer, who stated the overall impact from the traffic generated from the proposed development would not significantly affect local traffic.	Yes
5.4.6 Stormwater	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied	The applicant has submitted a stormwater management plan to dispose of stormwater to the	Yes

Drainage	that sufficient provisions made for the management of stormwater. All necessary upgrades to existing public and private stormwater infrastructure shall be addressed as part of the proposed development and shall be in accordance with Council's Engineering Design Guide for Development	street via gravity. Council's development engineer has reviewed the proposal and included conditions of consent.	
5.4.7 Thermal Comfort	a) Residential flat buildings and mixed-use developments shall be designed to maximise natural thermal comfort for occupants through the use of appropriate building materials.	The proposed development incorporates elements including, natural ventilation, orientation, insulation and building materials to provide for increased thermal comfort. In addition, the applicant has provided a BASIX Certificate to provide increased thermal conform and sustainability.	Yes
5.4.8.1 Number of Bins	a) All buildings shall be provided with household garbage bins at the following rates: i) a 240 litre bin per 2.5 dwellings/ week for household garbage; or b) recycle bins at a ratio of one 240 litre bin per 2.5 dwellings per fortnight.	A total of 10 x 240L waste bins and 10 x 240L recycling bins will be provided to the property, which complies with the controls.	Yes
5.4.8.2 Waste Service Rooms, Garbage Chutes and Provision for Recyclables Bins	a) All buildings with a rise of four storeys or more shall make provision for a waste service room on each section of each level which is accessible for all occupants.	The waste room is centrally located in the lobby of each level for easy access by all residents and not adjacent to any bedrooms or living rooms.	Yes
	b) All waste service rooms shall have chutes to enable residents to dispose of garbage.	The proposal includes a waste chute for garbage waste and a recycling bin which would be provided on each level, including the common room.	Yes
	c) Chutes shall not be located adjacent to bedrooms or living rooms unless bedrooms unless they are outside the sound transmission barrier surrounding each unit.	The waste storage location does not directly adjoin bedrooms or living rooms, to reduce noise transmission into units.	Yes
	d) Chutes shall feed into appropriately sized bins located in the bin storage room.	The waste chutes will feed into a 3 bin carousel on the ground floor.	Yes
	e) The outlet area, in which the chute outlets and mechanical collection devices are located, shall be secured to prevent access by unauthorised persons.	A condition of consent is recommended to ensure the design of the waste chute is secure to prevent unauthorised access.	Yes, conditioned
	f) While mechanical devices are permitted in order to assist with waste collection (egg. carousel), no compaction is permitted for either garbage or recyclables.	No waste compaction is proposed as part of the waste management provisions.	Yes
	g) Each waste service room shall make provision for a sufficient number of 240-litre mobile recyclable bins for	The waste service rooms on each level make provision for a recycling bin.	Yes

	residents on each floor to dispose of recyclables.		
5.4.8.3 Bin Storage Room	<p>a) The development shall make provision for an appropriately sized bin storage room(s) that provides convenient access for occupants and waste collection personnel . The storage room shall:</p> <p>i) be located behind the primary and secondary building alignment;</p> <p>ii) have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary);</p> <p>iii) be graded and drained to a Sydney Water approved drainage fitting;</p> <p>iv) have coving at all wall and floor intersections;</p> <p>v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;</p> <p>vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and</p> <p>vii) have a self-closing door openable from within the room.</p>	A bin storage room is provided on the level 1 basement. The construction of the bin storage will be conditioned to comply with 5.4.8.3.	Yes, conditioned
	<p>b) Bin storage rooms shall be ventilated by:</p> <p>i) a mechanical exhaust ventilation system; or</p> <p>ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.</p>	Bin storage room will be conditioned to comply with Council's design requirements.	Yes, conditioned
	<p>c) Exterior doors of communal bin storage rooms shall be:</p> <p>i) consistent with the overall design of the building;</p> <p>ii) located away from the frontage of the building; and</p> <p>iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door.</p>	The bin storage is located in the basement.	N/A
	d) All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	Waste bin rooms shall be designed to prevent entry of vermin, design requirements will be conditioned accordingly.	Yes, conditioned
	e) All bin storage rooms must be located in an area where bins can be easily moved to the waste collection	Waste bins can be easily manoeuvred up the basement access ramp to street level.	Yes, conditioned

	point.		
	f) Where waste collection personnel are required to enter the premises to service bins, the collection point shall be no further than five metres from the collection vehicle.	Waste personnel will not be required to enter the basement, a condition requiring a building manager to present bins to the street will be required as a condition of consent.	Yes
	g) Where residents have access to bin storage rooms, signage on the correct use of the waste management system shall be displayed in all bin storage rooms.	Signage for the use of bin storage rooms will be required as a condition of consent	Yes, conditioned
	h) Developments must make provision for the storage of bulk waste (kerbside clean-up) materials, including: i) a minimum area of 10sqm; ii) the area must be accessible to all residents; and iii) the area must not be more than 10 metres from the waste collection point.	The basement will provide a bulk waste storage room on the ground floor of the basement and is accessible to the street.	Yes
5.4.8.4 Waste Collection	a) Any development containing 20 or more dwellings and/or the number of bins proposed cannot be accommodated within 50 per cent of the development's frontage on collection day (the calculation shall allow for 300mm separation distance on either side of each bin) shall be designed to accommodate a forward-in forward-out drive-on collection for on-site servicing.	The proposed development has a frontage of 40.3m and the proposed width of the bin presentation area for collection is 17m, which is less than 50 per cent of the site frontage. Therefore, the development qualifies for on street waste collection.	Yes
5.4.8.5 Strata Subdivision	a) No more than 50 per cent of the required car parking within a strata title subdivision shall be allocated to individual commercial units within the mixed-use development.	The application does not include the strata subdivision of the building. Therefore, the any strata subdivision is required to obtain separate approval.	N/A
	b) All car parking spaces that are allocated to individual units shall be proportioned in number to the size of the units.	The application does not include the strata subdivision of the building.	N/A
	c) No car parking spaces shall be created as a separate allotment.	The application does not include the strata subdivision of the building.	N/A
	d) Car parking provided for the residential dwellings shall be secured, separated from commercial car parking (where relevant) and have a separate access.	The application does not include the strata subdivision of the building.	N/A
	e) The design of car parking spaces shall take into consideration the principles of Crime Prevention Through Environmental Design (CPTED) to	The application does not include the strata subdivision of the building.	N/A

	minimise opportunities for crime and enhance security.		
	f) No internal or outdoor storage space shall be created as a separate allotment.	The application does not include the strata subdivision of the building.	N/A
5.4.9 Access for People with Disabilitie s	a) Residential flat buildings and mixed use development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	The development is required to be designed in accordance with AS1428. The proposal includes three adaptable dwellings with accessible car parking spaces. The application will be conditioned to ensure compliance in accordance with the BCA and the relevant Australian Standards is achieved for the development.	Yes
5.4.10 Advertisin g Material	a) As part of the letter box design for residential flat buildings and mixed use development a special container shall be provided for the placement of advertising and newspaper materials. Such container shall be located behind the building line and designed to be part of the letter box arrangement for the development. b) The newspaper/advertisement container shall be regularly emptied by the manager/caretaker of the building.	No provision has been made for a separate advertising material container.  A condition of consent shall be included to reflect this.	Yes, conditioned  Yes, conditioned
5.5.1 Site Requirem ents for Residenti al Flat Buildings	a) Residential flat buildings shall only be permitted on an allotment having a minimum width of 30 metres measured at the front property boundary.	The combined site frontage of 40.3m complies.	Yes
	b) Sites shall be amalgamated where required, to achieve the minimum site area and width requirement applicable to the proposed development.	Sites shall be amalgamated (by way of condition) and will achieve the minimum site area.	Yes
	c) Development shall not result in an isolated allotment adjoining the development site.	As previously mentioned, a development application has been recently lodged (after lodgement of this application) for 16-20 Palmer Street, which would result in 14 Palmer Street being an isolated allotment. See discussion below.	See discussion below.
	d) For the purpose of Clause 5.5.1c) above, an “isolated allotment” is an allotment that has a site area of less than 1200 square metres and/or a width at the front property boundary of less than 30 metres that has no immediate potential for amalgamation with any other adjoining allotments to achieve a minimum site area of 1200 square metres and a width at the front	14 Palmer Street will become an isolated allotment as a result of the proposed development and development application 1985/2017/DA-RA.	Yes

	property boundary of 30 metres.		
5.5.2 Building Setbacks for Residenti al Flat Buildings	a) Residential flat buildings shall be setback a minimum of: i) 5.5 metres from any street boundary; and  ii) 6 metres from any other boundary.	The building shall be setback 5.5m from the front boundary to the ground floor and levels above.  A 6m rear setback would be provided to the ground to third floors and a 15m setback would be provided to the top floor.  A 6m side setback is provided to either side boundary. A reduced side setback of 3.5m is proposed to the fire exit at the ground floor, the encroachment does not affect amenity of surrounding residents and is supported.	Yes  Yes  Yes
5.5.3 General Requirem ents for Residenti al Flat Buildings	a) A minimum of 5 per cent of the total number of dwellings within a residential flat building shall be one bedroom flat(s) or a studio(s).	A minimum of 1 x one bedroom units is required. The proposal provides 8 one bedroom apartments, which equates to 33 per cent of the development.	Yes
	b) A minimum of 10 per cent of the total number of dwellings within a residential flat building shall be adaptable dwelling(s).	Three adaptable units are required to be provided by the SCDCP 2015. The proposal identifies three units being 8, 14 and 20 as adaptable units. Three adaptable parking spaces are also provided in the basement which will be allocated to the respective accessible units.	Yes
	c) The floor space occupied by each dwelling within a residential flat building shall not be less than: ii) 50sqm in case of a 1 bedroom flat; iii) 70sqm in case of a 2 bedroom flat; iv) 90sqm in case of a 3 bedroom flat or more.	The floor area of each unit exceeds the minimum requirements.	Yes
	d) For the purpose of clause 5.5.3 c), the floor space includes only one bathroom. Additional bathrooms shall increase the minimum floor space of each dwelling by 5sqm for each additional bathroom.	The floor area of each unit satisfies the minimum requirements.	Yes
	f) A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	Six units are accessible from the common lobby on each level.	Yes
	g) All residential flat buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling	One lift is provided to service the development, the lift extends to the upper level to service the common room on	Yes

	space. Further, the lift(s) shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace.	the top floor.	
	h) A maximum of fifty dwellings shall be accessible from a single common lift.	A maximum of 24 units are proposed.	Yes
	i) Access to lifts shall be direct and well illuminated.	Access to the lift is provided via the main lobby and each basement level.	Yes
	j) A minimum of 25 per cent of the required open space area, or 15 per cent of the total site area, whichever is the greater, shall be available for deep soil planting.	23 per cent of the total site area is provided for deep soil planting.	Yes
	k) Each flat shall be provided with an 'incidentals' storage facility within the unit and/or the basement, which shall be available for personal use of the occupants of each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of not less than the following: ii) 6m <sup>3</sup> for 1 bedroom flat; iii) 8m <sup>3</sup> for 2 bedroom flat; and iv) 10m <sup>3</sup> for 3 bedroom flat or more.	Storage facilities are provided in the basement for each unit.	Yes
	j) The incidentals storage facility shall not be created as a separate (strata) allotment to the unit it services.	Each unit is provided with a basement storage area.	Yes
5.5.4 Car Parking and Access	a) All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended), except as otherwise specified in the plan.	The applicant has submitted a car park certification report demonstrating the car park design satisfies AS2890. Further, the application was reviewed by Council's development engineers, and where required, appropriate conditions of consent have been included in this consent.	Yes
	b) The minimum dimensions of any parking space shall be 2.5 x 5.5 metres. The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	The minimum dimensions of car parking spaces comply with the SCDCP 2015.	Yes
	c) Driveways shall be located a minimum distance of 6 metres from the splay of any unsignalled intersection (refer to Figure 5.5.4).	The driveway is not located within 6m of an intersection.	Yes
	d) For development incorporating 20 or more dwellings, the DA shall be accompanied by a traffic impact assessment report.	The applicant has submitted a traffic impact report for the proposed development, which was reviewed by Council's Engineers.	Yes
	f) Development containing 3 or more storeys shall provide all required car	The proposed development is five storeys. The development	Yes



	parking at basement level.	includes two levels of basement car parking.	
	h) Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every 4 dwellings (or part thereof); and ii) an additional visitor car parking space for every ten dwellings (or part thereof).	Each dwelling is provided with a car parking space, which equates to 24 parking spaces. The controls require the provision of an additional 6 car parking spaces, which are provided. Three visitor parking spaces are proposed, which complies with the control.	Yes
	i) No required car parking space shall be in a stacked configuration.	No stacked car parking is proposed.	Yes
	j) Each development shall make provision for bicycle storage at a rate of 1 space per 5 dwellings within common property.	5 bike parking spaces are proposed, which complies with the 4.8 bike parking spaces required by the control.	Yes
5.5.5 Solar Access	a) Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	The building is oriented to maximise solar access to units within the development.	Yes
	b) A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3 metres), shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	A P.O.S area with 3 hours solar access is retained in the rear setback of 14 Palmer Street.	Yes
	c) Living rooms and private open spaces of at least 70 per cent of dwellings within a residential flat building shall receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.	The living rooms and private open space areas of 79 per cent of the proposed units receive a minimum of 2 hours solar access on the winter solstice.	Yes
	d) Council expects that with innovative and thoughtful design, all dwellings should receive some direct sunlight, however, when it can be shown that providing sunlight to every dwelling is unachievable, Council may allow a design solution that result in up to 15 per cent of the dwelling receiving no direct sunlight between 9.00am and 3.00pm at mid-winter.	The proposed development results in 8.5 per cent of units receiving no solar access on the winter solstice.	Yes
5.5.6 Balconies and Ground Level Courtyards	a) Dwellings shall be provided with a private courtyard and/or balcony.	Each dwelling is provided with a balcony or courtyard area.	Yes
	b) Courtyards/balconies shall be: i) not less than 8sqm in area and have a minimum depth of 2 metres; ii) clearly defined and screened for private use; iii) oriented to achieve comfortable year round use; and iv) accessible from a main living area of the flat.	The size of the courtyards and balconies are consistent with the requirements of the Apartment Design Guide. Appropriate screening is provided to balconies, where necessary, each primary balcony is accessed via a main living area. Additional balconies from bedrooms are also provided and screened for	Yes

		private use.	
5.5.7 Privacy	a) Ground level dwellings incorporating a courtyard shall be provided with a privacy screen.	<p>The ground level courtyards to the southern side of the building are below existing ground level. Given the floor level of the structures and the proposed boundary fencing, additional privacy fences are not required to screen the courtyard areas.</p> <p>The ground level courtyards to the northern side of the building have a finished level above natural ground level and are provided with privacy screens to reduce overlooking to adjoining properties.</p>	Yes
	b) No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9 metres of the proposed window or balcony.	<p>The upper levels do not include a balcony or windows that directly face adjoining development. The northern side of the building is provided with privacy screens to windows along the elevation, which will mitigate potential privacy impacts. Privacy screens are also provided to part of the balconies on the sides of the building.</p> <p>Application of required building separation in accordance with the ADG for future development on adjoining properties will ensure a 9m building separation and therefore no additional privacy measures would be required for the proposal.</p>	Yes
	c) Notwithstanding 5.5.7(b) a window of a habitable room may be permitted only where it: i) is offset by 2 metres to limit views between windows, or ii) has a sill height 1.7 metres above the floor level; or iii) is splayed to avoid direct views between windows; or iv) has a fixed translucent glazing in any part of the window within 1.7 metres of the floor level; or v) is otherwise appropriately screened.	<p>The proposed locations of habitable windows are generally acceptable, where required conditions of consent requiring additional screening will be included as conditions of consent.</p>	Yes, conditioned
	d) Notwithstanding 5.5.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	<p>Screening to part of the side balconies are provided, to preserve privacy to adjoining properties private open space areas whilst ensuring solar access levels are also</p>	Yes

		achieved. The proposed screening measures to balconies are acceptable.	
5.5.8 Communal Recreation Facilities	a) Each residential flat building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising: i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).	The communal room is 54.89m <sup>2</sup> , with additional bathroom facilities. An outdoor dining area is provided on the ground level with seating provided. No bbq is detailed on the plans.	Yes  Yes
	b) Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	The communal facilities are not located in the primary setback.	Yes
	c) All communal recreational facilities shall be provided on the same land as the residential flat building.	All communal facilities are provided on the same lot of land.	Yes
	d) Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	The communal open space area provided on the building roof top does not contribute to the calculated communal open space area.	Yes
	e) All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.	A condition of consent will be included to satisfy the control.	Yes

## Part 11 – Vegetation and Wildlife Management

Council's controls outlined in Section 11.3.6 require the provision of replacement tree planting where trees are proposed for removal. The proposal includes the removal of seven trees on the property, five of which are native, and four street trees. The location of trees within the building footprint cannot be retained. The applicant has provided a landscape plan which includes the provision of ten native trees, which will replace the trees proposed for removal. The proposed tree planting schedule is considered to satisfy the requirements of the SCDCP 2015.

The proposal includes removal and replacement of four street trees which are 3 Crimson Bottlebrush trees and 1 Prickly Paperbark tree, two of the trees will be affected by the location of the driveway and are required to be removed, the other two trees will be removed and replacement planting will be evenly spaced across the frontage of the site. The street tree removal is considered to be acceptable and replacement trees are conditioned accordingly.

The applicant has provided an arborist report in support of the proposed tree removal, which also outlined retention measures for trees on adjoining properties. The report will be listed as a consent document.

### **Isolated allotment**

An application for a residential flat building and childcare centre at 16-20 Palmer Street is currently under assessment by Council. Support of the two proposals would result in the middle lot, 14 Palmer Street, Ingleburn being an isolated lot, as the site area of 695.6m<sup>2</sup> would be undersized to permit a residential flat building. The application was deferred to provide both applicants with the opportunity to address the issue relating to the isolated allotment and satisfy the planning principle set down in *Karavellas v Sutherland Shire Council*.

The applicant responded to the request for additional information in conjunction with the applicant for 16-20 Palmer Street. The applicant for 16-20 provided evidence of offers to purchase the isolated allotment, and the applicant of the subject application provided plans to Council to demonstrate a complying boarding house design could be achieved on the isolated allotment or alternatively, subject to support of variation to the minimum lot size, a small residential flat building of eight units with a basement car park, could also be accommodated on the site. The applicant is considered to have demonstrated the proposed developments do not sterilise the site from future development, therefore the proposed development is supported.

### **Fencing**

The proposed development includes the provision of fencing to property boundaries. The proposal includes side fencing forward of the building line. It is recommended that a condition be included to amend this to a timber style fence when located forward of the building line.

The proposed front fence includes a small portion of fencing on the front property boundary. The remainder of the fencing is setback to provide screening between private open space and the public domain. The timber slat screens to the front setback are acceptable in the current form and supported.

The proposal includes a large masonry wall with a maximum height of 2m, which has a partial setback to the front boundary. The landscape plan details the provision of screen planting in front of the masonry fence. The height of the fence exceeds 1.2m outlined in the SCDCP, however this is to provide privacy screening and the height of the fence will be softened by the provision of landscaping to the front setback. Overall, the design of the front fence is considered to be acceptable and is supported.

### **Communal open space and setback to northern side boundary**

The proposed development includes the provision of a communal room and communal open space area to the fifth level of the building. The provision of a communal room and amenities to the upper level is considered to be acceptable for the site, subject to appropriate conditions of consent to manage the use of the area, to minimise amenity impacts upon the surrounding properties and occupants within the building.

The proposed communal open space area on the building roof top is 149.95m<sup>2</sup>, which is significantly sized with a number of outdoor seating areas. Whilst Council's controls do not prohibit the provision of communal open space on the building rooftop, consideration must be given to the impact of the rooftop open space area on the wider locality, currently the surrounding area is underdeveloped given the R4 zoning of the site. The proposal would result in a precedent for large communal open space areas on the building rooftop. Further, the ADG requires a building separation of 18m to the fifth floor, and based on a half rate

application of the building separation a 9m setback would be required. The north-east and north-west side of the terrace of 8.5m fails to achieve the setbacks required by the ADG.

Given the significant size of the fifth floor terrace area and the compliant level of communal open space provided at the ground floor level, the provision of such a significantly sized roof terrace is considered to be excessive and would result in undue adverse amenity impacts on the surrounding development with regard to overlooking and acoustic privacy. Consideration of the planning principle for privacy outlined in *Super Studio v Waverley* [2004] NSWLEC 91 is appropriate in this instance:

5. Several planning principles are relevant to the determination of this appeal. The first is that the acceptability of an impact depends not only on the extent of the impact but also on reasonableness of, and necessity for, the development that causes it. For example, the privacy impact of a second-storey side window in an area of two storey buildings should be accorded a higher threshold of acceptability than the impact of a second-storey balcony in a house that already has three other balconies. Applying this principle to the present case, I note that the approved proposal already has three outdoor areas. The surrounding houses do not have roof terraces, so a roof terrace would be a new element in the area. This does not mean that it is inappropriate, only that its impact should be assessed with heightened sensitivity. A roof terrace would be acceptable only if its impact were minor or negligible.

Consideration of the communal open space on the building rooftop is considered to be more highly sensitive as a compliant level of communal open space is provided at the ground level. In addition, similar to the planning principle above, the roof terrace is a new element within the locality, again demonstrating the heightened sensitivity of this element of the proposal. A roof terrace in the area of such a significant size would be considered to be acceptable, subject to the setbacks from the property boundaries complying with the building separation setbacks required under the ADG. Therefore it is recommended that the communal open space be reduced by way of condition, to provide compliant setbacks of 9m to all side and rear property boundaries.

In addition to the above, Council will include relevant conditions of consent relating to the operation of the communal room and terrace area to ensure the acoustic and visual privacy of the surrounding residents.

### **Developer Contributions**

The proposed development is subject to Section 7.12 (formerly Section 94A) developer contribution. Appropriate conditions of consent for Section 94A developer contributions are recommended.

## **3. Planning Assessment**

### **3.1 Impacts on the natural and built environment**

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- demolition and construction
- built form
- retention of trees on adjoining property

### **Demolition and construction**

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration.

Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

### **Built form**

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials, particularly brick in the local area. The use of face brick on the building façade provides for a low maintenance durable façade which reflects the character of the local area, which are predominantly brick buildings. Overall, it is considered the proposed development is consistent with the desired future character for flat building development in the Ingleburn locality.

### **Retention of trees on adjoining properties**

The subject site has a number of trees planted on the rear boundary of the adjoining property. The applicant has submitted an arborist report which includes retention measures for existing landscaping on adjoining properties.

## **3.2 Social, economic and environmental impacts**

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Having regard to social and economic impacts generated by the development, the residential flat building development is contributing to the provision of affordable housing within the Ingleburn locality, to meet the housing needs of the local community. The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

## **3.3 Site suitability**

Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the suitability of the site for the proposed development.

The residential flat building development is permissible with consent in the R4 land use zone and is consistent with the objectives of the zone. The site comprises two existing allotments which are readily capable of accommodating the proposed development.

The development is similar in nature, scale and appearance to those that have been approved and constructed in the local government area over several years.

#### **4. Public participation**

Part 9 of Campbelltown (Sustainable City) Development Control Plan 2015 outlines Council's public participation policy in regard to Council strategic planning documents (CSPDs) and development applications (DAs).

The subject application proposes construction for the purposes of a residential flat building and as such was required to undergo the notification and public exhibition process.

The application was publicly exhibited and notified to the surrounding property owners by way of a letter and accompanying plans. The public were provided a period of 14 days between 18 July 2017 and 2 August 2017 to provide comments regarding the proposal. Additionally, a sign bearing a set of notification plans was required to be displayed on site for the duration of the assessment.

Two submissions were received, one including a petition of ten signatures. The issues raised in the submission are discussed in detail below.

#### **Issue: Sewerage, drainage system, road and other infrastructure in Palmer Street, not built for apartments.**

**Response:** The applicant will be required to upgrade existing infrastructure to facilitate the proposed development if the existing services cannot accommodate the proposal. The application was reviewed by Council's Engineer and the proposal was required, subject to conditions of consent. The applicant will be required to pay development contributions consistent with the Section 94A developer contributions plan, which will be used to contribute to upgrades to the public domain.

#### **Issue: Noise and pollution hazards**

**Response:** Objections were raised with regard to noise and pollution hazards have been assessed as part of this application. The potential noise and pollution impacts during construction will be managed through conditions of consent. The proposed residential development does not stand to result in generation of pollution that would adversely affect the amenity of the surrounding residents due to the residential nature of the proposal.

Objections with regard to the acoustic impact of a residential flat building on a quiet street have been considered in the assessment of the application. The proposal is consistent with the zoning and development controls and the desired future character of the local area. It is recommended that the setback of the roofing terrace to boundaries be increased to reduce noise impact. Whilst the proposal will result in a minimal loss of acoustic amenity, it is not considered to significantly detract from the amenity of the surrounding neighbours.

#### **Issue: Roads crowded with traffic due to childcare centre**

**Response:** This issue relates to a development application at 16-20 Palmer Street, currently under assessment with Council.

**Issue: Increase in traffic**

**Response:** The applicant has submitted a traffic report in support of the proposed development, which was reviewed by Council's Traffic Engineer, the proposed increase in traffic generation for the proposed development is considered to be acceptable.

**Issue: No evidence of parking**

**Response:** The proposed development provides a compliant number of residential and visitor car parking spaces to the satisfaction of the consent authority.

**Issue: Impact of excavation for basement car parking on surrounding properties, affect safety of existing residential properties**

**Response:** The impact of the proposed excavation will be managed with the application of requirements outlined within the geotechnical report, which will be enforced as a condition of consent. A dilapidation report will also be required to be prepared for affected properties, which will be required as a condition of consent. This approach is undertaken for excavation across the locality and statements with regard to buildings becoming unsafe and having to be evacuated are unfounded, subject to the applicant and builder complying with conditions of consent.

**Issue: Apartments will result in loss of light to surrounding dwellings and impact on the health and well-being of residents.**

**Response:** The proposed development would reduce solar access to 14 Palmer Street, however, the solar access retained to the dwelling and private open space area by 14 Palmer Street complies with the ADG and SCDGP 2015.

The proposed development would result in increased overshadowing to the front setback of properties on the southern side of Palmer Street, which is not considered to be private open space. Further, the overshadowing that would occur to the front elevation of the dwellings would still enable three hours of solar access to dwelling windows on the winter solstice. Therefore, the overshadowing impact of the proposed development is considered to comply with the controls and is acceptable.

**Issue: Query if Palmer Street will be opened to a through road**

**Response:** The proposed development does not include works related to Palmer Street and the connection of the street to a through road.

**Issue: Query extra parking in town centre and train station due to increase in number of residents**

**Response:** The proposed intensification of development on the subject site is consistent with the rezoning of the site to high density residential development, the proposed development does not necessitate the provision of additional parking for the town centre or train station.

**5. The Public Interest**

Section 4.15(1)(e) of the EP&A Act requires Council to consider the public interest when determining an application.

The public interest is an overarching assessment of the benefits or otherwise that a development may have for the immediate area and/or community in general.



The proposed development is considered to be in the public interest.

## **6. Conclusion**

The development application 1576/2017/DA-RA proposes the demolition of existing structures, consolidation of two lots and construction of a five storey residential flat building with 24 units, communal roof terrace and two levels of basement parking at 10-12 Palmer Street, Ingleburn. The proposal has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development exceeds the maximum height limit for development on the subject site. The applicant has submitted a Clause 4.6 variation in support of the proposed height. The variation is considered to be well founded and is supported, given the circumstances of the case. It is recommended that the application be approved despite non-compliance with this control.

The application was publicly exhibited and notified to nearby and adjoining neighbours. Two submissions, one with a petition were received to the application. The issues raised in the submissions are assessed in detail in this report.

The proposal is largely compliant with the relevant development standards and controls, with the exception of some minor variations to the controls, which are addressed within this report and found to be acceptable on merit or have been addressed by way of condition. Therefore, the proposal is recommended for approval.

## **Attachments**

1. Recommended conditions of consent (contained within this report)
2. Aerial Map (contained within this report)
3. Site Plan (contained within this report)
4. Landscape Plan (contained within this report)
5. Northeast Elevation (contained within this report)
6. Northwest Elevation (contained within this report)
7. Southeast Elevation (contained within this report)
8. Southwest Elevation (contained within this report)
9. Photomontage (contained within this report)
10. Material and Finishes Schedule (contained within this report)
11. Basement Floor Plan 1 - confidential for privacy reasons (distributed under separate cover)
12. Basement Floor Plan 2 - confidential for privacy reasons (distributed under separate cover)
13. Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
14. First, Second and Third Floor Plan - confidential for privacy reasons (distributed under separate cover)
15. Fourth Floor Roof Terrace - confidential for privacy reasons (distributed under separate cover)
16. Notification Plan - confidential for privacy reasons (distributed under separate cover)

## **Reporting Officer**

Executive Manager Urban Centres

## 1576/2017/DA-RA

### 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 it 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
G3 - Roof Site/Analysis Plan	Issue G	Designcorp	19.12.2017
G4 – Basement Floor Plan 2	Issue G	Designcorp	19.12.2017
G5 – Basement Floor Plan 1	Issue G	Designcorp	19.12.2017
G6 – Ground Floor Plan	Issue G	Designcorp	19.12.2017
G7 – Typical First, Second & Third Floor Plan	Issue G	Designcorp	19.12.2017
G8 – Fourth Floor Roof Terrace	Issue G	Designcorp	19.12.2017
G9 – Northwest Elevation, Southeast Elevation & Southeast Fence Detail	Issue G	Designcorp	19.12.2017
G10 – Southwest Elevation, Northeast Elevation, Southeast Streetscape & Section C	Issue G	Designcorp	19.12.2017
G11 – Section A & B	Issue G	Designcorp	19.12.2017
G12 – June 21 9am, 12pm & 3pm and Adaptable Plan	Issue G	Designcorp	19.12.2017
G13 – Photomontage	Issue G	Designcorp	19.12.2017
G14 – Material & Finishes	Issue G	Designcorp	19.12.2017
G18 – Waste Details	Issue G	Designcorp	19.12.2017
G19 – Concept Board	Issue G	Designcorp	19.12.2017
A01 Proposed Landscape Design	Issue A	Andrew Murphy Design	17.05.2017
A02 Proposed Landscape Design	Issue A	Andrew Murphy Design	17.05.2017
Drwg No 101 – Stormwater Concept Plan Basement Level 2 Sheet 1 of 2	Issue A	Australian Consulting Engineers	17.05.2017
Drwg No 102 - Stormwater Concept Plan Basement Level 2 Sheet 2 of 2	Issue A	Australian Consulting Engineers	17.05.2017
Drwg No 103 - Stormwater Concept Plan Basement Level 1	Issue A	Australian Consulting Engineers	17.05.2017
Drwg No 104 - Stormwater Concept Plan Ground Level	Issue A	Australian Consulting Engineers	17.05.2017

- a. BASIX Certificate 821545M
- b. Arborist Report ref 2811 prepared by Redgum Horticultural and dated 11 May 2017.
- c. Rail Noise and Road Traffic Noise Impact Assessment prepared by Rodney Stevens Acoustics dated 17 May 2017
- d. Traffic & Parking Impact Assessment Report prepared by Motion Traffic Engineers dated 17 May 2017.
- e. Geotechnical Investigation Report prepared by Geotechnical Consultants Australia dated 3 January 2018.

## **2. Amended Plans**

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

- a. Architectural plans must be amended to provide for widening of parking aisle(s) identified in amended plans for vehicular access and parking submitted to the Principal Certifying Authority for the Construction Certificate. The amended architectural plans must be provided to the Principal Certifying Authority prior to the issue of a construction certificate.
- b. The letterbox shall be provided with a separate area to place advertising material and newspapers in accordance with Volume 1 Section 5.4.10 of the Campbelltown (Sustainable City) Development Control Plan 2015.
- c. A barbeque facility shall be provided in the communal open space located in the rear setback of the property. The BBQ area is to be maintained at all times.
- d. The plans shall be amended to provide a minimum 5,000 litre rainwater tank which shall collect rainwater runoff from the roof and will be plumbed to provide external rainwater taps to provide recycled water for the purpose of external maintenance and watering of landscaping.
- e. The communal open space area (roof terrace) on the upper level shall be provided with a minimum setback of 9m from the side and rear property boundaries. This shall be undertaken with no reduction in rooftop planting areas.
- f. Five dwellings, that are not identified as adaptable dwellings shall be designed to achieve silver level requirements in accordance with the Liveable Housing Guideline.
- g. Moveable privacy screens shall be affixed to the living rooms windows to the first second and third levels on the southwest elevation. The privacy screens shall be consistent with the design and finish of the privacy screens approved as part of the development.
- h. An Erosion and Sediment Control Plan shall be prepared and implemented in accordance with Section Volume 1 Section 207 of the Campbelltown (Sustainable City) Development Control Plan 2015.
- i. A Cut and Fill Management Plan shall be prepared and implemented in accordance with Appendix 6, Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015.

## **3. Approved Design – Residential Flat Development**

Except for the changes required by condition 2 or another condition of this consent, the approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

#### **4. 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.

#### **5. Display of Waste Management Plan**

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

#### **6. Building Manager**

a. A building manager shall be appointed to manage the building. Details of the appointed building services manager including phone and email details shall be submitted to Council prior to the issue of an Occupation Certificate.

a. The building manager shall ensure the presentation of garbage bins to the street for weekly collection no earlier than the night before the appointed bin collection day and relocation of the bins to the bin storage room, which shall occur on the same day as collection.

b. The building manager shall ensure the letterbox is kept in a neat and tidy manner and excess advertising material is removed.

#### **7. Noise Attenuation in Residential Flat Buildings**

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

a.A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;

b.A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;

c.A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;

d.A floor separating sole occupancy units must not have a FSTC of less than 50; and

e.A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **8. Retaining Walls**

No retaining walls are permitted within 450mm of the property boundary. Any additional retaining walls not details on the plans are required to obtain consent, where required.

## 9. Outdoor Community Balcony Requirements

The following conditions have been applied to ensure that all activities involving the operation of the development are carried out in a manner which will prevent undue air, land, water and noise pollution, in accordance with the Protection of the Environment Operations Act 1997.

a. AMENITY OF THE NEIGHBOURHOOD – The implementation, construction and ongoing operation of this development (including the use of the community balcony) must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products, particularly from machinery, vehicles, warning sirens, public address systems, music and the like.

b. In the event of a noise related issue arising during the operations, the person/ managing agent in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

c. Should the development not achieve acoustic compliance with the applicable guidelines and standards, amendments to the development are required to be made (with the consent of Council), which may include, but are not limited to, changes to hours of operation, installation of further acoustic treatment, modification of operational procedures, etc.

d. OFFENSIVE NOISE – The development must be design so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings, use of the community balcony must not emit 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997: Offensive noise means noise:

i) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

i) Is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or

ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

ii) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations

e. NOISE MITIGATION MEASURES - The following management restrictions for the community balcony must be adhered to at all times:

i. Communal Area/outdoor common area/community balcony is not to be used after 10.00pm or before 7.00am

ii. Doors and windows to the indoor communal area/outdoor common area/community balcony are to be kept closed after 10.00pm and before 7.00am

iii. No music to be played in the outdoor common area/community balcony.

## 10. Landscaping

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

## 11. 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.

## 12. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. A hose cock shall be provided within the room.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

## 13. 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 as shown on the approved plans. 'Colorbond' style metal fences that face a public space are not permitted. All fencing forward of the building line shall be timber.

## 14. 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.

## 15. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

## 16. Graffiti Removal

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

## 17. 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)*.

## 18. Car Parking Spaces

Thirty-three car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

**19. 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.

**20. 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.

**21. 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.

**22. 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.

**23. Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

**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.

## **24. 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.*

## **25. Landscape Slabs**

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

## **26. Architect to Supervise Design – Construction Certificate Documentation**

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

## **27. Electricity Substation Approval**

Prior to the issue of a construction certificate, the applicant will provide to Council for its approval design plans for the construction and installation of one of the following types of electricity substation which have been certified by Endeavour Energy:

- a. A chamber style substation within the proposed RFB in accordance with Endeavour Energy's requirements and standards for access, security, drainage, ventilation and fire rating; or
- a. A padmount style substation within the site of the development external to the residential flat building in accordance with Endeavour Energy's standards and requirements for access, noise influence and fire rating of neighbouring structures and properties.

Note: Any ancillary works in addition to the substation not included on the approved plans require the separate consent of Council.

## **28. Waste Management Plan**

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

## **29. Geotechnical Report**

Prior to the issue of a construction certificate a geotechnical/hydrogeological report must be submitted to the Principal Certifying Authority which addresses (but is not limited to) the following:

- a. The report must be generally in accordance with the Geotechnical Investigation Report number G177-1 prepared by Geotechnical Consultants Australia and dated 3rd January 2018.



- b. The type and extent of substrata formations by the provision of representative bore hole logs as advised by a geotechnical engineer which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- c. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
- d. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve.
- e. The existing groundwater levels in relation to the basement structure, where influenced.
- f. The disposal method for water pumped as a result of dewatering the site.
- g. The likely impacts of dewatering the basement excavation must be considered for structures and public infrastructure including potential subsidence/settlement in nearby buildings and property. Calculations supporting any decisions/actions must be included.
- h. Groundwater has been identified as present on the site. Groundwater salinity is to be measured and appropriate recommendations provided to protect the structural integrity of the building from the likely range of salinity and other compounds which may be dissolved in the groundwater and shall not themselves cause pollution of the groundwater.
- i. Recommendations must be made for an appropriate level of tanking of the basement to prevent any take of groundwater after construction. Water proofing of basement levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- j. Recommendations must be made to provide sufficient subsurface drainage around and beneath the tanked basement so that groundwater flow is not impeded and the following objectives are achieved:
  - i. Any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure and,
  - ii. Any elevated water table is more than 1.0 m below the natural ground surface existing at the location immediately prior the construction works and,
  - iii. Where the structure is founded on bedrock or impermeable material the requirement to maintain groundwater flows beneath the structure is not applicable.
- k. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/ hydrogeological engineer with previous experience in such investigations and reporting.

### **30. Rock Anchors**

The submitted Geotechnical Investigation Report number G177-1 prepared by Geotechnical Consultants Australia and dated 3rd January 2018 provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard a development application must be lodged for any temporary or permanent support works such as rock anchors proposed to be located in adjoining lands.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

Permanent rock anchors are not permitted in Palmer Street.

Where temporary anchors are proposed to be used in Palmer Street an Application must be made to Campbelltown City Council for approval under Section 138 of the Roads Act 1993, via a Land Use application form. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
- Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

### **31. Dewatering of Groundwater**

The Geotechnical Investigation Report number G177-1 prepared by Geotechnical Consultants Australia and dated 3rd January 2018 envisages that dewatering of groundwater entering the excavation will discharge to Campbelltown Councils stormwater system. Suitable treatment must be provided to ensure that this discharge from the site does not pollute receiving waters. A groundwater dewatering plan detailing the treatment methods must be provided to the Principal Certifying Authority addressing the following matters:

- a. Discharge from the site must not exceed a total suspended solids concentration of 50 mg/L and pH must be in the range 6.5 to 8.5.
- b. The water must not contain contaminants other than sediment.
- c. A suitable implementation and monitoring program must be included to ensure that the discharge of dewatered groundwater complies with the above water quality requirements.

The Plan must be provided by a suitably qualified and experienced professional to the Principal Certifying Authority prior to the issue of a construction certificate.

### **32. 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. The Plan must be provided by a suitably qualified and experienced professional.

### 33. Vehicle Access and Parking

The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-2015 Parking Facilities - Bicycle parking facilities. The following specific issues must be addressed in the design:

- a. Where parking aisles are single sided and the side opposite parking spaces is confined by a vertical obstruction closer than 300 mm to the nominal edge of the aisle, the aisle width shall be increased by 300 mm, measured to the vertical obstruction. Parking spaces numbered 21 to 26, 5 to 10, and 14 to 15 inclusive must be considered in this regard.
- b. Intersection areas of parking aisles and circulation driveways/ramps have been designed for use by one vehicle at a time. The design must be provided with measures to achieve adequate intersection sight distance, prioritise vehicular movement when two vehicles approach the intersection from opposite directions, and provide a queuing area for the servient vehicle.
- c. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle.
- d. Minimum Headroom of 2200mm must be provided throughout the access and parking facilities. Minimum Headroom of 2300mm must be provided along the path of travel to/from any disabled parking space(s). Note that the Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc, and at any open garage door.
- e. The vehicular access ramp must comply with the ramp grade requirements of Section 3.3 of AS/NZS 2890.1-2004.
- f. Longitudinal sections must be provided along each outer edge of all ramps within the parking facilities demonstrating compliance with the above requirements. The longitudinal sections at the entry/exit access ramp(s) must extend to the centreline of the connecting road carriageway.
- g. The bicycle parking does not provide adequate security. Bicycle parking must be redesigned to security level B facilities in accordance with Table 1.1 of AS 2890.3: 2015. The redesigned bicycle parking facilities must comply with the provisions of AS 2890.3: 2015.
- h. Minimum sight lines for pedestrian safety must be provided in accordance with Figure 3.3 and Clause 3.2.4 of AS/NZS 2890.1: 2004.

The amended design must be certified by a Professional Engineer as defined in Volume 1 of the National Construction Code and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### 34. Construction Traffic/Pedestrian Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council for approval, separate Construction Traffic/Pedestrian Management Plans (CTMP's) for the demolition, excavation and construction stages of the development.

The CTMP's shall include, but not be limited to, the following details;

- a) The staging and timing of the construction works.
- b) Perimeter fencing and hoarding requirements.
- c) Locations of temporary vehicular entry points to the site.
- d) Provisions for pedestrian traffic and any diversions that are proposed.
- e) Hoisting arrangements for cranes, travel towers or lift operations.

- f) The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements.
- g) Work zone, Road Occupancy and Standing Plant application requirements, if proposed.
- h) Traffic control associated with road occupancy and standing plant.
- i) Waste collection areas.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMP's during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

### **35. Traffic Control Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare a Traffic Control Plan (TCP) in accordance with the RMS manual "*Traffic Control at Work Sites*" and Australian Standard AS 1742.3 (*as amended*) and obtain approval from an accredited person. A copy of the approved TCP shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and a copy shall be submitted to Council for its records.

### **36. 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. The plan must include resolution of the following specific issues:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. 101 to 107 inclusive, issue A, prepared by Australian Consulting Engineers Pty Ltd and dated 17/05/2017.
- b. Stormwater runoff from all areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the adjacent stormwater gully pit in Palmer Street.
- c. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- d. A trench grate must be provided across the vehicle access at the Palmer Street frontage of the site in accordance with Regulation 19 of the Roads Regulations 2008.
- e. Sub-soil drainage lines must be shown on the stormwater drainage concept plan.
- f. All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage, the drainage requirements of the National Construction Code, and Campbelltown Councils Engineering Guide for Development (as amended).
- g. All redundant pipelines within footpath area must be removed and footpath area reinstated.

The stormwater plans and calculations must be certified by a Professional Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **37. Dilapidation Report**

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **8 and 14 Palmer Street and 71 and 73 Carlisle Street Ingleburn**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority prior to the issue of a Construction Certificate. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- a. The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b. This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c. Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d. Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e. In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

### **38. Work on Public Land**

The applicant must bear the cost of construction of the following works:

- a. Construction of a medium density concrete vehicle crossing at the Palmer Street frontage of the site. In this regard a Construction of a vehicle crossing associated with medium density/industrial/commercial development form must be submitted.
- b. Closure of the redundant vehicle crossings at the Palmer Street frontage of the site.
- c. Laying of the private drainage line from the Palmer Street boundary of the site and connection to the rear of Council's stormwater gully pit. In this regard an application must be made for a Road Opening Permit.

Development Consent does NOT give approval to undertake any works on Council property. Applications must be made to Council as advised above pursuant to Section 138 of the Roads Act 1993 for approval to construct these works.

The approvals must be provided prior to the issue of a Construction Certificate.

These works must be constructed in accordance with the conditions of Council's approvals and be completed prior to the issue of an Occupation Certificate.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

### **39. Developer Contribution - Community Facilities and Services**

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

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

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

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

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

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

### **40. Design for Access and Mobility**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

**41. 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.

**42. 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](http://www.sydneywater.com.au).

**43. Site Consolidation**

Prior to the issue of a Construction Certificate evidence shall be submitted to the Principal Certifying Authority that the site has been consolidated into one allotment.

The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information. Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

**44. Registration of Instruments on Title**

Appropriate instruments must be registered on the title of the consolidated property pursuant to Section 88B of the Conveyancing Act 1919 through registration of the plan of consolidation of the lots with NSW Land Registry Services, concerning the presence and ongoing operation of the on-site detention facility. Costs associated with preparation and registration of easements to be borne by the Applicant.

Wording for the terms of the Restrictions as to User of Land and Positive Covenant pertaining to the on-site detention facility may be obtained from Council's Development Engineers.

**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.

**45. 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 in accordance with the Soil and Water Management Plan.

**46. 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.

**47. 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.

**48. 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.

**49. 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.

**50. 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.



## 51. Demolition Works

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

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

## 52. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

## 53. Fencing

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

## 54. Structural Engineer Details

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

## 55. Demolition of Existing Dwellings

Prior to the commencement of any other works, the existing dwellings and all other improvements on the land shall be demolished in accordance with the conditions of this consent.

## 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.

### 56. 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.

### 57. Use of Heavy Earth Moving Equipment

Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

### 58. 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.**

### 59. Geotechnical Report Implementation

The recommendations of the geotechnical report submitted with the Construction Certificate must be implemented.

### 60. Groundwater Dewatering Implementation

The groundwater dewatering plan submitted with the construction certificate must be implemented.

### 61. 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.

**62. Protection of Existing Trees**

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

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

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

**63. 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.

**64. Fill Compaction Requirements**

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

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

**65. 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.

**66. Certification of Location of Building during Construction**

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

**67. 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.

**68. Earth Works/Filling Works**

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

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

**69. 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.

**70. Compliance with Council Specification**

All design and construction work shall be in accordance with:

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

**71. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete kerb and gutter, adjacent to the site, in Palmer Street. The remaining footpath area at the Palmer Street frontage of the site 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 Councils *Engineering Design Guide for Development (as amended)*.

**72. Medium Density Driveway and Layback Crossing**

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

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

### **73. 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.

### **74. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

### **75. 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.

### **76. Imported 'waste-derived' fill material**

The only waste-derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b. any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### **77. Groundwater**

State Government requirements made as a result of the referral to the Department of Primary Industries made prior to the issue of a construction certificate must be complied with.

### **78. Items of Archaeological or Historical Significant**

Should any historical relics be unexpectedly discovered during excavations then all works shall stop in the vicinity of the discovery and the NSW Heritage Council shall be informed in accordance with section 146 of the Heritage Act 1977.

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

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

necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: 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".

#### **79. Street Trees**

Four replacement street trees shall be provided across the frontage of the site, the species, location and requirements for the provision of street trees shall be in accordance with Council's requirements specified by Council's Executive Manager Infrastructure, the cost of which shall be borne by the applicant.

All street trees shall be planted prior to the issue of an Occupation Certificate.

#### **80. 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](http://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.

#### **81. Architect to Supervise Design – Occupation Certificate Documentation**

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

#### **82. Construction of Communal Facilities**

All communal areas shall be completed prior to the issue of an Interim or Final Occupation Certificate.

#### **83. Slip Test – Common Areas**

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions prior to the issue of an Occupation Certificate.

#### **84. Public Area Compliance Certificate**

The Principal Certifying Authority must ensure that all required works in the public area adjacent to the site have been completed to the satisfaction of Campbelltown Council. A compliance certificate for these works shall be obtained from Campbelltown Council and be provided to the Principal Certifying Authority prior to the issue of an occupation certificate.

**85. Structural Engineering Certificate**

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

**86. 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.

**87. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

**88. Certification of Vehicular Access and Parking**

The Principal Certifying Authority must ensure that the vehicular access and parking, including the amendments to the design required by this consent, have been constructed. Prior to the issue of an Occupation Certificate certification from a professional engineer, as defined in Volume 1 of the National Construction Code, must be provided to the Principal Certifying Authority to certify that all works involving the vehicular access and basement parking have been carried out in accordance with the approved plan(s) as amended by this Consent and relevant standards including, but not limited to, AS/NZS 2890.1: 2004 Parking facilities Part 1: Off-street car parking.

**89. Restoration of Public Roads**

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

**90. 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.

**91. House Numbers**

Prior to the principal certifying authority issuing an occupation certificate all 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 lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

**92. 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 4.17 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. Tree Preservation Order**

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

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

#### **Advice 3. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.



**Advice 4. Smoke Alarms**

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

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

**Advice 5. Buried Waste**

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

**Advice 6. Covenants**

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

**Advice 7. Inspections – Civil Works**

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

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

**Advice 8. Inspection within Public Areas**

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

**Advice 9. Adjustment to Public Utilities**

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

**Advice 10. 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 11. Asbestos Warning**

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

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

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

**Advice 12. 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](http://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 13. Telecommunications Act 1997 (Commonwealth)**

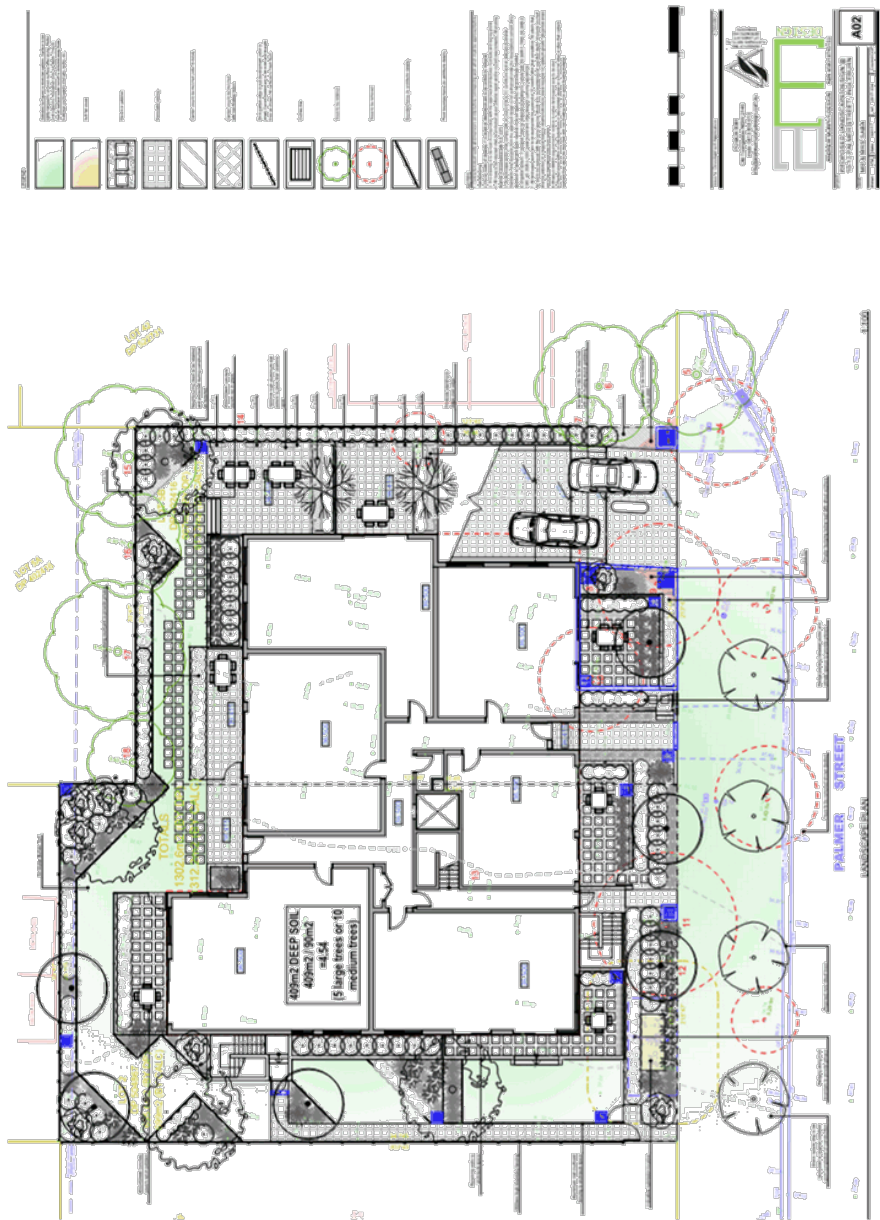
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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**

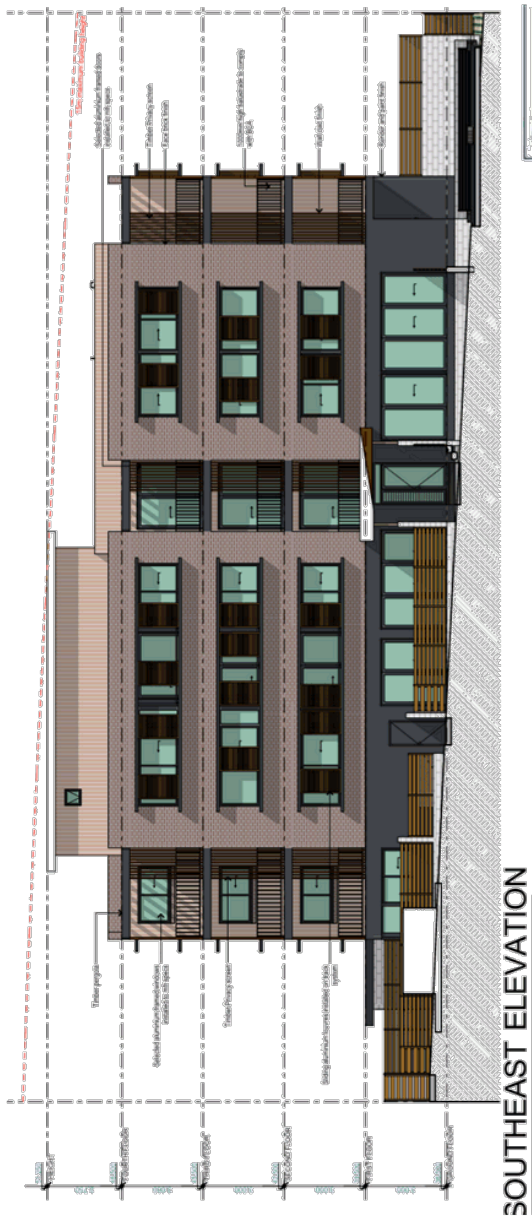




















#### **4.4 Construction of a multi-dwelling housing development comprising of four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown**

##### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
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

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

<b>Property Description</b>	Lot 3129 DP 1201509 35 Fleming Drive Campbelltown
<b>Application No</b>	2310/2017/DA-RS
<b>Applicant</b>	Urbanstock
<b>Owner</b>	D Timmins
<b>Statutory Provisions</b>	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015
<b>Other Provisions</b>	Campbelltown 2027 Community Strategic Plan University of Western Sydney Development Control Plan 2008
<b>Date Received</b>	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 532m<sup>2</sup>.

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

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): 247.8m<sup>2</sup>
- PT2 (Terrace B): 237.62m<sup>2</sup>
- PT3 (Studio A): 119.43m<sup>2</sup>
- PT4 (Studio B): 149.52m<sup>2</sup>

**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

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)

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 SDCDP), 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 SDCDP applies. The amendment to the SDCDP 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 SDCDP.

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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>Part 4.3 Building Form and Streetscape Character</b>			
<b>4.3.1 Design Requirements</b>	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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.3.2 Design Requirements</b>	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
<b>4.3.3 Design Requirements</b>	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
<b>4.3.4 Design Requirements</b>	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
<b>4.3.5 Design Requirements</b>	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
<b>4.3.6 Design Requirements</b>	The proposal provides contemporary architectural character and materiality	All dwellings, mixed use buildings and RABs shall be designed with a contemporary architectural character	Yes
<b>4.3.7 Design Requirements</b>	N/A – No outbuildings or ancillary structures proposed	Outbuildings and ancillary structures shall be located to the rear of the site	Yes
<b>4.3.8 Design Requirements</b>	Roof pitches are 22.5 degrees	The maximum slope of a pitched roof shall be 36 degrees	Yes
<b>4.3.9 Design Requirements</b>	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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.3.10 Design Requirements</b>	None proposed	Parapet, skillion and vaulted roof forms may be incorporated to create variety in architectural style	N/A
<b>4.3.11 Design Requirements</b>	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
<b>4.3.12 Design Requirements</b>	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
<b>4.3.13 Design Requirements</b>	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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.3.14 Design Requirements</b>	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
<b>4.3.15 Design Requirements</b>	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
<b>4.3.16 Design Requirements</b>	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
<b>4.4 Small Lot Housing</b>			
<b>4.4.4.1 Design Requirements</b>	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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.4.4.2 Design Requirements</b>	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
<b>4.4.4 Table 4.4 Minimum Allotment Size</b>	Terrace A 247.8m <sup>2</sup> Terrace B 237.62m <sup>2</sup>	200m <sup>2</sup> (terrace house) 250m <sup>2</sup> (zero lot) 350m <sup>2</sup> (small detached)	Yes
<b>4.4.4 Table 4.4 Minimum Allotment Width</b>	Average allotment width 9.32m	6.5m (terrace house) 10m (zero lot) 12.5m (small detached)	Yes
<b>4.4.4 Table 4.4 Maximum Average Allotment Width = Zero Lots Only</b>	N/A	15m	Yes
<b>4.4.4 Table 4.4 Minimum Lot Depth</b>	Terrace A: 18.2m Terrace B: 17.1m	Minimum Lot Depth 20m	No – see discussion of variation below
<b>4.4.4 Table 4.4 Private Open Space (POS)</b>	Terrace A provides 38m <sup>2</sup> POS Terrace B provides 37.92m <sup>2</sup> POS	20 per cent excluding driveways	Yes
<b>4.4.4 Table 4.4 Minimum Width of POS</b>	POS provided has minimum width of 2m	2m – directly accessible from living areas	Yes
<b>4.4.4 Table 4.4 Minimum dimensions of Principal POS</b>	All proposed dwellings provide a usable area of POS	4m X 4m	Yes
<b>4.4.4 Table 4.4 Maximum Building Site Coverage</b>	46.7 per cent site coverage	65 per cent	Yes
<b>4.4.4 Table 4.4 Setbacks Minimum</b>	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

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.4.4 Table 4.4 Maximum Number of Storeys</b>	All units proposed are two storeys	2	Yes
<b>4.4.4 Table 4.4 Maximum Building Length of Any Second Storey Wall Component</b>	No walls on the second storey are greater than 14m in length	14m	Yes
<b>4.4.4 Table 4.4 Maximum Height of Dwelling</b>	5.7m to uppermost ceiling, 8.66m to ridgeline	7.2m – to uppermost ceiling 10m – to ridgeline	Yes
<b>4.4.4 Table 4.4 Car Parking Spaces</b>	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
<b>4.4.4 Table 4.4 Minimum Garage Dimensions Internal</b>	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
<b>4.4.4 Table 4.4 Maximum Garage Door Width</b>	Garage doors are not more than 50 per cent of the dwelling widths	Not more than 50 per cent of the dwelling width	Yes
<b>4.5 Studio Apartments</b>			
<b>4.4.5 Table 4.5 Minimum Frontage Width</b>	N/A for strata subdivided studio apartments	6.5m for attached dwellings (9m for corner lot)	N/A
<b>4.4.5 Table 4.5 Minimum Average Allotment Width (measured at primary building line)</b>	N/A for strata subdivided studio apartments	5m	N/A
<b>4.4.5 Table 4.5 Minimum Lot Depth</b>	N/A for strata subdivided studio apartments	25m	N/A
<b>4.4.5 Table 4.5 Private Open Space (POS)</b>	Studio A: 10.0m <sup>2</sup> Studio B: 11.34m <sup>2</sup>	10m <sup>2</sup> (studio – minimum balcony width 2m) 16m <sup>2</sup> (duplex)	Yes
<b>4.4.5 Table 4.5 Minimum Width of POS</b>	2.2m	2m for studios	Yes

		<b>The University of Western Sydney Development Control Plan 2006</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>4.4.5 Table 4.5 Setbacks (Min/m)</b>	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
<b>4.4.5 Table 4.5 Maximum No. of Storeys</b>	2	2 (excludes attic)	Yes
<b>4.4.5 Table 4.5 Maximum Building Length of any Second Storey Wall Component</b>	10.558m	14m	Yes
<b>4.4.5 Table 4.5 Max Height of Dwelling</b>	5.99m to uppermost ceiling, 8.134m to ridgeline	7.2m to uppermost ceiling 10m to ridgeline	Yes
<b>4.4.5 Table 4.5 Car Parking Spaces</b>	Single garage per studio	2 bedroom or less: 1 covered space	Yes
<b>4.4.5 Table 4.5 Garage Minimum Internal Dimension</b>	3.1 x 5.5m	Enclosed single garage: 3.0 x 5.5m	Yes
<b>4.4.5 Table 4.5 Max Carport and Garage Door Width</b>	55 per cent	Not more than 50 per cent of the dwelling width	No

<b>4.6 Landscaping (Private)</b>			
<b>4.5.1 Design Requirements</b>	<p>A landscape plan has been submitted with the development application which demonstrates the areas to be planted and the typical structure of plant selection.</p> <p>No garbage storage area, clothes drying area or water storage tank indicated on landscape plan.</p> <p>These are proposed as exempt development</p>	<p>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</p>	Yes
<b>4.5.2 Design Requirements</b>	<p>Landscaping incorporates species identified in Fencing and Landscape Guidelines prepared by Landcom for Macarthur Heights</p>	<p>Landscaping shall incorporate the plant species identified in the species list attached in appendix 2</p>	Yes
<b>4.5.3 Design Requirements</b>	<p>The site is vacant. No tree removal is proposed</p>	<p>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</p>	Yes
<b>4.5.4 Design Requirements</b>	<p>Screen planting has been adopted to enhance privacy between proposed dwellings. Boundary fencing provides privacy to adjoining sites</p>	<p>Screen planting shall be used to enhance privacy between dwellings and to assist in climate control</p>	Yes



<b>4.5.5 Design Requirements</b>	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
<b>4.5.5 Design Requirements</b>	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
<b>4.7 Private Open Space</b>			
<b>4.7.1 Design Requirements</b>	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
<b>4.7.2 Design Requirements</b>	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
<b>4.7.3 Design Requirements</b>	For Terrace B, 19.22m <sup>2</sup> 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
<b>4.7.4 Design Requirements</b>	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
<b>4.8 Privacy</b>			

<b>4.8.1 Design Requirements</b>	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
<b>4.8.2 Design Requirements</b>	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
<b>4.9 Fencing and Retaining Walls</b>			
<b>4.9.1 Design Requirements</b>	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
<b>4.9.2 Design Requirements</b>	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

<b>4.9.3 Design Requirements</b>	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
<b>4.9.4 Design Requirements</b>	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
<b>4.9.5 Design Requirements</b>	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
<b>4.9.6 Design Requirements</b>	N/A	A separate fencing strategy for allotments in excess of 2000m <sup>2</sup> which may not comply with the requirements contained herein but rather may adopt a more rural fencing approach	N/A
<b>4.9.7 Design Requirements</b>	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

<b>4.9.8 Design Requirements</b>	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
<b>4.9.9 Design Requirements</b>	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
<b>4.9.10 Design Requirements</b>	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
<b>4.9.11 Design Requirements</b>	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
<b>4.9.12 Design Requirements</b>	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
<b>4.10 Car Parking and Access</b>			
<b>4.10.1 Design Requirements</b>	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

<b>4.10.2 Design Requirements</b>	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
<b>4.10.3 Design Requirements</b>	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
<b>4.10.4 Design Requirements</b>	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
<b>4.10.5 Design Requirements</b>	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
<b>4.10.6 Design Requirements</b>	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
<b>4.10.7 Design Requirements</b>	Terrace A: 2.47m Terrace B: 1.65m Studios: 1.28m	Garages shall be setback a minimum 1.5m behind the building facade	Yes
<b>4.10.8 Design Requirements</b>	N/A	Detached garages may have a zero setback from side or rear boundaries	N/A
<b>4.10.9 Design Requirements</b>	N/A	Garages to rear loading accessways and car courts shall be setback a minimum 1m to accommodate adequate turning and manoeuvrability	N/A

<b>4.10.10 Design Requirements</b>	N/A	Garage setbacks from secondary street frontages can be reduced to 2m and 1m in car courts	N/A
<b>4.10.11 Design Requirements</b>	N/A	Where external space adjoins a building or fence an additional 0.5m width is required	N/A
<b>4.11 Solar Access and Energy Efficiency</b>			
<b>4.11.1 Design Requirements</b>	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
<b>4.11.2 Design Requirements</b>	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
<b>4.11.3 Design Requirements</b>	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
<b>4.11.4 Design Requirements</b>	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
<b>4.11.5 Design Requirements</b>	Sufficient access to daylight provided	Dwellings shall be designed to reduce the need for artificial lighting during daylight hours	Yes
<b>4.11.6 Design Requirements</b>	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
<b>4.11.7 Design Requirements</b>	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

<b>4.11.8 Design Requirements</b>	Clothes lines can be installed as exempt development	An outdoor clothes line with adequate solar access shall be provided for every dwelling	Can comply.
<b>4.11.9 Design Requirements</b>	Cross ventilation is encouraged through location of rooms and placement of windows	Windows and doors shall be arranged to encourage cross ventilation	Yes
<b>4.11.10 Design Requirements</b>	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
<b>4.11.11 Design Requirements</b>	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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>	Yes
<b>4.12 Waste Management</b>			
<b>4.12.1 Design Requirements</b>	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
<b>4.12.2 Design Requirements</b>	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
<b>4.12.3 Design Requirements</b>	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

<b>4.12.4 Design Requirements</b>	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
<b>4.12.5 Design Requirements</b>	Kerbside collection	Collection vehicles must be able to service the development efficiently with minimal need to reverse, from a nominated collection point	Yes
<b>4.12.6 Design Requirements</b>	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
<b>4.12.7 Design Requirements</b>	No waste incineration is proposed	No waste incineration devices shall be permitted	Yes
<b>4.13 Services</b>			
<b>4.12.1 Design Requirements</b>	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
<b>4.12.2 Design Requirements</b>	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
<b>4.12.3 Design Requirements</b>	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



<b>4.12.4 Design Requirements</b>	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
<p>No. of driveways limits on street parking. No. of dwellings and residents could cause parking chaos</p> <p>Cars parked on driveways on Ehrlich Street will block pedestrian path</p>	<p>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</p> <p>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</p> <p>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</p>
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 confidential for privacy reasons (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 (contained within this report)
14. Terraces North South Elevation - confidential for privacy reasons (contained within this report)
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](http://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](http://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 500m<sup>2</sup> (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](http://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](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Advice 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](http://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	Plant
	Bottlebrush	Callistemon Western Gray	6	T18
	Grevillea	Grevillea Palmyr Garden	10	S1
	Orange Jasmine	Murraya Paniculata	4	S1
	Weeping Lily Pilly	Syzygium Cascade	10	S1
	Deer Lily Pilly	Alsevia Shiraz Miris	10	S1
	Gardenia	Gardenia Florida	10	S1
	Harpin Banksia	Banksia Spinulosa	6	S1
	Chinese Star Jasmine	Trachelopetalum Jaumei	6	S1

**TREE PLANTING TECHNIQUE**

The contractor, immediately after planting, the tree shall be watered thoroughly and the soil around the root ball to be compacted. Quantity of water will be indicated to saturate the root ball to its core.

The watering of post-planting, should be a minimum of 10 litres of water for trees to a 45 litre pot to the size planted here per 7 days. Water at a slow rate so as to penetrate the soil. For trees in pots larger than 45 litres, provide quantity of water one third of that pot.

All trees to be heavily sprayed with a fine mist of water and allowed to dry for 24 hours prior to planting.

(1) 1000x400mm hardwood or recycled plastic as per vendor's size of rootball and minimum 100mm of approved mulch to be applied to a minimum of 2000mm to ensure drainage is assured to underground services.

(2) 500mm x 500mm mesh slatted around base of tree height and tapered /haired to ensure allowing air to circulate.

Cover with a heavy aggregate layer of peels and chips to a depth of 100mm.

75mm high term to form a watering basin.

150mm edge of approved mulch will be spread to a minimum of 1200mm diameter from centre of tree to beyond the edge of the planting hole, overlapping 100mm for the adjacent hole.

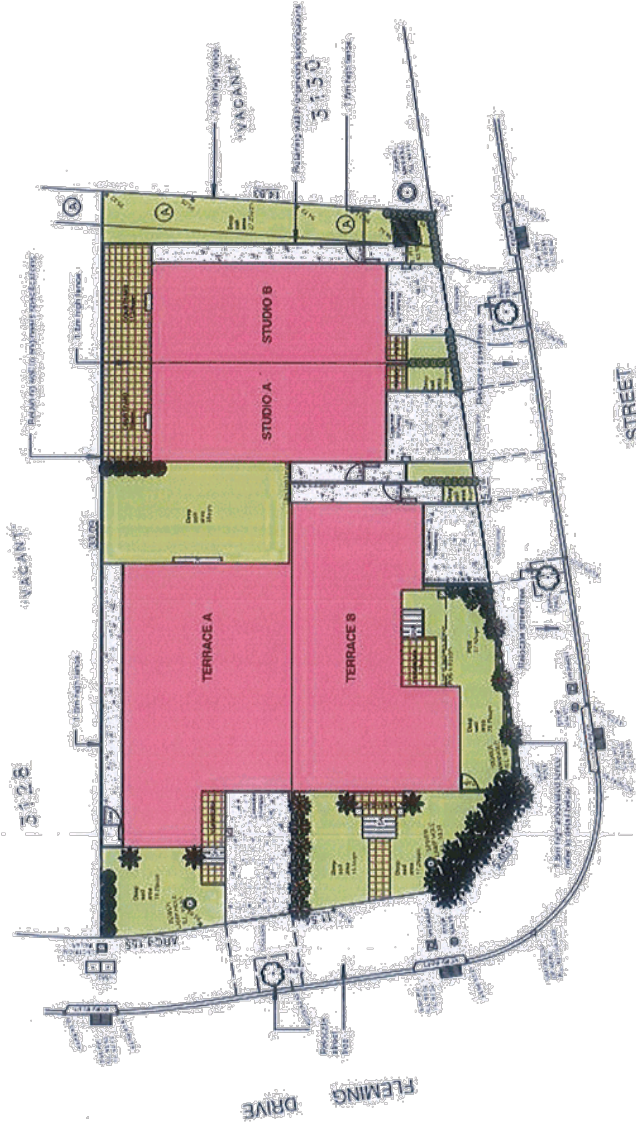
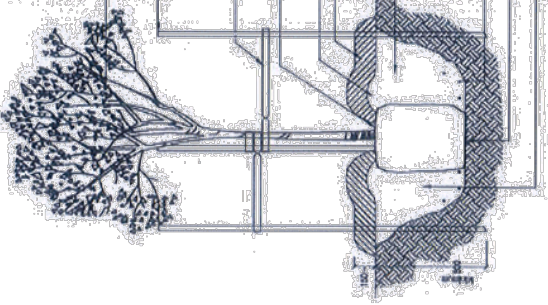
Excavate a shallow planting hole with sloping sides twice the width of the root ball and bottom up sides a minimum of 100mm. The hole must be filled with approved mulch to the same height as surrounding level. Backfill with 50/50 blend approved topsoil broken up to 50mm lumps, firming progressively.

Soil before left for 2 weeks (minimum 2 weeks).

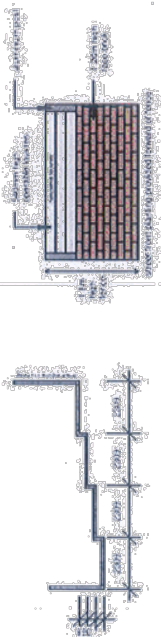
Lightly compact soil under mulch to prevent settling.

Watering product to be used in accordance with manufacturer's 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.

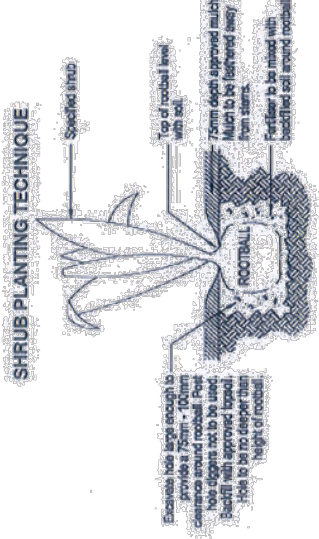


**SECONDARY STREET FENCE PLAN & DETAIL**



**Landscape Plan**

1:200



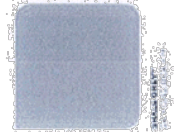
**Notes:**  
 All plants are subject to seasonal availability.  
 Where a plant cannot be locally sourced, it shall be replaced with a similar native plant species.

**SCHEDULE OF EXTERNAL BUILDING COLOURS, MATERIALS & FINISHES**

**Roof & Gutters**

Material: Metal  
 Indicative Colour: Grey, white

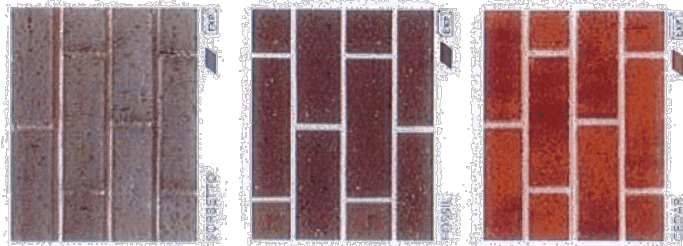
Samples:



**Bricks**

Material: Masonry  
 Indicative Colour: Grey, brown, red

Samples:

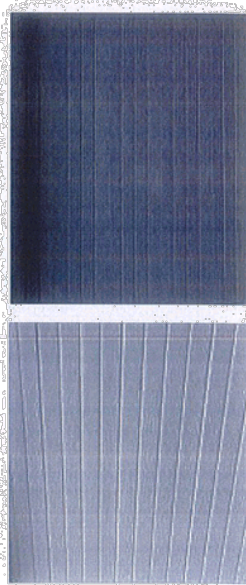


**Garage Door**

Material: Metal

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

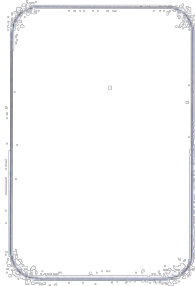
Samples:



**Window Frames and Fascia**

Material: Metal  
 Indicative Colour: White

Samples:



**Pearl White Gloss**  
 (G3-0784)

**Driveway**

Material: Concrete - broomfinish  
 Indicative Colour: Gunmetal grey



**Downpipes**

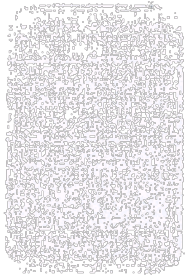
Material: PVC or metal

Indicative Colour: Sympathetic to brick colour

Notes:

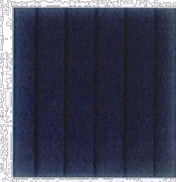
ALL COLOURS ARE INDICATIVE ONLY AND SUBJECT TO MATERIAL AVAILABILITY & OWNERS PREFERENCE  
 FINISHED COLOURS MAY VARY FROM MATERIALS WHICH ARE GENERALLY CONSISTENT WITH THE SAMPLES PROVIDED

**Surfmaste Matt**  
 (GA 236A)



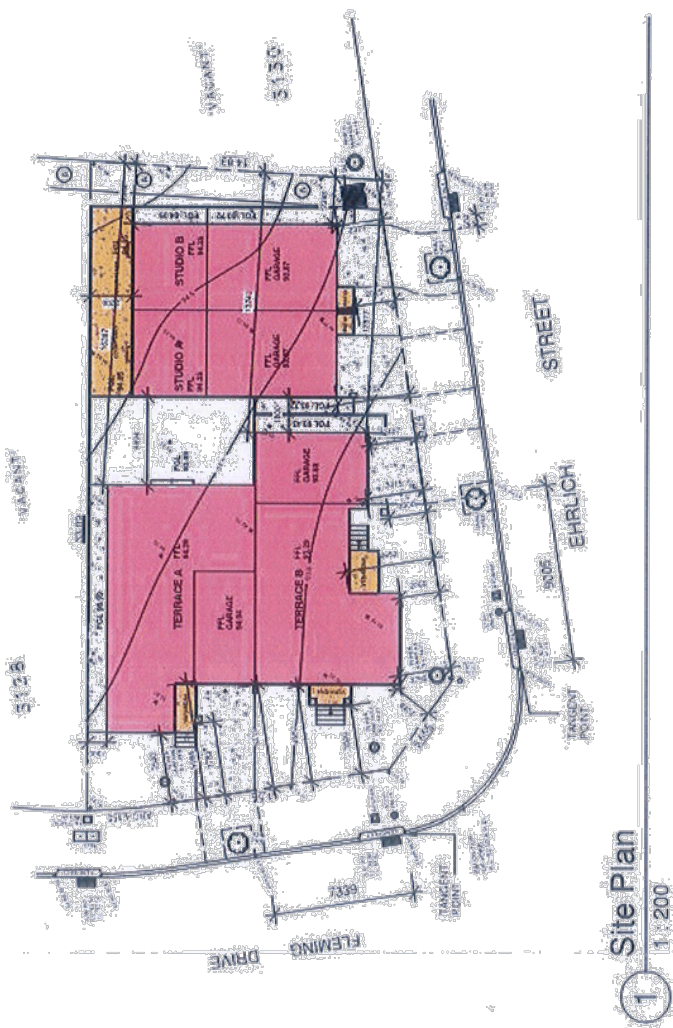
**Cladding**

Material: Weatherboard  
 Indicative Colour: Blue, white, purple

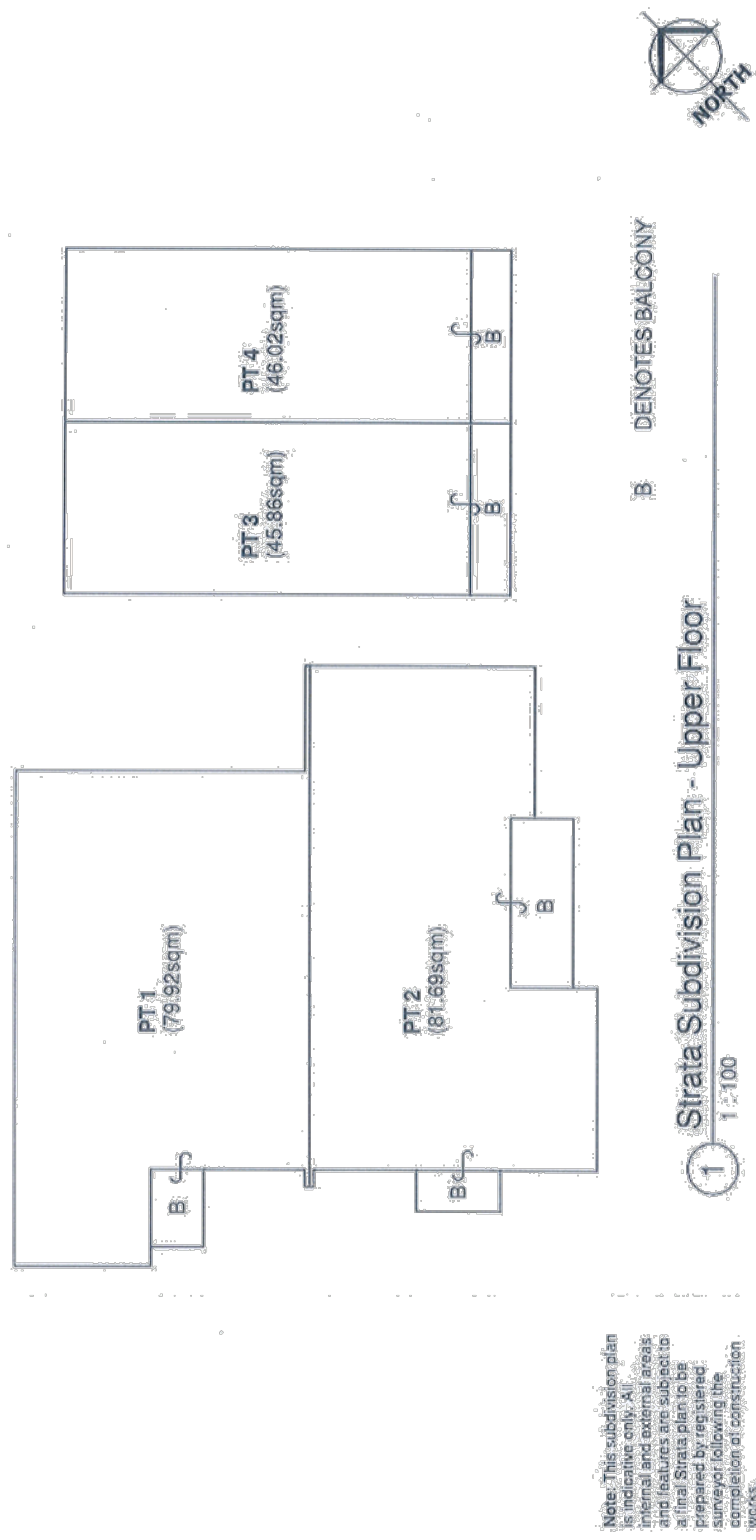


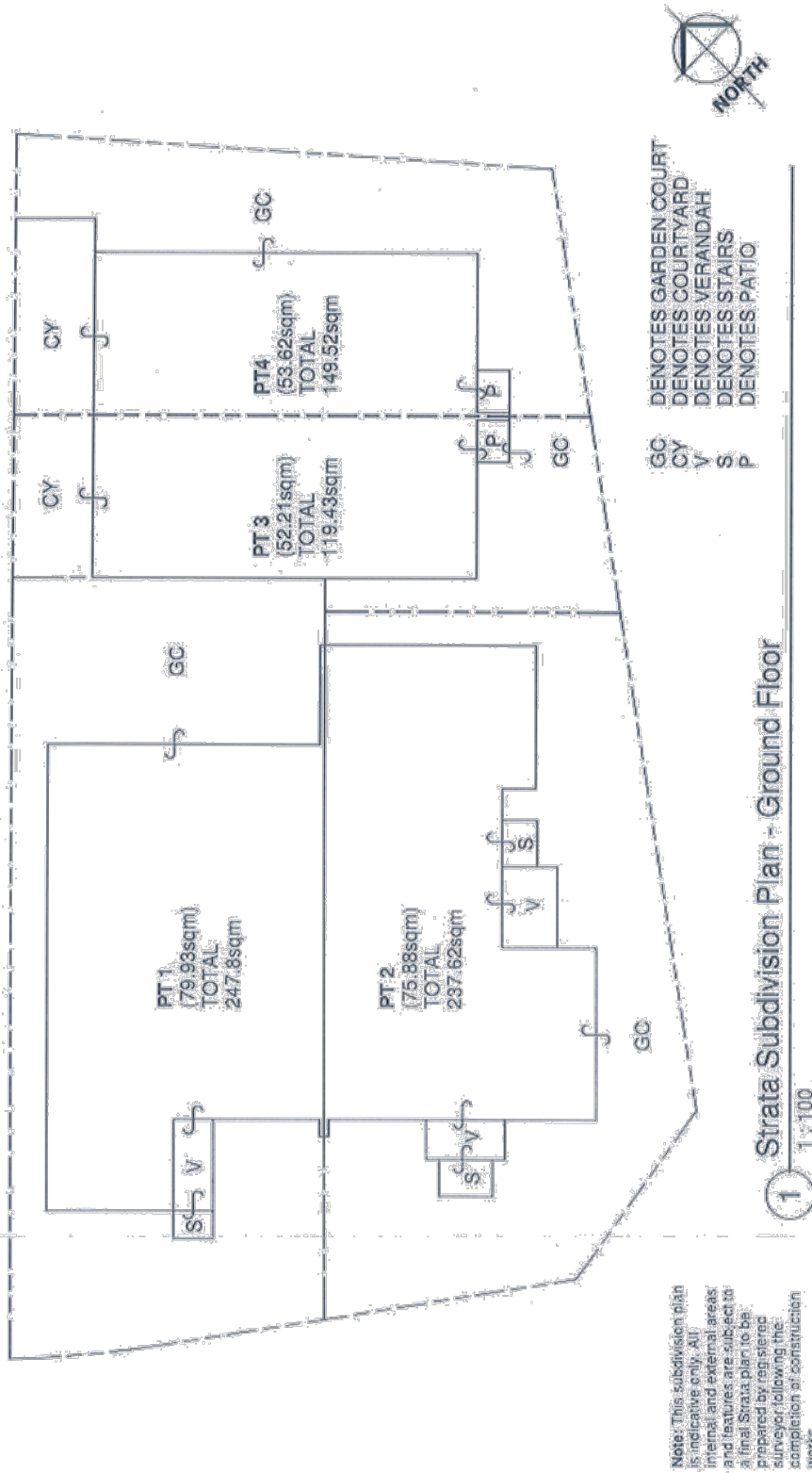
**Render**

Indicative Colour: White, blue  
 sympathetic to brick colour



1 Site Plan  
1:200

















## 4.5 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury

### 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

### Executive Summary

- Clause 4.1A of the Campbelltown Local Environmental Plan, 2015 places a limit of how many dwellings can be located on particular sites at Airds/Bradbury, Claymore and Western Sydney University (Macarthur Heights Estate).
- Both the Airds/Bradbury and Claymore redevelopment sites are subject to approval under the former Part 3A of the Environmental Planning and Assessment Act, 1979. These approvals make the provisions of the Campbelltown LEP 2015 redundant insofar as they apply to the approved development. Therefore the clause should not apply to these areas.
- As for the Western Sydney University site, the cap on the number of dwellings for the site was originally set to minimise the traffic impact on surrounding roads and intersections. A more recent traffic review has identified that there is capacity for additional dwellings. Further, there has been, and will be, additional dwellings constructed on this site due to changes in legislation that enable additional dwellings to be approved as complying development. This makes it difficult to determine when the cap would be reached, exactly how many dwellings will be constructed and leaves the potential that lots would be created on which no dwelling could legally be approved due to the cap and operation of Clause 41.A.
- In these circumstances, it is appropriate to remove Clause 4.1A from Campbelltown Local Environmental Plan, 2015.

### Officer's Recommendation

That the Campbelltown Local Planning Panel recommend to the Campbelltown City Council:

1. That pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015 be supported by the Council and forwarded to the Department of Planning and Environment for a Gateway Determination.

## Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal to be forwarded to the Campbelltown City Council for its consideration. The draft planning proposal seeks to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015, which currently imposes a cap on the number of dwellings in the new developments at Western Sydney University, Claymore and Airds/Bradbury. There is no change in zoning of land is proposed.

## History

Campbelltown Local Environmental Plan (LEP) 2015 currently imposes a limit of the number of dwellings that may be developed in the following areas:

Airds/Bradbury	2,104
Claymore	1,490
Western Sydney University (Macarthur Heights estate)	850

However planning controls outside of the Campbelltown Local Environmental Plan (LEP) 2015 permit smaller forms of residential development, which are now taking place at the Macarthur Heights estate. For example additional dwellings are and will be permissible on individual lots as Complying Development under State Environmental Planning Policies. This is likely to result in a greater number of dwellings than is permitted due to the limit under Clause 4.1A. Unless the Campbelltown LEP 2015 is amended to remove this limitation there could be a situation where residential subdivision could occur but with no entitlement to erect a dwelling on the lots created.

The sites at Claymore and Airds/Bradbury were approved for development under the former Part 3A of the *Environmental Planning and Assessment Act 1979*. These approvals have made the provisions in the Campbelltown LEP 2015 redundant.

## Report

**Property Description:** Various properties

**Owners:** Various

**Applicant:** Council

### The site – Local/Regional Context

The subject sites are the suburbs of Macarthur Heights estate at Western Sydney University (WSU), Claymore and Airds/Bradbury. Development in each of these is already underway.

The Macarthur Heights estate at WSU is being developed for residential development on land that is surplus to the needs of WSU. It was previously undeveloped land. It is located 900m south west of Macarthur Station.

The sites at Claymore and Airds/Bradbury are existing residential areas built as public housing in the 1970s and are now being redeveloped for a mix of public and private housing. Airds is located 2.5 km east of Campbelltown Station, while Claymore is located 2.3 km north west of Campbelltown Station, west of the M31.

The sites are shown as attachment 1 to this report.

### **Existing Zoning**

The affected land at the Macarthur Heights estate at WSU is zoned R3 Medium Density Residential. The affected lands at Claymore and Airds/Bradbury are zoned R2 Low Density Residential.

No changes to the zoning and related provisions are proposed. The principal development standards in respect of minimum lots size, maximum height of buildings and maximum floor space ratios would remain unchanged.

The principal reasons for the limitation on the number of dwellings are encapsulated in the relevant clause objectives, detailed as follows:

- (a) to restrict the dwelling yield on certain land;
- (b) to ensure that infrastructure is not overburdened; and
- (c) to provide for a diversity of dwelling types.

### **The Planning Proposal**

The objective of the planning proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) so as to remove the restriction on the maximum number of dwellings permissible on the lands subject to this PP.

The removal of the restriction on the maximum number of dwellings will permit the continued construction of dwellings that is currently being undertaken in each of these areas and is not considered likely to lead to any significant adverse infrastructure impacts.

### **Relationship to Strategic Planning Framework**

The PP is generally consistent or of minor inconsistency with:

- Ministerial Directions for the preparation of PPs (now called Section 9.1 Directions)
- Relevant State Environmental Planning Policies
- Greater Sydney Region Plan 2018
- Western City District Plan 2018
- Campbelltown Community Strategic Plan
- Campbelltown Residential Development Strategy 2014.

Comments on the consistency/inconsistency with the above documents/directions are provided in the PP (refer to attachment 3 of this report).

## Potential Infrastructure Impacts

- **Macarthur Heights Residential Precinct – Western Sydney University**

The proposed removal of the dwelling cap on the Macarthur Heights residential estate would potentially result in an increase in the overall number of dwellings within the precinct, primarily as a result of secondary dwellings being proposed under the Affordable Housing SEPP.

The original restriction on the number of dwellings of 850 under the CLEP 2015 was primarily introduced to minimise traffic impacts on the surrounding road intersections such as the intersection of Gilchrist Drive, Blaxland and Narellan Roads.

As part of the final stage (Stage 5) of the residential component of the Western Sydney University, a traffic review was undertaken to investigate the impacts of the increase of the overall dwelling numbers from that originally envisaged within the release area. The review revealed that despite the potential increase of some 400 dwellings over the originally assumed amount, the impact on local traffic is not considered to be an issue that creates a significant detrimental impact on the built environment.

- **Claymore and Airds/Bradbury**

The removal of the dwelling caps within the public housing renewal estate is not anticipated to have major impacts on infrastructure.

Airds/Bradbury Precinct is subject to a Planning Agreement with an anticipated dwelling yield of 2157 dwellings. The removal of the cap in Airds/Bradbury Precinct is not anticipated to result in any dramatic increase in the number of dwellings beyond what is identified under the VPA. This is because the majority of the newly created lots within Aids/Bradbury precinct are less than 420sqm, which is the minimum site area required under the Affordable Housing SEPP to enable the site to have a secondary dwelling.

Notably, a VPA is currently being finalised for Claymore, and for the same reasons above, the removal of the dwelling cap in Claymore is unlikely to result in a large increase in the number of dwellings.

Given the above, it is not anticipated that there would be a need to upgrade the infrastructure within the housing renewal areas as a result of the removal of the dwelling cap.

## Other planning issues

The sites are already zoned for residential development. No changes in zoning are proposed. Issues that would normally be considered in rezoning for residential development have already been dealt with in the residential zoning.

A decision to not remove the dwelling yield limitation could see residential subdivision occur but with no entitlement to erect a dwelling on each lot created.

## Delegation to make the Plan

Given that the PP is of minor planning impact, it will be recommended to Council that it request that the Department provide Council with delegation to make the plan.



**Conclusion**

The PP is considered to represent an acceptable contemporary planning outcome for the affected lands, without any significant adverse impact on the surrounding private and public lands and service infrastructure.

As such, it is requested that Local Planning Panel provide advice on the adequacy of the PP prior to submission of a report to Council for its endorsement to seek a Gateway Determination from the Department of Planning and Environment.

**Attachments**

1. Subject Sites (contained within this report)

**Reporting Officer**

Executive Manager Urban Centres

Subject sites

