



**CAMPBELLTOWN  
CITY COUNCIL**

# **LOCAL PLANNING PANEL**

**26 February 2020**

## 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, 26 February 2020 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>6</b> |
| 4.1 Partial demolition and alterations to heritage-listed dwelling and construction of childcare centre - 111 Oxford Road, Ingleburn  | 6        |
| 4.2 Demolition of existing building and construction of a three storey seniors living development consisting of 14 independent living units at 1 Reddall Street, Campbelltown | 108      |
| 4.3 Planning Proposal request 1898/2015/E-LEPA: Neighbourhood Business Zone Amendment - St Helens Park  | 196      |
| 4.4 Two storey dwelling, attached carport and associated works, Westmoreland Road, Leumeah  | 231      |
| 4.5 Proposed Campbelltown City Local Planning Panel Operation Guidelines  | 318      |

## **General Information**

The role of the Local Planning Panel is to determine development applications and provide advice on planning proposals.

When the panel is considering a report relating to a development application, the panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period).

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the panel is to provide advice to Council. The panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) to decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The panel will consider verbal submissions made in relation to the matter from the applicant, if there is one, and from any other person. The panel will not consider written submissions tabled at the meeting, however they will be accepted and passed on to Council officers for consideration in their report to Council.

Any person who makes a verbal submission to the panel must identify themselves and must also accept that their presentation will include their images and sounds and will be webcast and stored on Council's website for future viewing. Any person who makes a verbal submission to the panel must also declare before their submission any political contributions or donations they have made over the last four years exceeding \$1,000 to any political party or candidate who contested the last Ordinary Election of Council.

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask you questions at the end of your submission.

**Recommendations of the Panel**

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

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

**Information**

Should you require information regarding 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 report is referred to the Local Planning Panel Panel for its consideration and recommendation.

Lindy Deitz  
General Manager



## 4. REPORTS

### 4.1 Partial demolition and alterations to heritage-listed dwelling and construction of childcare centre - 111 Oxford Road, Ingleburn

#### Community Strategic Plan

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

#### Referral Criteria

This application includes the partial demolition of a heritage item. Therefore, the determining authority under Section 4.8 of the *Environmental Planning and Assessment Act, 1979* is the Campbelltown Local Planning Panel.

#### Executive Summary

- This application proposes the partial demolition of a heritage item (the laundry wing of a dwelling) to enable the construction of a childcare centre.
- The proposed demolition is considered to be justified on the basis that it allows for the construction of useable and connected space for the childcare facility and retains the prominence of the heritage item's three main elevations.
- Comprehensive archival recording of the laundry wing would be required to be undertaken prior to its demolition.
- The proposed development is consistent with the provisions of State Environmental Planning Policy (SEPP) No. 55 (Remediation of Land) the Educational Establishments and Child Care Facilities SEPP, and the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The application is generally consistent with the provisions of the Campbelltown Sustainable City DCP 2015. Variations to side and rear setbacks and landscaping width are proposed, however these are considered to be justified.
- Submissions from the residents of seven properties were received in response to the public exhibition and notification of the application and raised concerns relating to noise, overshadowing, heritage, potential social issues, privacy, traffic and pedestrian safety.
- The application is recommended for approval, subject to the attached conditions shown as attachment 1.

## Officer's Recommendation

That 774/2018/DA-C for the partial demolition of existing heritage-listed dwelling and construction of a childcare centre for 110 children including alterations and additions to the existing dwelling at 111 Oxford Road, Ingleburn be approved subject to the attached conditions of consent.

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|                             |  |
|-----------------------------|--|
| <b>Property Description</b> | Lot 81 DP 1172405, 111 Oxford Road, Ingleburn (Woodcrest)  |
| <b>Application No</b>       | 774/2018/DA-C  |
| <b>Applicant</b>            | Artmade Architects   |
| <b>Owner</b>                | Ingleburn Estate Pty Ltd   |
| <b>Provisions</b>           | State Environmental Planning Policy 55 - Remediation of Land<br>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017<br>Child Care Planning Guideline<br>Campbelltown Local Environmental Plan 2015<br>Campbelltown Development Control Plan 2015 |
| <b>Date Received</b>        | 15 March 2018  |

## History

Woodcrest is a dwelling that was constructed in the late 19<sup>th</sup> century. Over time, several subdivisions reduced the size of the land upon which Woodcrest sits, the most recent of these being in 2012. The NSW Heritage Inventory database lists the following regarding the significance of the subject site:

Woodcrest is of historical significance as a late 19<sup>th</sup> century country house altered in the early 20<sup>th</sup> century, with historical association with Mrs F.W Suttor and the Wood family. The house is a fine example of a Victorian Filigree style house constructed by hand with locally-made sandstone/cement blocks and later Federation period alterations.

## Report

Woodcrest is located at 111 Oxford Road, Ingleburn, and is listed as an item of local heritage significance under Campbelltown Local Environmental Plan 2015.

The site has an area of 3,464sqm and is irregularly shaped. It has frontages to Oxford Street, Woodcrest Avenue and Bowerbird Avenue. It is surrounded by a mixture of low and medium density residential development. The site contains the Woodcrest dwelling which is centrally located within the site, as well as a partially demolished garage dating to the 1940s or 1950s which is accessed from a driveway from Oxford Road. A cattle grid is located at the entrance to the driveway. The site contains two large trees in the northern part of the site which are proposed to be retained.

The application proposes the following works:

- Demolition of the dwelling's garage and driveway (while retaining the existing cattle grid).
- Demolition of the rear service wing of the dwelling and associated concrete steps and concrete pathway.
- Removal of the dwelling's corrugated iron water tank.
- Construction of a single-storey childcare centre in the form of three buildings in the western part of the site, one of which is proposed to be attached to the Woodcrest dwelling. The proposed childcare centre would accommodate 110 children.
- Provision of outdoor play spaces adjacent to the proposed childcare centre buildings.
- Refurbishment of and minor alterations to the existing dwelling (involving removal of one internal doorway and removal of part of the rear wall of the dwelling) to enable its integration into the childcare facility as a staff/office area and laundry, including alterations to achieve compliance with the Building Code of Australia.
- The construction of a car park in the eastern portion of the site.
- Provision of landscaping throughout the site.



Aerial photograph of the subject site and surrounding locality

## Assessment

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and having regard to those matters the following issues have been identified for further consideration.

### 1. Campbelltown 2017-2027 Community Strategic Plan

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

The Campbelltown 2027 Community Strategic Plan is a vision statement of broad town planning intent for the longer term future of the City of Campbelltown that contributes to the community objectives of:

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

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown 2027. It is considered that the proposed development is generally consistent with the long term vision for Campbelltown.

### 2. Planning Provisions

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

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation prepared by an environmental consultant was submitted with the application, which concluded that the site is considered suitable from a land contamination perspective for the proposed development. Based on this conclusion, the following conditions were recommended:

- An unexpected finds protocol shall be implemented during construction works, to manage potential contamination identified (if any) in the footprint of the former shed structure and across the footprint of the current stockpile and minor residual surficial waste.
- Records of the lawful transport and disposal of wastes removed from the site shall be retained.

Subject to the imposition of these conditions (which are included in the recommended conditions attached), the subject site is considered to be suitable for the proposed development and compliant with SEPP 55.

## 2.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

An assessment of the application against the relevant provisions of the SEPP is outlined below:

### Centre-based child care facility—non-discretionary development standards

| Control                             | Required   | Proposed   | Compliance |
|-------------------------------------|--|--|------------|
| <b>Location</b>                     | The development may be located at any distance from an existing or proposed early education and care facility                        | No Council policy prevents the subject site from being used as a childcare centre  | Yes        |
| <b>Indoor Space</b>                 | 3.25sqm of unencumbered play space per child   | 3.25sqm of unencumbered play space per child   | Yes        |
| <b>Outdoor Space</b>                | 7sqm of unencumbered play space per child  | 7sqm of unencumbered play space per child  | Yes        |
| <b>Site Area and Dimensions</b>     | The development may be located on a site of any size and have any length of street frontage or any allotment depth                   | No Council policy prevents the subject site from being used as a childcare centre  | Yes        |
| <b>Colour of building materials</b> | The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area | The colour scheme of the proposed development is considered to be sympathetic to the local heritage item Woodcrest whilst not replicating its colour scheme. | Yes        |

### Centre-based child care facility - development control plans

- (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:
- (a) operational or management plans or arrangements (including hours of operation)
  - (b) demonstrated need or demand for child care services
  - (c) proximity of facility to other early childhood education and care facilities
  - (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
    - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

- (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

This is noted. This report does not seek to enforce any DCP standard that regulates any of the above matters.

### **Centre-based child care facility - matters for consideration by consent authorities**

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

An assessment of the application against the Child Care Planning Guideline is presented below.

### **2.3 Child Care Planning Guideline**

| <b>Standard</b>  | <b>Outcome</b>  | <b>Compliance</b>                |
|--|---|----------------------------------|
| <p>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</p> <p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> <li>• the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• the setbacks and siting of buildings within the residential context</li> <li>• traffic and parking impacts of the proposal on residential amenity.</li> </ul> | <p>An acoustic report submitted with the DA includes noise mitigation measures that will ensure compliance with relevant criteria.</p> <p>The childcare centre's setbacks, configuration and orientation have been selected to minimise amenity impacts on adjoining residents.</p> <p>The traffic report determines that the proposal would have a negligible impact on residential amenity.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• the location and surrounding uses are compatible with the proposed development or use</li> <li>• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• there are no potential</li> </ul>  | <p>Surrounding land uses are residential and are compatible with a childcare centre.</p> <p>The site is not affected by any of these risks.</p> <p>A preliminary contamination assessment</p>   | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| <p>environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</p> <ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> <li>there are suitable drop off and pick up areas, and off and on street parking</li> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul> | <p>identified no likely contamination, and a recommended condition of consent requires confirmation that the site be checked for lead and asbestos prior to occupation.</p> <p>The site would be suitable for a childcare centre, having regard to these factors.</p> <p>Drop off and pickups would be able to occur on the site, and sufficient on-street parking is available adjoining the site.</p> <p>Woodcrest Avenue is an appropriate access point subject to modifications to the median.</p> <p>There are no incompatible premises such as those listed in proximity to the site.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>near or within employment areas, town centres, business centres, shops</li> <li>with access to public transport including rail, buses, ferries</li> <li>in areas with pedestrian connectivity to the local community, businesses, shops,</li> </ul>   | <p>The site is within walking distance of a school and parks.</p> <p>The site is within walking distance of the Ingleburn town centre.</p> <p>The site is within walking distance of Ingleburn train station and bus routes.</p> <p>The site is within walking distance of the Ingleburn town centre.</p>   | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| services and the like.   |  |  |
| <p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p> <p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to: - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> </ul>   | <p>The site is not within proximity of heavy or hazardous industry such as those listed.</p>   | <p>Yes</p>   |
| <p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping</li> </ul> | <p>The proposed childcare buildings would complement the heritage-listed Woodcrest dwelling as well as the surrounding single-storey pitched roof dwellings.</p> <p>The proposed childcare buildings are single-storey with pitched roofs, as is the surrounding low density residential area.</p> <p>The proposed design is compatible with the surrounding single-storey pitched roof character.</p> <p>The proposed childcare buildings would complement the heritage-listed Woodcrest dwelling as well as the surrounding single-storey pitched roof dwellings.</p> <p>The proposed landscaping would positively contribute to the streetscape and neighbouring amenity.</p> <p>The proposed car park would be screened by landscaping and would not be visually</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |



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| design in residential areas.  | dominant.  |   |
| <p>Objective: To ensure clear delineation between the child care facility and public spaces.</p> <p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul> | <p>The delineation between public and private space is satisfactory.</p> <p>Fencing along the site's front property boundary would provide an adequate level of safety.</p> <p>Windows facing the street would encourage passive surveillance.</p> <p>Existing fence pillars would be retained as part of the fencing and would sit in front of landscaping.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p> <p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>   | <p>The site's front boundary contains a fence that has four historic masonry pillars remaining. The proposed development would retain these pillars as part of a detailed fence design required by a recommended condition of consent.</p>   | <p>Yes</p>                                  |
| <p>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from</li> </ul>  | <p>Decks, doors and openable windows would be oriented away from adjoining properties to minimise visual privacy and acoustic impacts. Dense landscaping would be located between play areas and property boundaries.</p>  | <p>Yes</p>                                  |

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| <p>common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses</p> <ul style="list-style-type: none"> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>   | <p>All outdoor play areas would have a northern orientation.</p> <p>The proposed buildings would be single storey and would not have major overshadowing impacts on adjoining properties.</p> <p>The proposed childcare centre buildings would face the street.</p> <p>All outdoor play areas would contain shade sails and would be sheltered to some extent from wind by surrounding buildings.</p>   | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>            |
| <p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character</li> </ul> | <p>All adjoining dwellings and most surrounding dwellings are single storey, as are the proposed childcare centre buildings.</p> <p>The proposed single storey childcare centre responds to the single storey character of the street.</p> <p>Setbacks would allow for adequate privacy because walls adjacent to boundaries would not have doors, decks or openable windows.</p> <p>Setbacks would provide adequate access for building maintenance.</p> <p>Street setbacks would be compatible with the existing character, but would primarily allow for public views of Woodcrest to be maintained.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>On land in a residential zone, side</p>   | <p>The proposed development does not comply</p>   | <p>No, see</p>   |

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| and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.   | with the applicable side and rear setbacks, however these variations are considered to be justified and are discussed in detail later in this report.  | separate discussion                                    |
| <p>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of place.</li> </ul> | <p>The built form of the proposed childcare centre responds to adjacent and surrounding built form by adopting a single storey, pitched roof typology.</p> <p>The proposed design is similar to (without copying) the design of Woodcrest.</p>   | <p>Yes</p> <p>Yes</p>                                  |
| <p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> </ul>  | <p>Only one access point is proposed from the street.</p> <p>The entry would be accessible from the street for pedestrians.</p> <p>The entry would be accessible from the street for pedestrians.</p> <p>The entry would be visible from the street.</p> <p>The entry could be easily monitored through natural or camera surveillance.</p> <p>The entry would not be through a play area.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all</li> </ul>  | <p>The proposed development is required to demonstrate compliance with the relevant accessibility legislation at the construction certificate stage.</p> <p>A series of ramped pathways links all key areas within the proposed childcare centre and car park.</p>   | <p>Yes</p> <p>Yes</p>                                  |

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|--|---|-----------------------|
| <p>car parking areas and the main building entry</p> <ul style="list-style-type: none"> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>  | <p>A continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance is proposed.</p> <p>Building entries and ground floors are not far above the level of the footpath.</p> | <p>Yes</p> <p>Yes</p> |
| <p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>   | <p>A recommended condition of consent limits the hours of operation of the proposed childcare centre to 7am to 7pm, as the predominant surrounding land use is residential.</p>   | <p>Yes</p>            |
| <p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p> <p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul> <p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool</li> </ul> | <p>Existing fence pillars would be retained as part of the fencing and would sit in front of landscaping. This would reflect and reinforce the local context.</p> <p>Trees are proposed to be planted within the proposed car park.</p>                 | <p>Yes</p> <p>Yes</p> |

|  |  |                                  |
|--|--|----------------------------------|
| <p>outdoor environment and reduce summer heat radiating into buildings</p> <ul style="list-style-type: none"> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>  | <p>The on-site car parking associated with the proposed childcare centre would be adequately screened by landscaping.</p> <p>The on-site car parking associated with the proposed childcare centre would be adequately screened by landscaping.</p>  | <p>Yes</p> <p>Yes</p>            |
| <p>Objective: To protect the privacy and security of children attending the facility.</p> <p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>   | <p>The proposed site and building layout is not conducive to overlooking of the proposed childcare centre.</p> <p>All windows facing property boundaries would be unopenable and constructed of glass blocks.</p> <p>Dense landscaping would be located between all building walls/outdoor play areas and property boundaries.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>  | <p>The building walls adjoining property boundaries contain, or will contain as a result of recommended conditions of consent, only glass block windows that are not openable, and between these walls and the adjacent property boundaries would be dense landscaping.</p>  | <p>Yes</p>                       |
| <p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p> <p>A new development that is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul> | <p>The application includes acoustic fencing with specifications determined by an acoustic engineer.</p>   | <p>Yes</p>                       |

|  |  |   |
|--|--|---|
| <p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>                           | <p>An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report makes several noise control recommendations and concludes that subject to the implementation of these recommendations, the proposed childcare centre would comply with all of the applicable noise criteria.</p> | <p>Yes</p>                                  |
| <p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> </ul> | <p>Proposed buildings are oriented away from property boundaries.</p> <p>A strip of landscaping would surround the site.</p> <p>No openings would directly face property boundaries with other properties.</p> <p>The acoustic report submitted with the application recommends the use of acoustic glazing.</p>                     | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>   | <p>The site is not located on a major road and is not nearby industrial development.</p>   | <p>Yes</p>                                  |
| <p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>Off street car parking should be provided at the rates for child care facilities specified in a</p>  | <p>Car parking provision is compliant with the provisions of the Campbelltown Sustainable City DCP 2015.</p>   | <p>Yes</p>                                  |

|   |  |   |
|---|--|---|
| <p>Development Control Plan that applies to the land.</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network</li> </ul>  | <p>A traffic and parking assessment report prepared by a qualified traffic engineer was submitted with the application and was reviewed by Council's traffic engineers. The report concluded that the additional traffic from the proposed development would be minimal and would have no negative impacts upon street network operation. Council's traffic engineers advised that in order to facilitate the safest and most efficient vehicular entries and exits to the site, the existing median in Woodcrest Avenue is required to be modified to provide a right turn lane for site access, providing storage for at least one vehicle, in line with Austroads Guidelines. No U-turns will be allowed at the intersection of Woodcrest Avenue and Whipbird Avenue, and appropriate signage shall be provided in this regard.</p> | <p>Yes</p>                                  |
| <p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>   | <p>The subject site is not within a cul-de-sac or narrow road, and safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>   | <p>Yes</p>                                  |
| <p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul> | <p>Separate pedestrian access from the car park to the proposed childcare centre is proposed. Separate vehicle and pedestrian entries would be available from the street.</p> <p>Two prams would be able to pass each other on the pedestrian paths. Vehicles would be able to enter and leave the site in a forward direction.</p>  | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

|   |   |                       |
|---|---|-----------------------|
| <p>Car parking design should:</p> <ul style="list-style-type: none"> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>   | <p>Accessible car parking would be located adjacent to entry of the childcare centre.</p> <p>Accessible car parking is proposed.</p>  | <p>Yes</p> <p>Yes</p> |
| <p>Childcare centres must be well ventilated and have adequate natural light.</p>   | <p>The proposed childcare centre would have openings that enable ventilation and natural light penetration.</p>   | <p>Yes</p>            |
| <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>  | <p>The proposed outdoor play areas would contain landscaping including existing trees, and would consist primarily of natural grass surfaces.</p>   | <p>Yes</p>            |
| <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>   | <p>Numerous shade sails are proposed.</p>   | <p>Yes</p>            |
| <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure.</li> </ul> | <p>All outdoor play areas would be bound by fencing, the design of which is subject to a condition of consent requiring further details to be provided demonstrating adequate safety outcomes.</p> <p>All outdoor play areas would be bound by fencing, the design of which is subject to a condition of consent requiring further details to be provided demonstrating adequate safety outcomes.</p> | <p>Yes</p> <p>Yes</p> |

The table above demonstrates that the proposed development complies with the relevant requirements of the Childcare Planning Guideline, with the reasonable exception of side and rear setbacks which are discussed in the section Campbelltown Sustainable City DCP 2015.



## 2.4 Campbelltown Local Environmental Plan 2015

### Zoning/Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as a child care centre and is permissible with Council's development consent within the zone.

### Zone objectives

The proposal is consistent with the objectives of the R2 zone, which are outlined below:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

### Minimum qualifying site area

The minimum qualifying site area for a childcare centre in the R2 zone is 800 square metres. The site has an area of 3,464sqm and therefore complies with this standard.

### Building height

A maximum building height of 8.5 metres applies to the site. The proposed childcare centre buildings would have a maximum height of 6.5 metres above natural ground level and therefore complies with this development standard. The existing dwelling would remain the tallest building on the site with a height of 7.9 metres.

### Floor space ratio

The maximum floor space ratio for childcare centres within the R2 zone is 0.55:1. The proposed development has a floor space ratio of 0.2:1 and therefore complies with this standard.

### Heritage conservation

The consent authority may, before granting consent to any development –

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

requires a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The application includes a Heritage Impact Statement, which is attached to this report.

### **Effect on Heritage Significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

In this regard, excerpts from the Heritage Impact Statement in relation to certain aspects of the proposed development are provided below:

- **Demolition**

The garage structure is proposed for demolition in order to accommodate part of the proposed carpark in the eastern corner of the site. The garage, likely to date from the 1950s – 1960s...is not considered to make a substantial contribution to the heritage significance of the site. Its removal is acceptable from a heritage perspective as it will allow the required car parking spaces for the childcare facility and will not detract from the overall heritage significance of the site.

The demolition of the rear laundry wing of the building is proposed in order to accommodate the new development, which is sited at the rear of the existing house in order to ensure the heritage item's continued prominence from the street. The demolition of the laundry wing constitutes an acceptable heritage impact as it allows the construction of useable and connected space for the childcare facility at the rear of the property, rather than separating components of the new building on either side of the existing wing. The spatial planning of the childcare centre has been carefully designed in order to integrate the main part of the existing house, and to retain the prominence of the heritage item's three main elevations.

Comprehensive archival recording of the rear wing prior to demolition will assist in the mitigation of this heritage impact, and in the future understanding of the historical configuration of the place in any interpretation strategies

- **Change of Use**

The subject site is currently vacant and in poor condition. The introduction of the childcare facility constitutes a positive outcome for the site in terms of ensuring its ongoing maintenance and conservation as a heritage item. The upkeep of the site, including maintenance works to the house and regular gardening to the landscaped areas, is an important aspect of retaining its cultural value for the benefit of the community. The proposal has been carefully developed in order to integrate the existing house with the new addition, so that its future use necessitates regular maintenance.

- **Major Additions**

The proposed alterations to the existing house on the subject site are minor and have been designed to retain the existing form and internal configuration of the house so that its former use as a residence will continue to be understood. External alterations, including the addition of a balustrade, gate and fence on the verandah, are proposed in order to achieve compliance for this use and to ensure

the safety of children given the fall from the verandah to the ground on the north and west sides of the house. These additions are minor interventions into existing fabric and largely reversible. This is required for the proposed use of the building as a childcare centre.

Proposed internal alterations and fit-out to the existing house are for its refurbishment for use as a facility for the childcare centre staff, including an accessible WC. The alterations for a new door will allow the new use. Proposed internal alterations acceptable from a heritage perspective because the layout and configuration of the main level of the house will be retained. The building will continue to be understood as a historical residence defined by a central hallway with rooms on either side, and service rooms at the rear. The defining characteristics of the house, which include this configuration, its interior finishes such as the pressed metal ceilings and plaster details, and its external form, will be retained.

The single-storey childcare facility has been designed as a contemporary addition in an architectural language that is sympathetic to the early farmhouse. Sympathetic aspects of the design include its siting, scale, roof forms, broken-up massing and materiality.

The siting of the new additions is an important aspect of maintaining the heritage value of the site. The siting at the rear and to the western side of the existing house has been selected so that the prominence of the house and the visibility of its three primary facades are maintained. The house will retain its prominence on the site. The new eaves and roof planes do not exceed the height of the corresponding elements of the farmhouse. This ensures the on-going dominance of the early house on this site.

The separation of the new buildings from the existing house has been achieved with a recessed joint at the rear of the house, leading to the main section of the rear extension. The large new building is offset from the north-western boundary and is joined to the rear extension via a light-weight colonnade.

The design of the addition has been developed as a contemporary addition that is subservient and visually sympathetic to the existing farmhouse. Aspects of the design that demonstrate sensitivity to the architectural character of the house include the roof configuration of varied hips and gables to break up the massing of the new work. There is a skillion roof plane falling from the rear of the existing house in a reasonably traditional manner. It meets the gable of the southern extension. That new building has a recessed joint in the middle that breaks up the massing of the gables and gives a scale of small sheds that could have existed around a farmhouse. This approach is repeated in the building along the north-western side boundary. The building in the western corner has a series of hips that makes for a diversity of traditional roof forms among the new buildings, and separates the new gabled buildings. The use of eaves, Colorbond matte in shale grey, vertical timber cladding and split-face concrete blocks with an affinity for the masonry of the early farmhouse make for a materials palette that can be understood as a new building, but one that defers to the forms and materials of the early farmhouse.

Overall, these aspects of the design ensure that the early farmhouse dominates the site and that the additions are understood as separate, but with the sale of

farm buildings that might be located around the rear of a farmhouse. The architectural character of the farmhouse has informed the contemporary yet unassertive architecture of the additions.

- **Landscaping**

The introduction of new landscape elements will constitute a substantial alteration to the existing setting of the homestead and will compromise its legibility as an historic dwelling on a rural block. This diminishes the potential to see the former house in its garden setting. The loss of garden elements and permeable surfaces is necessitated by the carpark and outdoor play area requirements for a childcare centre.

The proposed carpark and the open landscaped area for the outdoor play areas have been sited on either side of the existing homestead in order to retain the prominence of its east and west facades when viewed from Oxford Road and Woodcrest Avenue, and to retain its original character as a homestead on a rural block. This ensures that the building continues to be viewed in the round and that the symmetry of its architectural design, roof form and the defining feature of the three-sided verandah are understood.

Overall, the proposed landscaping works are considered to be acceptable from a heritage perspective as they will allow the site to be adapted for its use as a childcare centre, and will preserve the important aspects of the visual setting of the heritage item. The overall heritage significance of the site will be retained.

The Heritage Impact Statement concludes that the proposed development would retain the heritage significance of the subject site. It recommends that archival recording of the site take place and that the preparation of a Conservation Works Schedule be undertaken. Council's heritage consultant has been closely involved in the assessment of the application, and has guided Council staff in the rejection of prior iterations of the proposal that were considered to have a severe impact upon the site's heritage significance, particularly those that had a two-storey built form. The current proposal is considered to have an acceptable heritage impact on the site's heritage significance, and Council's heritage consultant has advised that conditions addressing the following matters should be imposed:

1. Archival recording (including plans with measurements) of the subject site, in particular the rear laundry wing.
2. Engagement of a Heritage Architect to undertake the following activities:
  - a. Prepare documentation of the dwelling, including a Conservation Works Schedule with specifications and details.
  - b. Advise on the design of pavements adjacent to the dwelling to avoid damp issues.
  - c. Design new balustrades for the dwelling's verandahs.
  - d. Attend the site during construction to advise on issues related to the dwelling and significant fabric.
  - e. Undertake key site visits (prior to demolition, during demolition and upon completion of demolition) to answer questions as required, and carry out a final inspection.

3. Preparation of a final report with photographs showing the works to the heritage dwelling at the key stages set out above.

### **Conservation Management Plan**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Council's heritage consultant advised that in this particular case, a Conservation Management Plan is not necessary as it would not reveal any information that could not be found in the Heritage Impact Statement. It is also noted that the applicant's heritage consultant and Council's heritage consultant agree that a Conservation Works Schedule is to be provided prior to any works commencing.

## **2.5 Campbelltown (Sustainable City) Development Control Plan 2015**

### **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 of Part 2 of the Plan is discussed as follows:

**Views and Vistas** – Development is required to appropriately respond to Campbelltown's important views and vistas to and from public places, including heritage items. In this regard, the proposed buildings have been sited such that views between Woodcrest and the public realm would be maintained, particularly from Oxford Road and Woodcrest Avenue, where there are currently almost unobstructed views to and from the front and side of the dwelling and its wraparound verandah.

**Sustainable Building Design** – Based on the amount of floor space proposed, a 5,000 litre rainwater tank is required to be provided. A 5,000 litre rainwater tank has been shown on the plans accordingly.

**Landscaping** – Landscaping is proposed around the property boundaries of the site, within the car park and within the outdoor play areas, consisting of a mixture of native trees and plants. Two existing trees are to be retained and would be located in one of the outdoor play areas. A recommended condition of consent also requires the inclusion of street trees in the landscape plan along the site's three street frontages.

**Cut, Fill and Floor Levels** – Cut and fill would not exceed 1 metre above or below natural ground level.

**Stormwater Management** – The application proposes to drain the development to Council's drainage system in Bowerbird Avenue. Council's Development Engineer has reviewed the proposed stormwater design and found it to be satisfactory.

**Waste Management** – A bin storage area servicing the proposed childcare centre would be located at the front of the site adjacent to the Woodcrest Avenue property boundary. The bin storage area would be screened by landscaping and would not be visible from the street or adjoining properties.

**Part 8 – Child Care Centres**

| <b>Control</b>  | <b>Required</b>   | <b>Proposed</b>   | <b>Compliance</b> |
|---|---|---|-------------------|
| <b>Location</b>   | Child care centres shall not be located on an allotment that:   |   |                   |
|   | Is accessed from a State road   | The site is not accessed from a state road  | Yes               |
|   | Is within 100 metres of the intersection of a State road  | The site is not within 100 metres of the intersection of a State road   | Yes               |
|   | Is within a no through road   | The site would not be accessed from a no through road   | Yes               |
|   | Has vehicular access to a road where the carriageway is less than 6.5 metres in width   | Woodcrest Avenue – 24 metres  | Yes               |
|   | Has a building erected upon it that is constructed of materials that contain asbestos or lead paint   | A recommended condition requires any asbestos or lead to be removed from the site prior to the issue of an occupation certificate.  | Yes               |
|   | Is adjacent to a:<br>- potentially hazardous industry;<br>-- hazardous industry;<br>-- potentially offensive industry;<br>-- offensive industry;<br>-- intensive horticulture;<br>-- intensive livestock keeping; or<br>-- waste management facility. | No approvals have been issued for hazardous industries, potentially hazardous industries, offensive industries, intensive horticulture, intensive livestock keeping or waste management facilities on adjoining properties. | Yes               |
|   | Is within a 150 metre radius of a sex industry premises   | The site is not within a 150 metre radius of a sex industry premises  | Yes               |
| Presents a potential safety hazard for vehicle and pedestrian traffic, unless it can be demonstrated to Council's satisfaction that there would be no | There would be no vehicular safety hazards subject to the provision of a right-turning lane within the median strip within Woodcrest Avenue.  | Yes   |                   |

| Control                    | Required   | Proposed  | Compliance            |
|----------------------------|--|---|-----------------------|
|                            | <p>vehicular/ pedestrian conflict;</p> <p>Child care centres shall not be located within a basement of a building (excluding storage rooms and offices ancillary to the child care centre).</p> <p>Child care centres shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that:</p> <p>i) the proposed child care centre will not impact negatively on the local traffic network;</p> <p>ii) the proposed child care centre has adequate on site parking and manoeuvring/ turning spaces; and</p> <p>iii) the amenity of the surrounding properties is maintained.</p> | <p>The proposed childcare centre would be at ground and first floor level.</p> <p>A traffic and parking assessment report prepared by a qualified traffic engineer was submitted with the application and was reviewed by Council's traffic engineers. The report concluded that the additional traffic from the proposed development would be minimal and would have no negative impacts upon street network operation. Council's traffic engineers advised that in order to facilitate the safest and most efficient vehicular entries and exits to the site, the existing median in Woodcrest Avenue is required to be modified to provide a right turn lane for site access, providing storage for at least one vehicle, in line with Austroads Guidelines. No U-turns will be allowed at the intersection of Woodcrest Avenue and Whipbird Avenue, and appropriate signage shall be provided in this regard.</p> | <p>Yes</p> <p>Yes</p> |
| <b>Design Requirements</b> | The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and  | The proposed childcare buildings would complement and be subservient to the heritage-listed Woodcrest dwelling as well as the surrounding   | Yes                   |

| Control        | Required   | Proposed   | Compliance                                  |
|----------------|--|--|---|
|                | <p>landscaping) shall complement the scale of surrounding development, character and qualities of the desired streetscape.</p> <p>Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.</p> <p>The built form, design and layout of all outdoor play areas shall relate to the natural land form and setting to ensure that the amenity (visual and acoustic privacy) of adjoining properties is protected.</p> | <p>single-storey pitched roof dwellings.</p> <p>Clothes lines and air conditioning units would not be visible when viewed from a public area.</p> <p>The built form, design and layout of all outdoor play areas relates to the natural land form and setting</p>  | <p>Yes</p> <p>Yes</p> <p>Yes</p>            |
| <b>Fencing</b> | <p>Fencing along the primary and secondary street boundaries shall:</p> <p>i) not be constructed of bonded sheet metal;</p> <p>ii) not be higher than 1.2 metres;</p> <p>iii) be articulated, incorporate landscape treatments and complement the design and finish of the development.</p> <p>Fencing to the rear and side boundaries shall be:</p> <p>i) located behind the primary and secondary street setbacks; and</p>   | <p>The front fencing would not be constructed of bonded sheet metal.</p> <p>A recommended condition of consent requires new front boundary fencing to have a maximum height of 1.2 metres</p> <p>The application indicates that the existing poor-quality front boundary fencing is to remain. A recommended condition of consent requires improved fencing to be provided.</p> <p>Boundary fencing forward of the building line shall be tapered to 1.2 metres.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |



| Control                            | Required  | Proposed  | Compliance            |
|------------------------------------|---|---|-----------------------|
|                                    | ii) a maximum of 2.1 metres in height (excluding retaining walls).  | All other proposed side and rear boundary fencing would be 2.1 metres in accordance with the acoustic report.   | Yes                   |
| <b>Visual and Acoustic Privacy</b> | <p>An acoustic report prepared by a suitably qualified person shall be submitted with all child care centre development applications demonstrating :</p> <p>i) that the noise levels generated from the child care centre, when measured over a 15 minute period, does not exceed the background noise by more than 5 db(A);</p> <p>ii) that the noise levels comply with the requirement of the <i>Protection of the Environment Operations Act 1997</i>; and</p> <p>iii) illustrating ways to minimise the impacts of noise on adjoining properties.</p> <p>Direct views to and from neighbouring and surrounding properties shall be minimised through:</p> <p>i) Appropriate building design and location of outdoor play areas; and</p> <p>ii) The use of fencing and landscaping buffers.</p> | <p>An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report makes several noise control recommendations and concludes that subject to the implementation of these recommendations, the proposed childcare centre would comply with all of the applicable noise criteria.</p> <p>The configuration of the proposed childcare centre would not allow overlooking of adjoining properties.</p> | <p>Yes</p> <p>Yes</p> |
| <b>Waste Management</b>            | Waste storage, collection areas and service/ delivery areas shall be screened from public view and located to minimise adverse impacts on adjoining properties.   | The proposed bin storage area would be screened by landscaping and would face the car park.   | Yes                   |

| Control   | Required  | Proposed  | Compliance   |
|---|---|---|--|
|   | <p>The waste collection area shall be located and designed to minimise safety hazards for any person within the site or within the adjacent private/public areas.</p> <p>A waste management plan shall be submitted for all child care centre developments including information with regard to the storage and disposal of used nappies.</p>   | <p>The waste collection area would be able to operate safely.</p> <p>A Waste Management Plan was provided with the application which adequately deals with these matters.</p>   | <p>Yes</p> <p>Yes</p>  |
| <p><b>Additional requirements residential zones</b> –</p> | <p>A maximum of 50 children shall occupy a child care centre on any single allotment.</p> <p>The child care centre shall be wholly located on the ground floor of the building (excluding offices and storage rooms).</p> <p>Child care centres shall be setback a minimum of:</p> <p>i) 5.5 metres from the primary street boundary;</p> <p>ii) 5 metres from the rear boundary;</p> <p>3 metres from the side boundary</p> <p>iii) 3.0 metres from the side boundary; and</p> | <p>110 children are proposed to be accommodated.</p> <p>The childcare centre would be located within single storey buildings</p> <p>9 metres to Oxford Road, and 5.5 metres to Bowerbird Avenue.</p> <p>2.5 metres to Woodcrest Avenue dwellings, and 2 metres to Whipbird Avenue dwellings.</p> <p>1.5 metres to 9 Bowerbird Avenue</p> <p>The site has no secondary setbacks, and instead has three primary setbacks.</p> | <p>No, however this DCP requirement is inconsistent with clause 26 of the SEPP (Educational Establishments and Childcare Facilities)</p> <p>Yes</p> <p>Yes</p> <p>No. This is discussed below.</p> <p>No. This is discussed below.</p> <p>NA</p> |
| <p><b>Car Parking</b></p>                                 | <p>Car parking areas shall be setback a minimum of 3 metres from the front boundary and any</p>   | <p>The proposed car park has a 3 metre setback to both its primary and secondary boundaries.</p>  | <p>Yes</p>   |

| Control | Required   | Proposed   | Compliance |
|---------|--|--|------------|
|         | secondary boundary.  |  |            |
|         | A minimum of one car parking space shall be provided for every four children approved to attend the child care centre (28 based on 110 children).                      | 28 car spaces provided.  | Yes        |
|         | Off street parking and loading shall be designed in accordance with <i>Australian Standards 2890.1 and 2 (as amended)</i> , except as otherwise provided by this Plan. | The proposed development demonstrates compliance with AS2890.1   | Yes        |
|         | No required car parking space shall be designed in a stacked configuration.  | No stacked car parking is proposed.  | Yes        |
|         | Pedestrian access shall be separated from vehicular access with clearly defined paths to and from the building.  | Pedestrian access provided.  | Yes        |
|         | Each site shall have a maximum of one ingress and one egress driveway.   | One ingress and one egress provided.   | Yes        |
|         | The minimum width of a driveway shall be 3 metres for one way traffic movement.  | Both proposed driveways are 3 metres wide.   | Yes        |
|         | Driveways shall be located a minimum distance of 6 metres from the tangent point of any unsignalised intersection.   | The nearest driveway is greater than 6 metres from the tangent point.                                      | Yes        |
|         | Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.          | No vehicle would be required to make more than a three-point turn to exit the site in a forward direction. | Yes        |

| Control                     | Required   | Proposed   | Compliance |
|-----------------------------|--|--|------------|
|                             | <p>Development applications child care centres catering for 20 or more children shall include a Traffic Impact Statement, prepared by a suitably qualified person addressing the following criteria:</p> <ul style="list-style-type: none"> <li>i) the existing traffic environment;</li> <li>ii) anticipated traffic generation from the proposed development;</li> <li>iii) the potential cumulative impact on the locality;</li> <li>iv) the need for local traffic improvements in the locality;</li> <li>v) traffic egress/ingress; and</li> <li>vi) sight distance and other relevant safety issues including vehicular/pedestrian movements.</li> </ul> | <p>A traffic and parking assessment report prepared by a qualified traffic engineer was submitted with the application and was reviewed by Council's traffic engineers. The report concluded that the additional traffic from the proposed development would be minimal and would have no negative impacts upon street network operation. Council's traffic engineers advised that in order to facilitate the safest and most efficient vehicular entries and exits to the site, the existing median in Woodcrest Avenue is required to be modified to provide a right turn lane for site access, providing storage for at least one vehicle, in line with Austroads Guidelines. No U-turns will be allowed at the intersection of Woodcrest Avenue and Whipbird Avenue, and appropriate signage shall be provided in this regard.</p> | Yes        |
| <b>Emergency Evacuation</b> | <p>Development applications for child care centres catering for 20 or more children shall include an Emergency Evacuation Plan prepared by a suitably qualified person in accordance with <i>Australian Standard 3745 Emergency Control Organization and Procedures for Buildings, Structures and Workplaces</i> (as</p>   | <p>An Emergency Evacuation Plan was not provided with the application, however a recommended condition of consent requires this to be provided prior to the issue of a construction certificate.</p>   | Yes        |

| Control            | Required   | Proposed  | Compliance   |
|--------------------|--|---|--|
|                    | <p>amended), addressing:</p> <p>i) the mobility of children and how this is to be accommodated during an evacuation;</p> <p>ii) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;</p> <p>iii) where the child care centre is part of a larger building or complex, that the emergency evacuation plan for the child care centre is complementary and consistent with other emergency evacuation plans for the complex; and</p> <p>iv) the supervision of children during an evacuation and at the safe congregation area, giving regard to the capacity of the child care centre and its approved child: staff ratios.</p> |   |  |
| <b>Landscaping</b> | <p>Landscaping shall be provided to a minimum of a:</p> <p>i) 3 metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and</p> <p>ii) 1.5 metre wide strip along the full width of side and rear setbacks.</p> <p>Native mature trees on site shall be retained.</p>   | <p>The front landscaping strip varies between 1 metre and 3 metres.</p> <p>The rear landscaping strip varies between 1 metre and 2 metres.</p> <p>Two existing native trees would remain.</p> | <p>No</p> <p>No. Recommended condition requires compliance.</p> <p>Yes</p> |

| Control           | Required  | Proposed  | Compliance                       |
|-------------------|---|---|----------------------------------|
|                   | <p>Development applications for child care centre shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:</p> <ul style="list-style-type: none"> <li>i) species, location and mature height of proposed planting;</li> <li>ii) location of play equipment;</li> <li>iii) separation from car parking spaces and driveway areas;</li> <li>iv) fencing height and materials; and</li> <li>v) surfaces (sand, grass or the like).</li> </ul> <p>All existing vegetation on the site and on adjoining sites shall be assessed to ensure that the plants:</p> <ul style="list-style-type: none"> <li>i) are not toxic or dangerous (refer to Appendix 7 for a list of Unsuitable Plant Species); and</li> <li>ii) do not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and/or choking.</li> </ul> | <p>A landscape plan that addresses these matters satisfactorily has been provided.</p> <p>This is addressed by way of a recommended condition of consent.</p> | <p>Yes</p> <p>Yes</p>            |
| <b>Play Areas</b> | <p>Child care centre play areas shall:</p> <ul style="list-style-type: none"> <li>i) comply with the Children (Education and Care Services) Supplementary Provisions Regulation 2004 (as amended);</li> <li>ii) be appropriately designed and located to minimise noise impacts to adjoining properties; and</li> <li>iii) be naturally lit and ventilated.</li> </ul>  | <p>Complies</p> <p>Complies</p> <p>Complies</p>   | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

| Control | Required   | Proposed | Compliance |
|---------|--|----------|------------|
|         | The siting of outdoor play areas shall:                  |          |            |
|         | i) be located on a predominantly flat gradient;          | Complies | Yes        |
|         | ii) allow direct supervision from within the centre; and | Complies | Yes        |
|         | iii) provide adequate fencing.                           | Complies | Yes        |

The above table shows that the proposed development is generally compliant with the provisions of Council's Childcare Centres DCP, however two variations are discussed below.

### Side and Rear setbacks

Council's DCP requires that a childcare centre be set back three metres from the site's side boundaries. The proposed childcare centre fails to comply with this standard, as one of the proposed buildings would have a setback of 1.5 metres to the north-western boundary (adjoining No. 9 Bowerbird Avenue).

Council's DCP requires that a childcare centre be set back five metres from the site's rear boundaries. Given the site's irregular configuration, in this case the site's rear boundaries are taken to be those where the proposed development would face adjoining properties as a rear boundary interface (i.e. its south-western boundary with 16-18 Whipbird Avenue and its south-eastern boundary with No. 2 Woodcrest Avenue). The proposed childcare centre fails to comply with this standard, as the proposed buildings would have a setback of 2 metres to the south-western boundary with 16-18 Whipbird Avenue and 2.5 metres to the south-eastern boundary with No. 2 Woodcrest Avenue.

Despite the proposed development's failure to comply with these numerical standards, the following should be noted:

- The site's developable area is constrained due to the position of the existing heritage-listed dwelling within the site and the need to retain views to and from the dwelling from the street.
- The application demonstrates that despite the non-compliance with the prescribed rear setback standard, the proposed development would achieve compliance with the relevant acoustic criteria, and a recommended condition of consent requires compliance to be verified prior to the issue of an occupation certificate.
- Strict compliance with the numerical standard would result in a reconfiguration of the development that would be likely to be less favourable to adjoining residents in terms of amenity. In this regard, outdoor play areas would be located adjacent to the site's property boundaries instead of buildings, likely resulting in a greater acoustic impact upon adjoining residents.
- At each point of non-compliance, the building walls contain, or will contain as a result of recommended conditions of consent, only glass block windows that are not openable, and between these walls and the adjacent property boundaries would be dense landscaping.

Accordingly, the proposed side and rear setbacks are considered to be satisfactory.

### Width of Front Landscaping

Council's DCP requires that childcare centres provide a three metre wide strip of landscaping along the primary and secondary street frontage of the site. The proposed childcare has the following landscaping widths:

- Oxford Road – Width varies between one metre and three metres
- Woodcrest Avenue – Average width of 4.5 metres
- Bowerbird Avenue – Width of 1.2 metres

Despite the proposed development's failure to comply with these numerical standards, the following should be noted:

- The site's developable area is constrained due to the position of the existing heritage-listed dwelling within the site, and strict compliance would absorb much of the land that is currently proposed to be outdoor play space.
- The numerical shortfalls in landscaping width at the Oxford Road and Bowerbird Avenue frontages would be compensated to some extent by the landscaping width in excess of three metres at the Woodcrest Avenue frontage.
- Dense high quality landscaping would be provided in the outdoor play area adjacent to the Oxford Road frontage, and two existing trees would be retained, which would compensate to some extent for the numerical shortfall in this location.
- A recommended condition of consent requires the landscape plan to be amended in order to provide for street trees adjacent to the Oxford Road and Bowerbird Avenue site frontages, which would compensate to some extent for the numerical shortfalls in these locations.

Accordingly, the proposed landscaping is considered to be satisfactory.

### Volume 2 - Part 4 – Site Specific DCP for Certain Heritage Items

This section of the DCP applies to certain heritage items within Campbelltown, one of which is Woodcrest.

The objectives applicable to Woodcrest are:

- Ensure that Woodcrest heritage item is not dwarfed by future residential development.
- Ensure that development within the curtilage of Woodcrest House is of appropriate scale, form, colour and siting so as not to significantly impact on the heritage significance of Woodcrest House.

The standards applying to Woodcrest under this DCP are the following:

| Control           | Required  | Proposed  | Compliance |
|-------------------|---|---|------------|
| Height and Design | Proposed dwelling houses within the curtilage of Woodcrest heritage item shall: | The DCP likely did not envisage non-residential development within Woodcrest's curtilage, |            |



|                              |  |  |                                  |
|------------------------------|--|--|----------------------------------|
|                              | <p>i) be limited to a single storey in height;</p> <p>ii) have a maximum 3 metre floor to ceiling height; and</p> <p>iii) incorporate front verandahs.</p>   | <p>however these standards have been enforced.</p> <p>All proposed buildings are single storey.</p> <p>2.7 metres</p> <p>All proposed buildings have verandahs.</p>  | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <b>Dividing fences</b>       | Any dividing fence immediately adjacent to Woodcrest heritage site or a continuation of a fence located on the boundary of Woodcrest heritage item shall be of similar colour, material, height and style to the existing heritage fence in that location. | It would appear that the 'heritage fence' that the DCP refers to is largely non-existent. However, the site's front boundary contains a fence that has four historic masonry pillars remaining. The proposed development would retain these pillars as part of a detailed fence design required by a recommended condition of consent. | Yes                              |
| <b>Colours and Materials</b> | External colour and material of new development shall be recessive in nature.  | The proposed colour scheme of the development consists of recessive colours.   | Yes                              |
| <b>Urban Design</b>          | New development shall avoid replicating the architectural elements within the heritage building to prevent creating a false impression of historical development on the site.  | Whilst the proposed buildings would have pitched metal roofs, the remainder of the proposed materials and architectural features are sufficiently differentiated from Woodcrest such that the new buildings would not be perceived as being historical buildings.  | Yes                              |
| <b>Outbuildings</b>          | The erection of pergolas, outbuildings and the like shall only be permitted where Council is satisfied that such development is of appropriate height, scale, colour and material so as not to detract from the significance of Woodcrest heritage         | No outbuildings are proposed.  | Yes                              |

|  |       |  |  |
|--|-------|--|--|
|  | item. |  |  |
|--|-------|--|--|

The above table shows that the proposed development complies with these specific provisions of Council's DCP.

### 3. Public Participation

The application was publicly exhibited on one occasion and notified to surrounding property owners on three occasions (as the plans were substantially amended twice). Council has received submissions from the residents of seven properties raising the following issues:

#### Issue

The proposed development would have noise impacts upon surrounding residences from children and vehicles.

#### Comment

An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report has been prepared based on the assumption that the proposed childcare centre would accommodate 150 children (as per the original proposal) and should therefore be regarded as conservative. The report makes several noise control recommendations and concludes that subject to the implementation of these recommendations, the proposed childcare centre would comply with all of the applicable noise criteria. The noise control recommendations include:

- The implementation of a Noise Management Plan containing operational measures for staff and parents to follow.
- Construction of a 2.1 metre high sound barrier fence along the north-western and south-western boundaries of the site and a 1.2 metre sound barrier fence along the north eastern boundary of the site.
- Installation of the outdoor air-conditioning condenser units within enclosures.
- Provision of 5mm thick glass windows and the closure of these windows during indoor activities.
- Provision of landscaping between noise sources and property boundaries.

Recommended conditions of consent require all noise control recommendations to be implemented.

#### Issue

The proposed development would cause overshadowing of adjoining properties.

#### Comment

The proposed development has been reduced to single storey from the initial two-storey proposal, and would not have a significant overshadowing impact upon adjoining properties. All adjoining dwellings would continue to receive an amount of solar access that is compliant with the Campbelltown Sustainable City DCP 2015 (3 hours of solar access between 9am and 3pm).

**Issue**

Surrounding residents would experience health hazards from the decline in air quality that would be caused by the increase in car fumes caused by the proposed development as well as the odours from rotting food and nappies within the proposed development's garbage bins.

**Comment**

It is unlikely that the increase in traffic volumes caused by the proposed development would cause a perceptible increase in fumes within the vicinity of the site. With regard to fumes from waste, waste collection would occur weekly, and the bin storage area would be well screened from adjoining properties and the public domain.

**Issue**

The site is adjoined by land owned by Father Chris Riley's Youth off the Streets, which may be developed as a rehabilitation centre. If this occurs, there would be social issues caused by its proximity to the proposed childcare centre.

**Comment**

A childcare centre is permissible in the R2 Low Density Residential zone, in which the subject site is located. An application cannot be refused because it may be incompatible with a possible future development on an adjoining site.

**Issue**

The proposed alterations to the heritage building are not in keeping with the period of the heritage home and the large car park would negatively affect its heritage values. People would not be able to see the building's important features. The proposed demolition of the part of the heritage building should not be supported.

**Comment**

A detailed heritage assessment of the application has been undertaken, and discussed in detail earlier in this report. Whilst the proposed development involves substantial modifications to the heritage-listed Woodcrest site and the dwelling itself, it introduces an adaptive reuse of the currently vacant and poorly maintained heritage item, which is necessary to improve its amenity and security and promote its ongoing maintenance. The proposed new additions have been sited to the rear of the existing homestead, so that its prominence on the site is maintained. Its primary elevations exhibiting the roof form and three-sided verandah would retain their visibility from Oxford Road and Woodcrest Avenue. The design of the proposed new additions is sympathetic to the architectural character of the existing homestead whilst creating an understanding that the additions are from a different time period. In this regard, the heritage significance of the subject site would be retained.

**Issue**

The proposed development would bring a large number of people to the area and therefore would cause an increase in litter in the surrounding streets.

**Comment**

Litter may increase slightly with the increase in people visiting the subject site and surrounding streets, however this is not a reason to refuse the application.

**Issue**

The increase in vehicles accessing the property would cause unsafe conditions for drivers and pedestrians as well as traffic congestion. The vehicular entry to the property should be from Oxford Road instead of Woodcrest Avenue.

**Comment**

A traffic and parking assessment report prepared by a qualified traffic engineer was submitted with the application and was reviewed by Council's traffic engineers. The report concluded that the additional traffic from the proposed development would be minimal and would have no negative impacts upon street network operation. Council's traffic engineers advised that in order to facilitate the safest and most efficient vehicular entries and exits to the site, the existing median in Woodcrest Avenue is required to be modified to provide a right turn lane for site access, providing storage for at least one vehicle, in line with Austroads Guidelines. No U-turns will be allowed at the intersection of Woodcrest Avenue and Whipbird Avenue, and appropriate signage shall be provided in this regard.

**Issue**

There is no need for another childcare centre in Ingleburn.

**Comment**

An application for a childcare centre does not need to include demonstration of the need for a childcare centre in the local area. The Educational Establishments and Child Care Facilities SEPP specifically invalidates any development standard that requires demonstration of need or demand for child care services.

**Issue**

The number of children proposed at the centre exceeds the maximum of 50 set by the DCP and the application should therefore be refused.

**Comment**

The Educational Establishments and Child Care Facilities SEPP specifically invalidates any development standard that sets any type of limit on the number of children that a childcare centre may accommodate. Accordingly, the provision in Council's DCP that sets a maximum of 50 children for a childcare centre cannot be enforced.

**Issue**

The proposed development would create overlooking opportunities of adjoining properties and thereby affect the visual privacy of adjoining residents.

**Comment**

The proposed development has been reduced to single storey from the initial two-storey proposal, and would therefore not overlook adjoining properties.

**Issue**

The existing boundary fence between the subject site and No. 2 Woodcrest Avenue should be retained.

**Comment**

A recommended condition of consent requires this boundary fence to be retained.

**4. Conclusion**

Having regard to the matters for consideration under Section 4.15 of the EP&A Act, the application is considered to be generally consistent with the relevant planning legislation.

Whilst the proposed development involves substantial modifications to the heritage-listed Woodcrest site and partial demolition of the dwelling itself, it introduces an adaptive reuse of the currently vacant and poorly maintained heritage item, which is necessary to improve its amenity and security and promote its ongoing maintenance. The proposed new additions have been configured so that its prominence on the site is maintained. In addition, whilst the proposed childcare centre fails to comply with certain development standards, these variations are considered to result in better amenity outcomes for adjoining properties in the case of side and rear setbacks and satisfactory softening of the proposed built form in the vase of landscaping width.

**Attachments**

1. Conditions of Consent (contained within this report)
2. Architectural Plans (contained within this report)
3. Landscape Plans (contained within this report)
4. Heritage Impact Statement (contained within this report)
5. Existing Floor Plan (for confidentiality reasons) (distributed under separate cover)

**Reporting Officer**

Executive Manager Urban Centres

## 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/<br>Document No.                                       | Version/<br>Revision | Prepared by                 | Date            |
|---|----------------------|-----------------------------|-----------------|
| 18538 Sheets A01.01, A02.01, A03.01, A04.01, A05.01, A06.02 | C                    | ArtMade Architects          | 20 June 2019    |
| 4329b L-01  | B                    | RFA Landscape Architects    | 5 August 2019   |
| 17MB7626/D01 Sheet 1  | C                    | United Consulting Engineers | 14 January 2020 |
| 14MB7626/D02 Sheet 2  | B                    | United Consulting Engineers | 26 August 2019  |
| 17MB7626/D03 Sheet 3  | B                    | United Consulting Engineers | 26 August 2019  |

#### 2. Amended Plans

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

- The southern wall of the southernmost proposed building shall be modified to eliminate all doors and openable windows. Any windows present on the southern elevation of this building shall be glass block windows.
- The portion of the deck of the southernmost proposed building that is to the southeast of the building shall be deleted.
- Landscaping along the south-western and south-eastern boundaries of the site (adjoining 16-18 Whipbird Avenue and the rear of 2 Woodcrest Avenue) shall have a minimum width of 1.5 metres.
- The landscape plan shall include the planting of one street tree adjacent to the Whipbird Avenue property boundary and four street trees adjacent to the Oxford Road property boundary. Trees shall be placed to avoid obstructing views of Woodcrest.
- The pedestrian path in the car park shall extend to the Woodcrest Avenue property boundary without obstructing the gate across the driveway.

#### 3. Building Code of Australia

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

#### 4. 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.

All of the plants used:

- i) Shall not be toxic or dangerous (refer to Appendix 7 of Campbelltown Sustainable City DCP 2015 for a list of Unsuitable Plant Species); and
- ii) Shall not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and/or choking.

#### 5. 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.

#### 6. Garbage Room

The garbage storage enclosure identified on the approved plans shall:

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

#### 7. Fencing

- a. A new 1.8 metre high fence shall be erected on the site's north-western boundary with No. 9 Bowerbird Avenue behind the front building alignment at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted. Boundary fencing forward of the building line shall be tapered to 1.2 metres in height.
- b. The existing boundary fence with No. 2 Woodcrest Avenue shall be retained.
- c. All front boundary fencing shall have a maximum height of 1.2 metres.

#### 8. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standards 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.

**9. Switchboards/Utilities/Air Conditioning Units**

Switchboards, air conditioning units, clotheslines, garbage storage areas and storage for other utilities shall not be located in any location that can be seen from a public place.

**10. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

**11. 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.

**12. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

**13. Operating Hours**

The operating hours of the childcare centre shall be limited to 7am to 7pm Monday to Friday.

**14. 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.

**15. 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.



**16. 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.

**17. 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.

**18. Unexpected Finds Protocol**

An unexpected finds protocol shall be implemented during construction works, to manage potential contamination identified (if any) in the footprint of the former shed structure and across the footprint of the current stockpile and minor residual surficial waste.

**19. Transport and Disposal of Wastes**

Records of the lawful transport and disposal of wastes removed from the site shall be retained.

**20. Supervision by Heritage Architect**

The applicant shall appoint a qualified Heritage Architect to supervise demolition and construction. This shall involve attending the site during construction to advise on issues relating to the dwelling and significant fabric. Site inspections shall be undertaken prior to demolition, during demolition, upon completion of demolition, and a final inspection upon completion of all works.

**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.

**21. Geotechnical Report**

Prior to Council or an accredited certifier issuing a construction certificate, where proposed excavation and/or filling exceed 900mm in depth, or where the subject site is identified as being filled land, a geotechnical report prepared by a NATA registered laboratory shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion.

**22. Soil and Water Management Plan**

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

**23. Classification of Lots (Development with building construction)**

Prior to the principal certifying authority issuing a construction certificate for any buildings approved under this consent, the lot is to be individually classified in accordance with

guidelines contained in the Australian Standard AS 2870-1996 *Residential Slabs and Footings (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.

**24. Stormwater Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, 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 shall be generally in accordance with submitted concept stormwater plan drawn by Uniting Consulting Engineers titled "Site and Roof Drainage Plan" Rev C dated 4.01.20.

All proposals shall comply with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*.

**25. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

**26. Civil Works under S138 Roads Act**

Prior to Council or an accredited certifier issuing any construction certificate, a S138 Roads Act application, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for construction of stormwater drainage system, vehicle crossings and associate road works in Oxford Road, Woodcrest Avenue and Bowerbird Ave.

Detailed engineering plans for the proposed works in public area shall be submitted to Council for approval. All works shall be carried out in accordance with Roads Act approval including the stamped approved plans and Council specifications.

**27. Conservation Works Schedule**

Prior to the issue of a construction certificate, a Conservation Works Schedule shall be prepared by a qualified heritage consultant and submitted to Council for the written approval of Council's Executive Manager Urban Centres. This Schedule shall include the retention, repair, and where necessary, the like-for-like replacement, of all significant fabric, including the structure, hand-made blocks, pressed metal ceilings, plaster detailing and significant joinery. The Schedule shall include a design for new balustrades for the dwelling's verandahs, and shall include designs of pavements adjacent to the dwelling to avoid damp issues. The Schedule shall include specifications and details of all works proposed to be undertaken.

**28. Archival Recording**

Prior to the issue of a construction certificate, a Photographic Archival Recording of the subject site shall be prepared by a qualified heritage consultant and submitted to Council and the Principal Certifying Authority.

The Photographic Archival Recording shall include an accurate and comprehensive recording of the rear laundry wing including plans with measurements.

**29. Acoustic Recommendations**

Prior to the issue of a construction certificate, all of the recommendations of the acoustic report prepared by Day Design Pty Ltd dated 23 February 2018 shall be shown on the construction certificate plans and included within the construction certificate documentation. In this regard, a Noise Management Plan shall be prepared that includes, but is not limited to, the measures outlined in section 7.1 of the report, and recommendations 7.2 to 7.5 shall be incorporated into the construction certificate plans.

**30. Front Fencing Design**

Prior to the issue of a construction certificate, an amended fence design for the property's front property boundaries (adjoining Oxford Road, Woodcrest Avenue and Bowerbird Avenue) shall be submitted to Council for the written approval of Council's Executive Manager Urban Centres. The fencing shall:

- a. Have a height of 1.2 metres.
- b. Retain all historic elements.
- c. Satisfy the provisions of the acoustic report (prepared by Day Design dated 23 February 2018).
- d. Contribute positively to the streetscape (the existing non-historic metal fencing does not).
- e. Comply with the safety requirements of Section 4.12 of the Childcare Planning Guideline.

**31. Fire Safety Report**

In accordance with the provisions of Clauses 94 and 143 of the Environmental Planning and Assessment Regulation 2000, a Fire Safety Report by suitably qualified Fire Engineer is to be submitted to the Principal Certifying Authority assessing the existing fire safety measures for the existing building and an make recommendation for upgrade in consideration of its integration with the proposed development. This report shall assess the proposed development as a whole giving consideration to its proposed use and identify and make recommendations as to any measures required to bring it into compliance with the current National Construction Code (NCC).

**32. 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.*

**33. 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.

**34. Traffic Committee**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

The existing median in Woodcrest Avenue is required to be modified to provide a right turn lane for site access, providing storage for at least one vehicle, in line with Austroads

Guidelines. No U-turns will be allowed at the intersection of Woodcrest Avenue and Whipbird Avenue, and appropriate signage shall be provided in this regard.

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

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

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

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

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

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

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

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

**36. 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.

**37. 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 issue of a construction certificate.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

**38. Emergency Evacuation Plan**

Prior to the issue of an occupation certificate, an Emergency Evacuation Plan prepared by a suitably qualified person in accordance with Australian Standard 3745 Emergency Control Organization and Procedures for Buildings, Structures and Workplaces (as amended) shall be submitted to the Principal Certifying Authority. The Plan shall address the following matters:

- i) the mobility of children and how this is to be accommodated during an evacuation;
- ii) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- iii) where the child care centre is part of a larger building or complex, that the emergency evacuation plan for the child care centre is complementary and consistent with other emergency evacuation plans for the complex; and
- iv) the supervision of children during an evacuation and at the safe congregation area, giving regard to the capacity of the child care centre and its approved child: staff ratios.

**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.

**39. 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.

**40. 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.

#### **41. 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.

#### **42. 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.

#### **43. 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 and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

#### **44. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves 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.

#### **45. 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.

#### **46. 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.

#### **47. Fencing**

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

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

#### **48. 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.         |

#### **49. Erosion and Sediment Control**

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

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

**50. 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.

**51. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of 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.

**52. 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.

**53. Fill Compaction Requirements**

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations



being selected randomly across the site. At least 1 test shall be taken for every 500m<sup>2</sup> of the filled area (minimum 1 test per 300mm layer).

**54. 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.

**55. 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.

**56. Certification of Levels of Building during Construction**

Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the principal certifying authority a qualified practicing surveyor’s certificate showing that the formwork levels are in accordance with the approved plan.

**57. Certification of Location of Building upon Completion**

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyors certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

**58. 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 consent from Council.

**59. 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.

**60. 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. Council's *Engineering Design Guide for Development (as amended)*;
- c. Council's *Campbelltown (Sustainable City) DCP (as amended)*;
- d. *Soils and Construction (2004) (Bluebook)*; and
- e. Relevant Australian Standards and State Government publications.

**61. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site. Areas not concreted shall be re-graded, topsoiled and turfed. All works

shall be in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

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

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's *Medium Density Vehicle Crossing Specification* and *Engineering Design Guide for Development (as amended)*.

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

**63. 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.

**64. Redundant Laybacks**

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

**65. 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 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".

**66. Heritage Compliance Report**

Prior to the issue of an occupation certificate, a Heritage Compliance Report shall be prepared by a qualified Heritage Architect. The report shall include documentary and photographic evidence of the works identified in the Conservation Works Schedule having been carried out and the Heritage Architect inspections required by this consent having been carried out.

**67. Acoustic Certification and Verification**

Prior to the issue of an occupation certificate, an acoustic consultant shall certify that the noise control recommendations contained within the Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd dated 23 February 2018 have been implemented. An acoustic consultant shall verify and provide written confirmation that the development as constructed satisfies the applicable noise criteria at all of the nearest residential receptors – this includes all residential properties that adjoin the site, including vacant land.

**68. 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.

**69. 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.

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

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

**71. CCTV footage verifying integrity of all new pipes and existing pipes**

Prior to Council or an accredited certifier issuing an Occupation Certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works. The footage shall comply with the following requirements:

- the files shall be in MP4 format
- file resolution shall be 640 by 480 pixels, 3Mbps and 25 frames per second
- each pipe reach (i.e. between two pits) shall be provided as a separate file
- the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage
- the speed and panning of the footage shall be sufficient to demonstrate that there are no significant cracks in the pipe and that the joints have been properly constructed
- the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and
- a summary report (\*.pdf) shall accompany the data.

**72. 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.

**73. 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.

**74. Line Marking / Sign Posting Documentation (Development)**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for the Local Traffic Committee's records, two copies of the work as executed plans for the line marking / sign posting, undertaken in relation to the development. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.

**75. 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.

**76. Advance Warning Signage - Childcare Centre**

Prior to the principal certifying authority issuing an Occupation Certificate, approved "Childcare Centre" warning signs shall be erected along the approach roads to the proposed development. In this regard, the applicant shall liaise with Council's Traffic Engineer to determine the specific locations and the relevant wording of the signs, prior to the preparation of a detailed signage and linemarking plan.

**77. Asbestos and Lead Removal**

Prior to the issue of an occupation certificate, documentary evidence shall be provided confirming that the existing building contains no asbestos or lead.

**78. Compliance Certificate**

All the works on public area in relation to the development shall be completed as per the Council approved plans. A compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

**FOOD CONSTRUCTION CONDITIONS**

The following conditions have been applied to ensure that all construction and fit-out of the food premises complies with the Food Act 2003, Food Regulation 2015 Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fit-out of food premises.

**79. Construction**

The construction, fit-out and finishes of the food premises must be constructed in accordance with the Food Act 2003, Food Regulation 2010, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004 Design, construction and fit-out of food premises.

**80. Registration**

The premise is required to be registered with Council. Regular inspections will be carried out to ensure health standards are maintained. A business registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing (Food Safety Standard 3.2.2).

**81. Floor Construction**

The floor construction within the food preparation area/s must be finished to a smooth, even non-slip surface, graded and drained to a floor waste (AS 4674-2004, Section 3.1).

**82. Floor Waste**

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates (AS 4674-2004, Section 4.1.8).

**83. Coving**

Feather edge skirting and non-rebated coving is not permitted. Recessed coving must be provided at all intersections of the floor with the walls/plinths within all food preparation, service and storage areas. All coving must:

- a. Have a minimum concave radius of 25mm; or
- b. Be tiled 50mm minimum in width and splayed at 45°.

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard (AS 4674-2004, Section 3.1.5).

**84. Penetrations/Service Lines**

**INTEGRAL PENETRATIONS/SERVICE LINES** - All service pipes, conduits and electrical wiring must be concealed in the floor, walls, plinths or ceiling (AS 4674-2004, Section 3.2.9).

**EXTERNAL PENETRATIONS/SERVICE LINES** - External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

**85. Wall Requirements**

Cavity walls are not permitted. All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS 4674-2004. The finishing materials of the wall surfaces must provide an even surface, free of fixing screws, open joint spaces, cracks or crevices (AS 4674-2004, Section 3.2).

**86. Window Sills**

Window sills located within a food preparation area or food service area must be located 450mm above the top of any bench or sink and tiled at a splayed angle of 45°.

**87. Ceiling Construction**

Drop-in panel style ceilings are not permitted in food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the food premises must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed (AS 4674-2004, Section 3.2).

**88. Light Fittings**

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with ceiling; or
- b. Designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate (AS 4674-2004, Section 2.6.2).

**89. Hand Wash Basins**

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible from no further than 5 metres away from any place where food handlers are handling open food (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels must be provided (AS 4674-2004, Section 4.4).

**90. Dishwashing Machines**

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for two minutes or 75°C for 10 minutes (AS 4674-2004, Section 4.1.6).

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

**91. Equipment Wash Sinks**

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

or

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure (AS 4674-2004, Section 4.1).

**92. Cleaner's Sink**

A cleaner's sink is to be installed in a location outside of the food preparation area and must be serviced with hot and cold water through taps fitted with hose connectors. (AS 4674-2004, Section 4.1.8).

**93. Tap Fittings**

Hot and cold wall mounted taps must be installed fitted with hose connectors and positioned at least 600mm above the floor in a convenient and accessible location within the food preparation area and adjacent to the floor waste (AS 4674-2004, Section 4.1.8).

**94. Fittings and Fixtures**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 and 4.3).

**95. Food Preparation Benches**

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures.

**96. Benches**

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices (AS 4674-2004, Section 4.2).

**97. Storage Cabinets/Cupboards**

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints (AS 4674-2004, Section 4.2).

**98. Shelving**

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. All shelving must be constructed at least 150mm from the floor level (AS 4674-2004, Section 4.2).

**99. Food Display Units**

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Standards Code 3.2.2).

**100. Self-Service Appliances**

Self-service food appliances must be constructed so as to comply with the, '*National code for the construction and fit-out of food premises*' as published by the Australian Institute of Environmental Health.

**101. Food Storage**

Any appliance used for the storage of hot and/or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance.

**102. Cool Room and Freezer Room**

The cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the cool room and freezer room adjacent to the door.

All metal work in the cool room and freezer room must be treated to resist corrosion.

Condensation from the refrigeration units/cool room/freezer room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

The cool room and freezer room must be provided with:

- a. A door which can at all times be opened internally without a key; and
- b. An approved alarm device located outside the room, but controllable only from the inside.

**103. Condensation Collection**

Condensation from refrigeration units, freezer units and coffee machines must be directed to a tundish, installed in accordance with Sydney Water requirements (Food Standards Code 3.2.3).

**104. Mechanical Exhaust Ventilation**

A food premises must be provided with a kitchen exhaust hood complying with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and where applicable, Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings, where:

- a. Any cooking apparatus has:
  - i. A total maximum electrical power input exceeding 8 kW; or
  - ii. A total gas power input exceeding 29 MJ/h; or
- b. The total maximum power input to more than one apparatus exceeds:
  - i. 0.5 kW electrical power; or



- ii. 1.8 MJ gas per m<sup>2</sup> of floor area of the room or enclosure; or
- c. Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with the AS/NZS 1668.1:1998 and 1668.2-2012, must be provided to the certifying authority prior to the issue of an Occupational Certificate.

#### **105. Pest Protection**

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes must be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between cool room walls and premises walls, must be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as cool rooms, must be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

#### **106. Toilet Facilities and Hand Basins**

A toilet for staff must be provided for the premises. The toilet cubicle must be separated from areas where open food is handled, displayed or stored by one of the following:

- a. An intervening ventilated space fitted with self-closing doors; or
- b. Self-closing doors and mechanical exhaust systems that operate when the sanitary compartment is in use for at least 30 seconds after the cubicle is vacated (AS 4674-2004, Section 5.2).

Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored

A hand basin must be located within the toilet cubicle. The basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed to a temperature of at least 40°C and fitted with a hands-off type tap set (AS 4674-2004, Section 4.4). The basin must be provided with soap and disposable paper towels from a dispenser.

#### **107. Locker Storage for Staff Belongings and Equipment**

Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings (AS 4674-2004, Section 5.1).

#### **108. Meter Box**

An approved non-absorbent, smooth faced cover must be provided over the meter box. The cover is to be splayed at an angle of 45° to the wall at the top and made tight fitting to the wall surfaces.

#### **109. Roller Door**

The drum of a roller door situated in the food preparation area must be enclosed in a frame, sheeted with compressed cement with a smooth and sealed finish. The enclosure must be accessible for pest control inspection and maintenance (AS 4674-2004, Section 2.1.5).

**110. Hot Water Service**

The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

**111. Smoke Free Areas**

Any enclosed eating area must be smoke free. Smoking is not permitted in all outdoor eating areas. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (*Smoke Free Environment Act 2000*). Please refer to NSW Health website for further information <http://www.health.nsw.gov.au>

**112. Packaged Food**

As there are no satisfactory facilities for handling fresh food or produce, all food sold for which this Consent applies must be packaged and sold in its original manufacturer's packaging. This Consent does not allow for the sale of fresh or pre-cooked non-packaged food.

**113. Office Materials**

Facilities for storing paperwork and other materials associated with the administration of the business must be in a designated room for office use or in an enclosed cupboard or drawer dedicated for that use (AS 4674-2004, Section 5.1.3).

**114. Construction of the Waste Storage Areas and Rooms**

The waste storage area/room must be provided with smooth and impervious surfaces (walls and floors) and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. The ground areas must be paved with impervious material and must be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided (AS 4674-2004, Section 2.4).

**115. Waste and Recycling Storage, Collection and Disposal**

The business operator must enter into a commercial waste contract agreement for regular waste and recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.

All waste and recycling generated from the business are to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

Waste bins that are placed out on a public place for collection must only be placed out for collection on the day of the collection after 6.00pm and must be removed by 8.00am the following day. Any residual waste left on the public place as a result of bin placement must be removed within undue delay by the food business operator.

**116. Grease Arrestors**

All grease arrestors must be located outside of where food and equipment is handled or stored. Access to grease arrestors for emptying must not be through an area where open food is handled or stored or where food contact equipment and packaging materials are handled or stored (AS 4674-2004, Section 2.3).

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to issue of an Occupation Certificate.

Please contact Sydney Water for information and requirements for grease arrestors by calling 13 20 92.

**117. Food Premises Fit-Out Pre-Construction Meeting and Inspection**

Prior to any construction work commencing on the fit-out of the food premises, the applicant/builder/private certifier must contact Council's Environmental Health Officers on (02) 4645 4604 to arrange an onsite meeting to discuss the requirements of the fit out under this Consent.

Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted on (02) 4645 4604 to undertake an inspection of the premises to confirm compliance with this Consent, the *Food Act 2003*, *Food Regulation 2010*, Food Standards Code Australia and New Zealand and AS 4674-2004.

**118. Food Preparation Sink**

A food preparation sink is required where foods are prepared by immersion in water including for cleaning fruit or vegetables. All food preparation sinks must be used only for the preparation and cleaning of food. The sink is in addition to the hand basin and equipment wash sinks (AS 4674-2004, Section 4.1).

**119. Store Room**

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- a. A smooth, even and non-slip floor surface
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004
- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2)
- d. Shelving or storage racks must be designed and constructed to enable easy cleaning
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

**120. Odour and Noise Control**

No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.

No noise nuisances shall be caused through the operation of any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.

**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. 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 3. Retaining Walls**

A separate application for development consent shall be submitted and approved for any retaining walls that do not meet the exempt requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Consent must be received for the construction of any such retaining walls before work commences.

**Advice 4. Filling on Site**

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

**Advice 5. 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 6. 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 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. Salinity**

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

**Advice 10. Asbestos Warning**

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

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

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

**Advice 11. 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 12. Smoke Free Environment Act**

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

**Advice 13. 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 14. 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**



# DEVELOPMENT APPLICATION

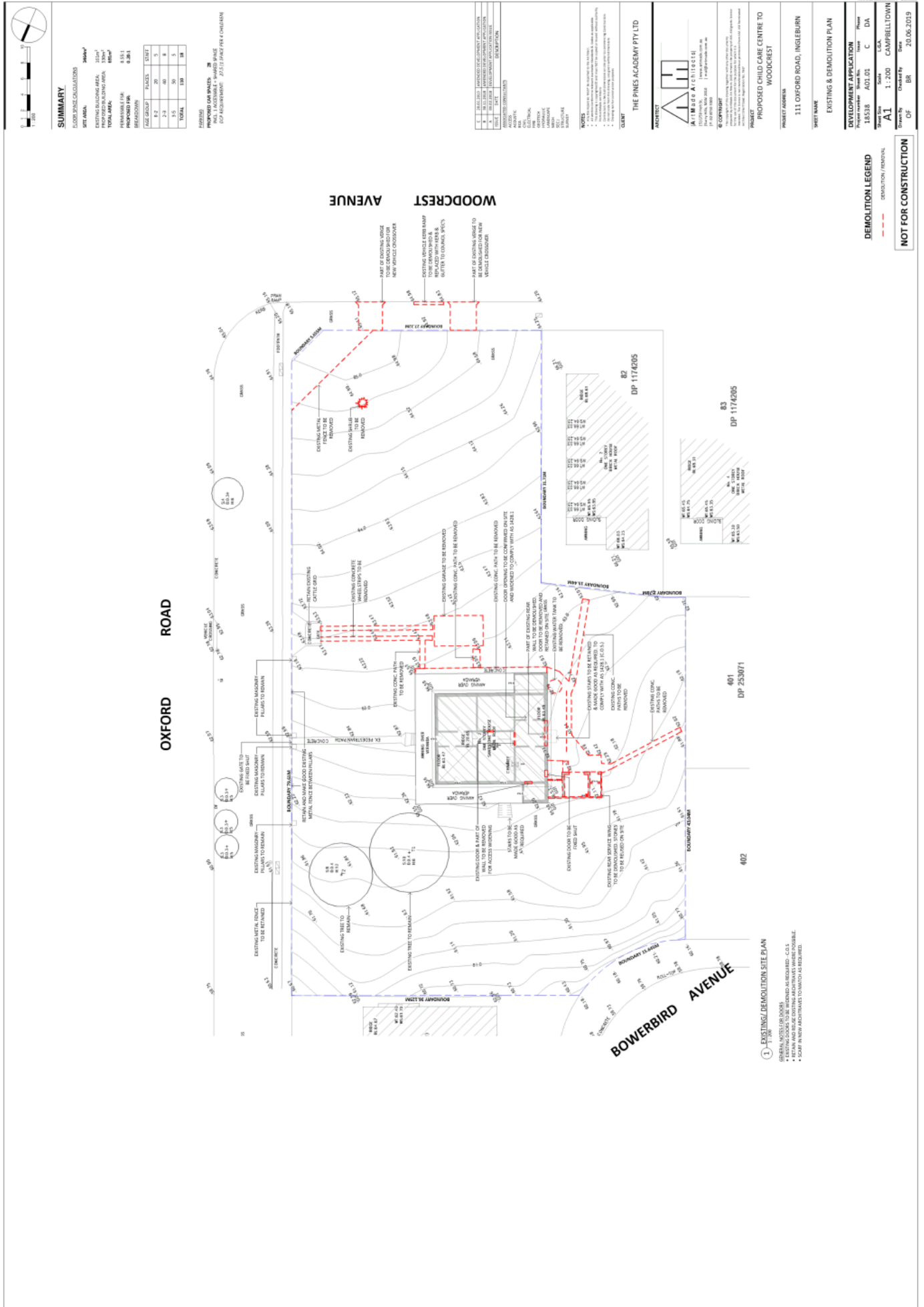
## 111 OXFORD ROAD, INGLEBURN

### PROPOSED CHILDCARE CENTRE

| Sheet Number | ARCHITECTURAL DRAWING LIST - DA                        | Sheet Name   |
|--------------|--|--|
| A00.00       | COVER PAGE & GENERAL INFORMATION                       | COVER PAGE   |
| A01.01       | EXISTING & DEMOLITION                                  | EXISTING & DEMOLITION PLAN                             |
| A02.01       | SITE PLAN  | SITE / ROOF PLAN                                       |
| A03.01       | FLOOR PLAN   | GROUND FLOOR PLAN                                      |
| A04.01       | EXTERNAL ELEVATIONS                                    | EXTERNAL ELEVATIONS                                    |
| A05.01       | BUILDING SECTIONS                                      | BUILDING SECTIONS                                      |
| A06.01       | STUDY & ANALYSIS                                       | SITE & STREETScape ANALYSIS PLAN                       |
| A06.02       | SHADOW DIAGRAMS, 3D PERSPECTIVE & SCHEDULE OF FINISHES | SHADOW DIAGRAMS, 3D PERSPECTIVE & SCHEDULE OF FINISHES |

|                         |   |
|-------------------------|---|
| PROJECT NO.             | 111 OXFORD ROAD, INGLEBURN  |
| CLIENT                  | THE PINES ACADEMY PTY LTD   |
| ARCHITECT               | ATMEL & ASSOCIATES<br>150/151 HILLS ROAD, INGLEBURN VIC 3088<br>PH: 03 9497 3000   WWW.ATMEL.COM.AU |
| DATE                    | 2019.06.14  |
| SCALE                   | AS SHOWN  |
| PROJECT NAME            | PROPOSED CHILD CARE CENTRE TO WOODCREST   |
| PROJECT ADDRESS         | 111 OXFORD ROAD, INGLEBURN  |
| SHEET NAME              | COVER PAGE  |
| DEVELOPMENT APPLICATION | Project Number: 185138, Sheet No: A00.00, Issue: B, DA  |
| State                   | VIC   |
| Local Govt              | CAMPBELLTOWN  |
| Drawn By                | AI  |
| Checked By              | DF  |
| Date                    | 20.06.2019  |

NOT FOR CONSTRUCTION



**SUMMARY**

LOOR SPACE CALCULATIONS

| USE GROUP    | FLOOR      | STAFF     |
|--------------|------------|-----------|
| 1.2          | 20         | 5         |
| 1.3          | 50         | 5         |
| 1.5          | 50         | 5         |
| <b>TOTAL</b> | <b>130</b> | <b>15</b> |

EXISTING BUILDING AREA: 2150m<sup>2</sup>  
 PROPOSED BUILDING AREA: 1300m<sup>2</sup>  
 PROPOSED GROUND COVER: 1.5:1  
 PROPOSED FLOOR: 2.20:1  
 PROPOSED WALL: 2.20:1

PROPOSED CAR SPACES: 20  
 PROPOSED MOTORCYCLE SPACES: 2  
 CAR REQUIREMENT: 2.2:1 (1 SPACE PER 4 CHILDREN)

| NO. | DATE       | REVISIONS               | DESCRIPTION             |
|-----|------------|-------------------------|-------------------------|
| 1   | 15/02/2020 | ISSUED FOR CONSTRUCTION | ISSUED FOR CONSTRUCTION |

**NOTES**

1. ALL EXISTING CONCRETE TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
2. ALL EXISTING METAL TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
3. ALL EXISTING MASONRY TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
4. ALL EXISTING TIMBER TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
5. ALL EXISTING SERVICES TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
6. ALL EXISTING UTILITIES TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
7. ALL EXISTING FENCES TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
8. ALL EXISTING SIGNAGE TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
9. ALL EXISTING LIGHTING TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.
10. ALL EXISTING LANDSCAPE TO BE REMOVED AND RELOADED TO CONFORM WITH LOCAL LAWS.

**CLIENT**  
 THE PINES ACADEMY PTY LTD

**ARCHITECT**  
 A11 BUILD & ARCHITECTS  
 15/02/2020  
 15/02/2020  
 15/02/2020

**PROJECT**  
 PROPOSED CHILD CARE CENTRE TO WOODCREST  
 111 OXFORD ROAD, INGLEBURN

**EXISTING & DEMOLITION PLAN**

**DEVELOPMENT APPLICATION**

| Project number | Sheet No. | Phase |
|----------------|-----------|-------|
| 18538          | A01.01    | C DA  |

**DEMOLITION LEGEND**

- DEMOLITION / REMOVAL

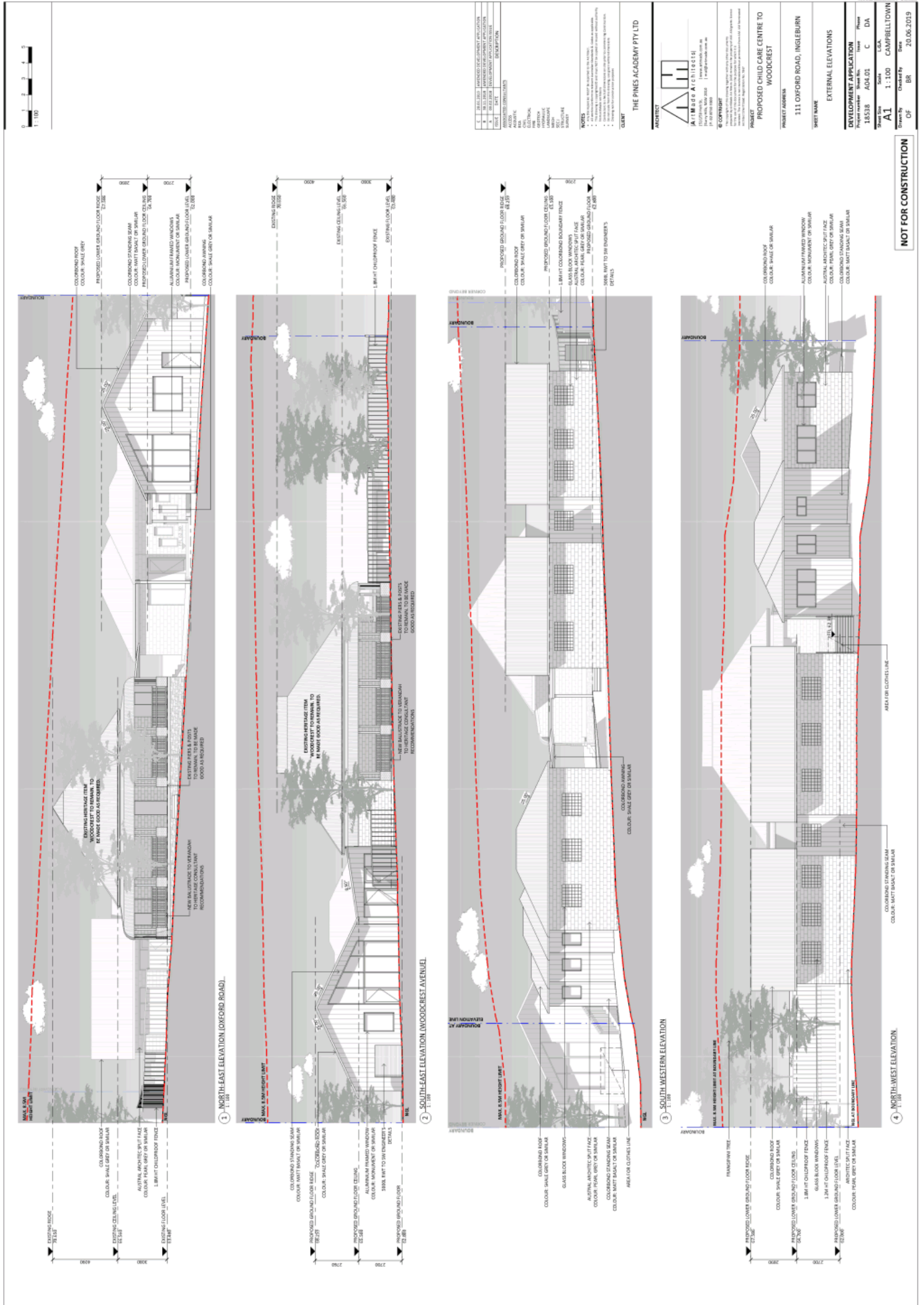
**NOT FOR CONSTRUCTION**

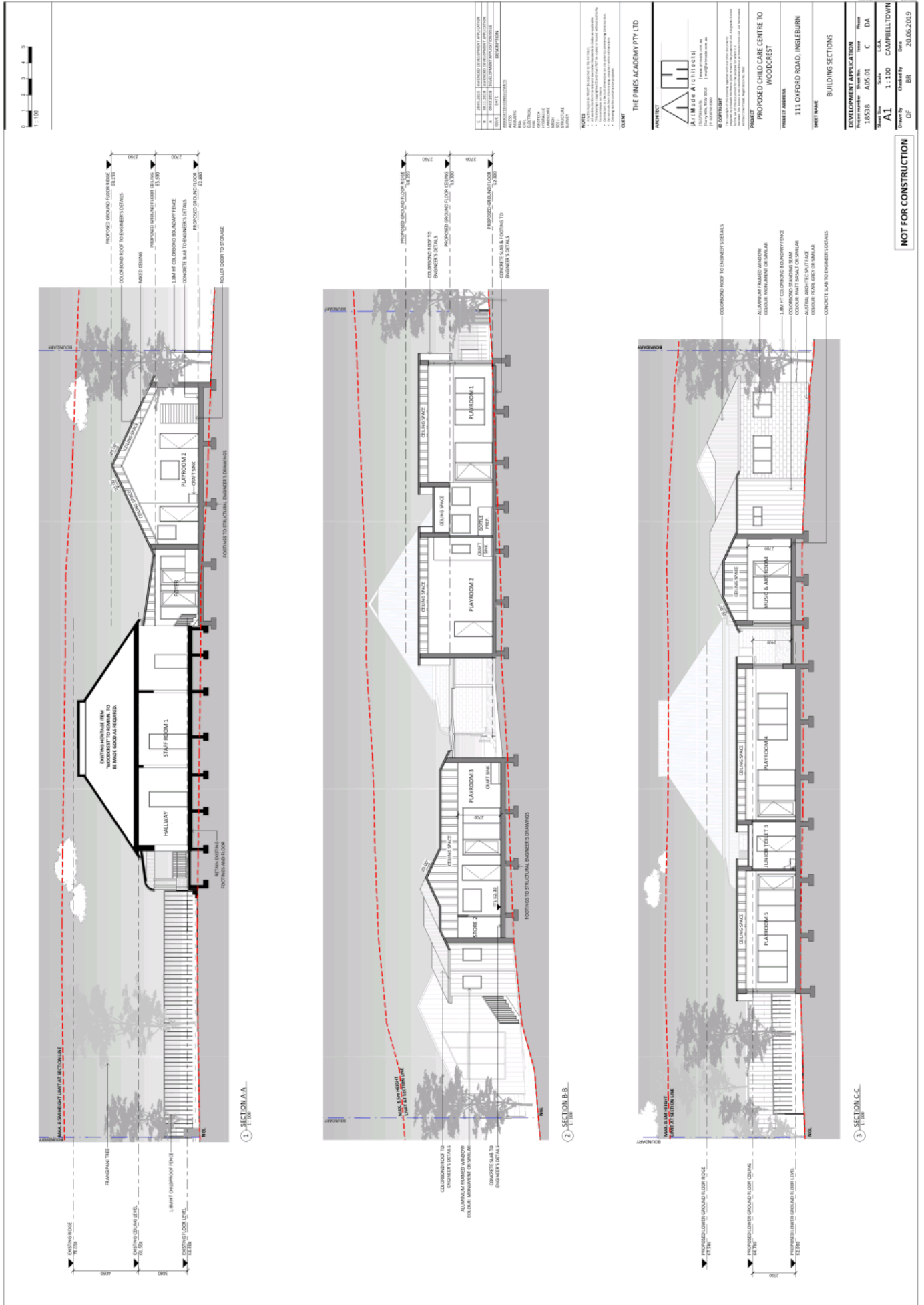
Drawn By: A1  
 Checked By: DF  
 Date: 20.06.2019

1. EXISTING DEMOLITION SITE PLAN
- EXISTING CONCRETE TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING METAL TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING MASONRY TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING TIMBER TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING SERVICES TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING UTILITIES TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING FENCES TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING SIGNAGE TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING LIGHTING TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S
  - EXISTING LANDSCAPE TO BE REMOVED AND RELOADED AS REQUIRED - C.O.S









|    |           |                                   |
|----|-----------|-----------------------------------|
| C. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| D. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| E. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| F. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| G. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| H. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| I. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| J. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| K. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| L. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| M. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| N. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| O. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| P. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| Q. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| R. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| S. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| T. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| U. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| V. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| W. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| X. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| Y. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |
| Z. | SCALE 200 | LANDSCAPE DEVELOPMENT APPLICATION |

CLIENT  
THE PINES ACADEMY PTY LTD

ARCHITECT  
ATM & PARTNERS  
110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000

NOTES  
1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.  
2. ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.  
3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.  
4. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL PLANNING REGULATIONS 2011.  
5. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL REGULATIONS 2011.

CLIENT  
THE PINES ACADEMY PTY LTD

ARCHITECT  
ATM & PARTNERS  
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PROJECT  
PROPOSED CHILD CARE CENTRE TO WOODCREST

PROJECT ADDRESS  
311 OXFORD ROAD, INGLESBURN

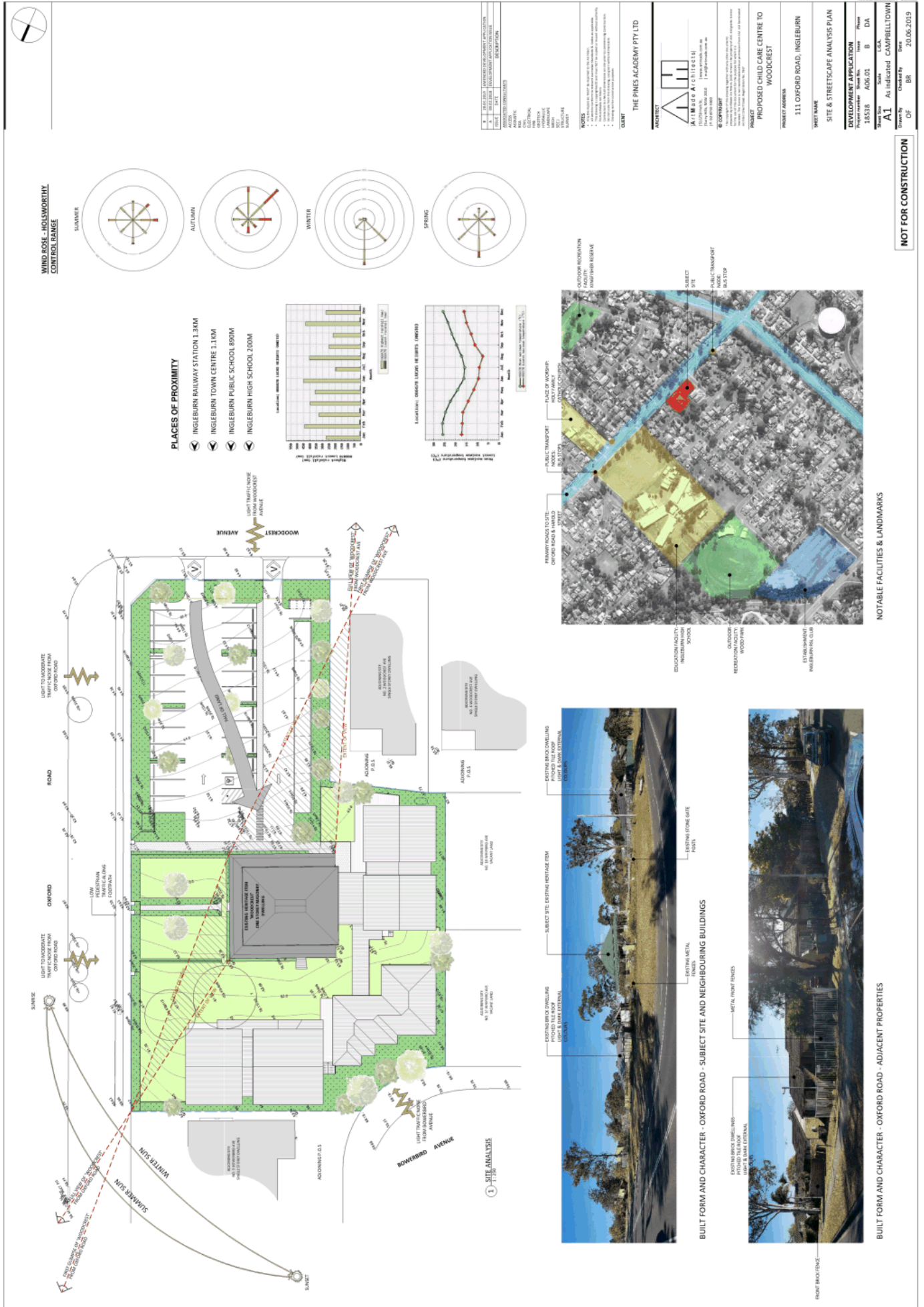
PROJECT NAME  
BUILDING SECTIONS

DEVELOPMENT APPLICATION  
Project Number: 18538  
Project Name: A1  
Project Date: 20.06.2019


Sheet No: A1  
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Date: 20.06.2019

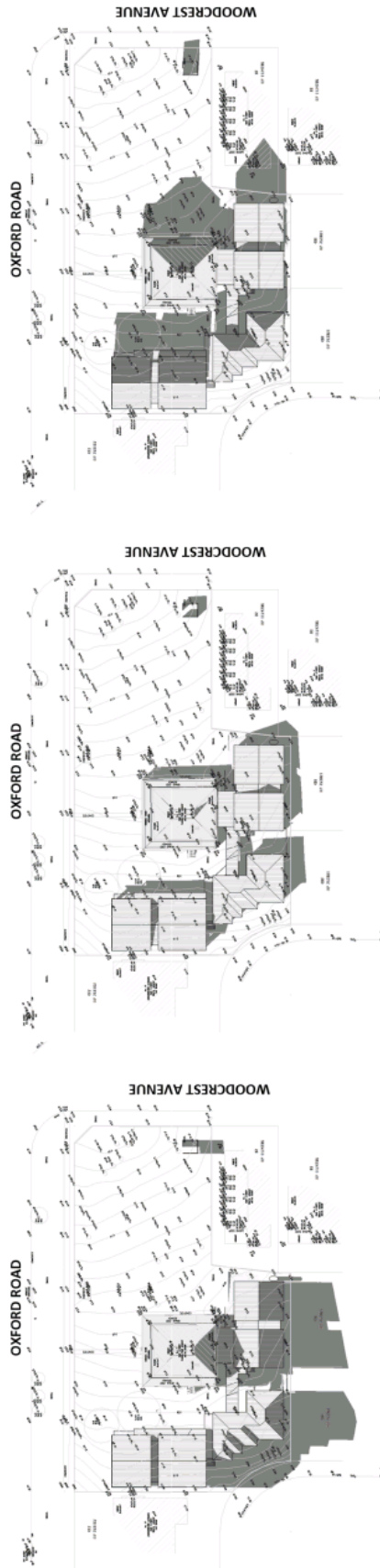
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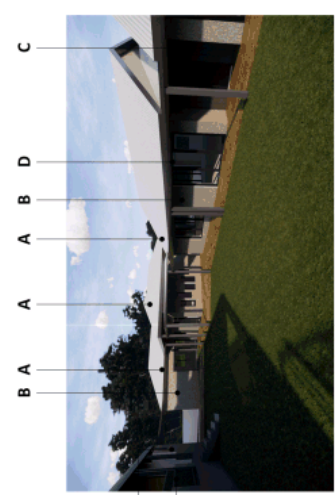
① SHADOW DIAGRAM - WINTER SOLSTICE 21ST JUNE - 9AM

② SHADOW DIAGRAM - WINTER SOLSTICE 21ST JUNE - 1PM

③ SHADOW DIAGRAM - WINTER SOLSTICE 21ST JUNE - 3PM


**SCHEDULE OF FINISHES**

|  |   |
|--|---|
| <b>A</b> COLORBOND<br>HERITAGE<br>METAL ROOF, GUTTER, D.P.<br>COLOR: SPACE GREY OR SIMILAR | <b>B</b> ALUTRAL<br>ANATREX CRIT PLATE<br>COLOR: FINE LEST OF SIMILAR     |
| <b>C</b> COLORBOND<br>MATT FRESH<br>STAINING TRIM SYSTEM<br>COLOR: FINE LEST OF SIMILAR    | <b>D</b> COLORBOND<br>ALUMINUM WINDOW FRAME<br>COLOR: IMPERIAL OR SIMILAR |



**ARTISTIC IMPRESSION 1**

EXISTING HERITAGE FINISHES TO BE RETAINED & MATCHED  
NEW BALANCE TO VENDOR FOR THE RECOMMENDATIONS



**ARTISTIC IMPRESSION 2**

EXISTING HERITAGE FINISHES TO BE RETAINED & MATCHED

**CLIENT**  
THE PINES ACADEMY PTY LTD

**ARCHITECT**  
ATM | BUILD & DESIGN | PTY LTD  
15/07/2019, 15:00  
15/07/2019, 15:00  
15/07/2019, 15:00

**NOTES**

- 1. ALL FINISHES TO BE MATCHED TO EXISTING HERITAGE FINISHES.
- 2. ALL FINISHES TO BE MATCHED TO EXISTING HERITAGE FINISHES.
- 3. ALL FINISHES TO BE MATCHED TO EXISTING HERITAGE FINISHES.
- 4. ALL FINISHES TO BE MATCHED TO EXISTING HERITAGE FINISHES.
- 5. ALL FINISHES TO BE MATCHED TO EXISTING HERITAGE FINISHES.

**PROJECT**  
PROPOSED CHILD CARE CENTRE TO WOODCREST  
311 OXFORD ROAD, INGLEBURN

**DEVELOPMENT APPLICATION**  
Project number: 185138  
Issue No: A06.02  
Date: 18/06/2019

**NOT FOR CONSTRUCTION**

Drawn By: AI  
Checked By: DF  
Date: 20.06.2019





# HERITAGE IMPACT STATEMENT



111 Oxford Road, Ingleburn

JANUARY 2020

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This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence

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|------------------------|------------------------------------|-------------|
| 23 January 2018        | Draft for Review                   | Sophie Bock |
| 9 February 2018        | Final                              | Sophie Bock |
| <b>24 January 2020</b> | <b>Revised smaller development</b> | Brad Vale   |



## CONTENTS

|     |  |    |
|-----|--|----|
| 1.0 | INTRODUCTION .....   | 6  |
| 1.1 | Background .....   | 6  |
| 1.2 | Methodology .....  | 6  |
| 1.3 | Site Location .....  | 6  |
| 1.4 | Heritage Management Framework.....                                       | 7  |
| 1.5 | Authorship .....   | 8  |
| 1.6 | Limitations.....   | 8  |
| 1.7 | Copyright.....   | 8  |
| 2.0 | DOCUMENTARY EVIDENCE .....   | 9  |
| 2.1 | Development of the Suburb .....  | 9  |
| 2.2 | History of the Subject Site.....   | 11 |
| 3.0 | PHYSICAL EVIDENCE .....  | 19 |
| 3.1 | Site Context .....   | 19 |
| 3.2 | Description of the Building .....  | 19 |
| 3.3 | Description of the Interior.....   | 19 |
| 3.4 | Views .....  | 19 |
| 3.5 | Photographic survey.....   | 20 |
| 4.0 | ESTABLISHED HERITAGE SIGNIFICANCE .....                                  | 24 |
| 4.1 | Significance of the Subject Site.....                                    | 24 |
| 5.0 | THE PROPOSAL.....  | 25 |
| 6.0 | ASSESSMENT OF HERITAGE IMPACT.....                                       | 26 |
| 6.1 | Introduction.....  | 26 |
| 6.2 | Evaluation of the NSW Heritage Division Guidelines .....                 | 26 |
| 6.3 | Heritage Objectives of the Campbelltown LEP 2015 .....                   | 30 |
| 6.4 | Heritage Guidelines of the Campbelltown (Sustainable City) DCP 2015..... | 30 |
| 7.0 | RECOMMENDATIONS AND CONCLUSION .....                                     | 32 |
| 7.1 | Recommendations .....  | 32 |
| 7.2 | Conclusion.....  | 32 |

## LIST OF FIGURES

|  |    |
|--|----|
| <i>Figure 1 - Aerial map with the subject site outlined in red. Source: NSW LPI, SIX Maps, maps.six.nsw.gov.au</i>   | 7  |
| <i>Figure 2 - Street map with the subject site outlined in red. Source: Google Maps, www.google.com.au</i>   | 7  |
| <i>Figure 3 - Detail from the Campbelltown LEP 2015 heritage map. The subject site is identified as heritage item 173, shaded in brown.. Source: Campbelltown LEP 2015, Heritage Map HER_012</i>   | 8  |
| <i>Figure 4 – Parish of Minto, 1844. Two of several land grants to William Redfern indicated by purple arrow. (Source: SLNSW, M2 811/1134/2)</i>   | 11 |
| <i>Figure 5 – Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)</i>  | 13 |
| <i>Figure 6- Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)</i>   | 13 |
| <i>Figure 7 - Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)</i>  | 14 |
| <i>Figure 8 - Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)</i>  | 14 |
| <i>Figure 9 -Ingleburn, submitted to the Council of the Municipality of Ingleburn for approval of subdivision, 1945. Woodcrest was located on Lot B of this subdivision. (Source: NSW Land &amp; Property Information, DP 155747)</i>  | 16 |
| <i>Figure 10 – Plan of lots 357, 358, 360 to 364 inclusively and part of Lot 359 Campbellfields Estate at Ingleburn, 1959. At this date, Woodcrest was located on Lot B thereof, shaded purple. (Source: NSW Land &amp; Property Information, DP 91272)</i>  | 17 |
| <i>Figure 11 – Woodcrest, 111 Oxford Road, Ingleburn, 1979. (Source: Campbelltown City Library)</i>  | 17 |
| <i>Figure 12 - Woodcrest, 111 Oxford Road, Ingleburn, 1979. (Source: Campbelltown City Library)</i>  | 17 |
| <i>Figure 13 – Block plan accompanying Certificate of Title Vol 13929 Fol 114 being the land registered in the name of Judith Jean Tilbury, Laurel Sacco, Maurine Wood and John Russell Wood, 1979. At this date, Woodcrest was Lot 426 in DP 259167 as shaded purple thereon. (Source: NSW Land &amp; Property Information)</i> | 18 |
| <i>Figure 14 – Plan of subdivision of Lot 426 in DP 259167, 2012. Subject site shaded purple thereon. (Source: NSW Land &amp; Property Information, DP1172405)</i>   | 18 |
| <i>Figure 16: View of the subject site from Oxford Road, facing west</i>   | 20 |
| <i>Figure 17: The south-eastern façade of the building, showing the remnant garage structure</i>   | 20 |
| <i>Figure 18: View of Oxford Road facing north-west from the corner of Oxford Road and Woodcrest Avenue. The subject site is seen on the left</i>  | 20 |
| <i>Figure 19: Surrounding residential dwellings on Woodcrest Avenue, opposite the southern portion of the subject site</i>   | 20 |
| <i>Figure 20: Surrounding residential area on Oxford Road, opposite the subject site, facing south-east</i>  | 20 |
| <i>Figure 21: The cattle grid on the driveway of the subject site, accessed from Oxford Road</i>   | 20 |

|   |                                     |
|---|-------------------------------------|
| Figure 22: The front (north-east) façade of Woodcrest, viewed from Oxford Road .....  | 21                                  |
| Figure 23: The front fence and gate posts on the Oxford Road frontage of the site. ....   | 21                                  |
| Figure 24: The front façade of Woodcrest from the entrance gate to the property, facing south-west. ....                                      | 21                                  |
| Figure 25: The north-west façade of the building. ....  | 21                                  |
| Figure 26: View of the north-west façade of Woodcrest, showing steps to the verandah. ....  | 21                                  |
| Figure 27: The western corner of the property, showing the rear of Woodcrest (far left). ....   | 21                                  |
| Figure 28: The north-west boundary of the property, showing neighbouring properties on Bowerbird Avenue. ...                                  | 21                                  |
| Figure 29: The rear wing of Woodcrest, at the south-west. ....  | 21                                  |
| Figure 30: View of the rear wing of Woodcrest, facing north-east. ....  | 22                                  |
| Figure 31: The south-east portion of the property, facing Oxford Road and Woodcrest Avenue. ....  | 22                                  |
| Figure 32: The garage structure to the south-east of the house. ....  | 22                                  |
| Figure 33: Boarded window on the north-east façade of the house, showing the home-made concrete blocks and rendered architrave and sill. .... | 22                                  |
| Figure 34: The north-eastern portion of the verandah, facing south-east towards the garage. ....  | 22                                  |
| Figure 35: View of the bathroom, accessed from the south-western end of the verandah. ....  | 22                                  |
| Figure 36: View of the hallway, facing south-west towards the lounge room and kitchen. ....   | 23                                  |
| Figure 37: View of a bedroom, showing the pressed metal ceiling, concrete floor and recent structural work to walls. ....                     | 23                                  |
| Figure 38: Windows facing the verandah, now boarded up after theft of stained glass casements. ....   | 23                                  |
| Figure 39: View of the lounge room, facing north-west, showing the fireplace and recent structural works to walls. ....                       | 23                                  |
| Figure 40: The kitchen at the rear of the house, showing the stove and chimney. ....  | 23                                  |
| Figure 41: View of the rear room, showing the pressed metal ceiling, concrete floor and recent structural work to walls. ....                 | 23                                  |
| Figure 42 – Proposed Name Street Elevation. Source: Name Architect. ....  | <b>Error! Bookmark not defined.</b> |

## HERITAGE IMPACT STATEMENT FOR 111 OXFORD ROAD, INGLEBURN

### 1.0 INTRODUCTION

#### 1.1 BACKGROUND

This Heritage Impact Statement has been amended in response to a reduction in the development volume, following several discussions with Campbelltown City Council. It has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany an application for proposed works at 111 Oxford Street, Ingleburn. The site comprises a Victorian house named 'Woodcrest' that was renovated in the early Twentieth Century with a garage structure on the corner of Oxford Road and Woodcrest Avenue.

The proposal involves the development of a childcare centre on the site, including the construction of a new building at the rear and north-west side of the property, alterations to the existing house and new carpark and landscape areas.

Details of the development proposal have been prepared by ArtMade Architects.

The subject property is listed as an item of local heritage significance on Schedule 5 of the *Campbelltown Local Environmental Plan (LEP) 2015* as 'Woodcrest', item 73.

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of the *Campbelltown LEP 2015* and the requirements of the *Campbelltown Development Control Plan (Sustainable City) 2015*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

#### 1.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as The Burra Charter, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, NSW Heritage Manual.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

#### 1.3 SITE LOCATION

The site is located on the corner of Oxford Road and Woodcrest Avenue, Ingleburn and has a partial frontage of its south-west corner to Bowerbird Avenue. It is identified as Lot 81 of DP1172405 by the NSW Land and Property Information (LPI) (see Figure 1 and Figure 2 below).





Figure 1 - Aerial map with the subject site outlined in red. Source: NSW LPI, SIX Maps, maps.six.nsw.gov.au



Figure 2 - Street map with the subject site outlined in red. Source: Google Maps, www.google.com.au

**1.4 HERITAGE MANAGEMENT FRAMEWORK**

The subject property is listed as an item of local heritage significance on Schedule 5 of the *Campbelltown LEP 2015* as 'Woodcrest', item 173. This item also includes Lots 82, 83 and 84 of the same DP. These properties are located to the south of the subject site and front Woodcrest Avenue.

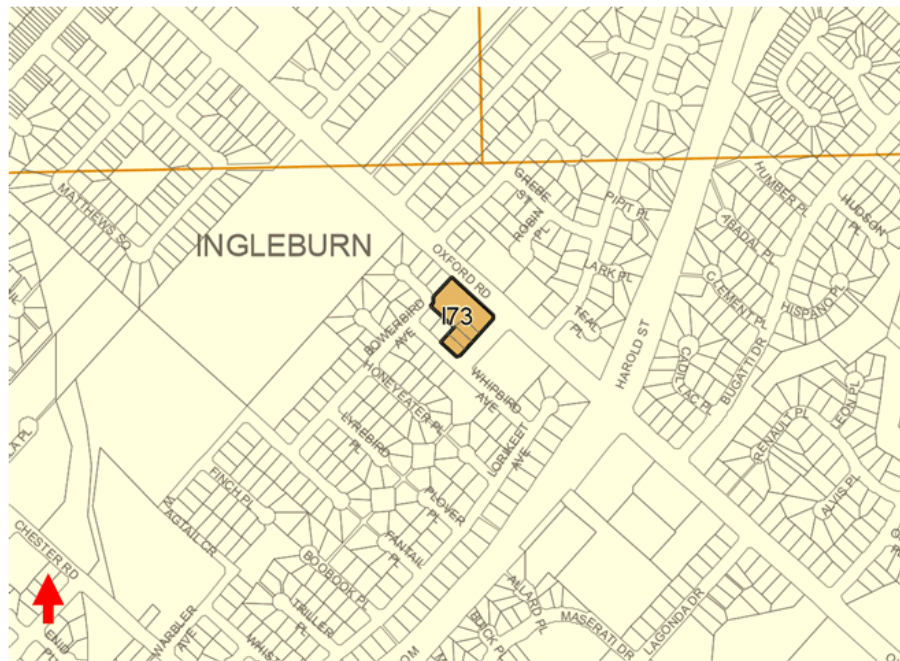


Figure 3 - Detail from the Campbelltown LEP 2015 heritage map. The subject site is identified as heritage item 173, shaded in brown..  
 Source: Campbelltown LEP 2015, Heritage Map HER\_012

#### 1.5 AUTHORSHIP

This report was updated by Brad Vale, Senior Heritage Consultant, following preparation by Sophie Bock, Heritage Consultant, using research and a history written by Léonie Masson, Historian, both of **NBR**SARCHITECTURE.

#### 1.6 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions relating to heritage.

#### 1.7 COPYRIGHT

Copyright of this report remains with the author, **NBR**SARCHITECTURE. Unless otherwise noted, all images are by the author.



## 2.0 DOCUMENTARY EVIDENCE

### 2.1 DEVELOPMENT OF THE SUBURB

The following history of the streets and names of Ingleburn is drawn from "Campbelltown's Streets and Suburbs - How and why they got their names" written by Jeff McGill, Verlie Fowler and Keith Richardson, 1995, published by Campbelltown and Airs Historical Society.<sup>1</sup>

*One version suggests it was named after an English farm or town by Richard Atkins, Judge-Advocate of the early colony and owner of Denham Court.*

*A more common tale says the "Ingleburn" title was coined by Governor Lachlan Macquarie. This comes from the fact inge means "bend", and burn means "stream" in the Gaelic tongue. Macquarie was born and bred in the Gaelic-speaking Scottish Highlands and from 1810-22 made several visits to both the Georges River and Bunbury-Curran Creek - which both flow through the area with many curves and bends.*

*We do know for sure that the site of Ingleburn was originally known as "Soldier Flat". This was because four old soldiers of the NSW Corps were allowed to take up farm grants there in 1809. These men were William Hall, William Neale, Joshua Alliot and Timothy Loughlin.*

*By 1826, Neale's 80-acre (30ha) grant was owned by an ex-convict called David Noonan who also purchased other sites, building up a farm of 193 acres (77ha) on the modern location of Ingleburn's town centre. Mary Ruse - the daughter of famous pioneer James Ruse - was Noonan's housekeeper and purchased the farm for herself in 1841.*

*Dr Carol Liston claims in her Campbelltown - A Bicentennial History that Mary held it until her death in 1874. Elias P. Laycock purchased her farm in 1881 and his home was called Ingleburn House," Dr Liston wrote. So why then did the town adopt this particular name? The answer lies in the railway.*

*As early as 1869, a rail platform had been built on the old Neale grant under the name Macquarie Fields Station. This was in tribute to the huge Macquarie Field property that lay to the north. But the year 1881 saw part of this property subdivided to become the new village of Macquarie Fields. Confusion resulted and it was decided to find another name for the platform. So in August 1883, a new name of Ingleburn Station became official, called after the nearby house. And when a village later evolved around this site, it adopted the station's name. Simple.*

*But this neat conclusion becomes complicated if research by the late Genevieve Tregear is taken into account. Before her death in 1995, this well-known Ingleburnian compiled a history of her home town.*

*Her research took her to the historical section of the NSW Railway Department, where she found evidence that a Mr Goodchap, Commissioner of the Railways in 1883, had renamed the platform Ingleburn "after an English town".*

*Mrs Tregear wrote to English authorities, but no trace of a town called Ingleburn could be found - not even in Kent, where Goodchap hailed from. "It's all a bit of a mystery," she concluded.*

*Whatever the case, the nucleus of Ingleburn township was born in 1885 when a large slice of land west of Bunbury-Curran Creek was purchased by an auctioneer and developer from Sydney call FitzStubbs, who resold in small portions. And with the residential subdivision came a host of new streets and names.*

*Ingleburn Road noted, of course, the old house and platform name. Most other streets honoured English localities and counties such as Chester Road, Cumberland Road, Cambridge Street, Oxford Road,*

<sup>1</sup> <https://www.campbelltown.nsw.gov.au/RAC/AboutCampbelltown/History/Historyofoursuburbs/HistoryofIngleburn>, accessed 25 October 2017

*Suffolk Street, Carlisle Street and Norfolk Street. Even Raglan Avenue, Belford Street, Salford Street and Phoenix Avenue were probably named under this theme as there are towns called Raglan, Belford, Salford and Phoenix Green in England.*

*Macquarie Road noted the early Governor of NSW, while Redfern Street recalled Dr William Redfern, the owner of Campbellfield estate, from which a part of the township was subdivided (see Minto).*

*Unfortunately, no records have survived to explain why many of the other early streets got their titles.*

*Many of the remaining roads in the old town subdivisions appear to list Christian names - Gordon, James, Albert, Brenda, Rupert, Aubrey and Lionel. Whether they were early subdividers or family names remains to be discovered.*

*New families began arriving and new homes to house them were built. Within only a few years a thriving village had evolved and Ingleburn Public School opened in 1887, followed by a post office in 1889. William Collins was the first postmaster and storekeeper. He and his well-known family were later honoured by the naming of Collins promenade.*

*Ingleburn's most impressive home was Milton Park, was built in 1882 for hotelier David Warby. By 1909 it was owned by Thomas Hilder, manager of the silver mines at Yerranderie in the Burrigorang Valley. Later this century it fell into disrepair and the owner, Campbelltown Council, demolished it in 1992 after being unable to secure a financial offer for the building. A large sporting complex that now adjoins the old house site is called Milton Park. This forms part of the long band of parks that now stretch from the railway line to the Georges River. Alderman Greg Percival, who spearheaded this concept, aimed to create a "green belt" between Macquarie Fields and Ingleburn.*

*Street lights, parks, water and sealed roads all took their time in coming to Ingleburn. But when these things did arrive after World War I, it was "full steam ahead". From 1896 to 1948, Ingleburn had its own Council and in 1920 Mayor Arthur Harper said water connection had formally ended the town's "stagnant" period.*

*Development of the township increased after World War II and in the fifties, Ingleburn's population passed the 2000 mark. When an ultra-modern Hotel Ingleburn opened for business in 1955, the local press insisted the community's future was assured. "The confidence of the many builders who have erected or are erecting the many up-to-date premises now gracing the town", was held up by the newspaper as evidence.*

*Rivalry with Campbelltown became an important source of motivation. When that southern town got its own public high school in 1956, it was only a matter of time before the rising settlement of the north got one as well. Although lessons for pupils were held at Macquarie Fields Public School from 1960, a proper Ingleburn High School finally opened on Oxford Road in 1963.*

*It was in 1939 that Ingleburn Army Camp was created on more than 600 acres (240ha) of the old Blomfield land, and was used throughout World War II for training military units and reinforcements.*

*The 1st Battalion RAR returned to Ingleburn after duties in Japan, and in March 1952 left there to go to Korea. The 1st Signal Regiment arrived in 1960 and became so involved in the town that in 1968 the Council awarded it the "Freedom of the City". The military hospital was kept busy at the time, caring for troops wounded in the Vietnam War. The camp is now home to the army's 101 Field Workshop.*

*Streets within the camp not only note early explorers such as Hume, Hovell, Leichhardt, Henty, Flinders, Blaxland, Lawson and Wentworth, but also recalled the "old country" with England Road and Scotland Road.*



## 2.2 HISTORY OF THE SUBJECT SITE

The subject site is located on part of a subdivision of Lots 357 to 366 of the Campbellfields Estate, being originally part of two large grants to William Redfern of 500 and 1180 acres respectively. Redfern bequeathed his real estate in equal shares to his two sons, William Lachlan Macquarie Redfern and Joseph Foveaux Redfern.

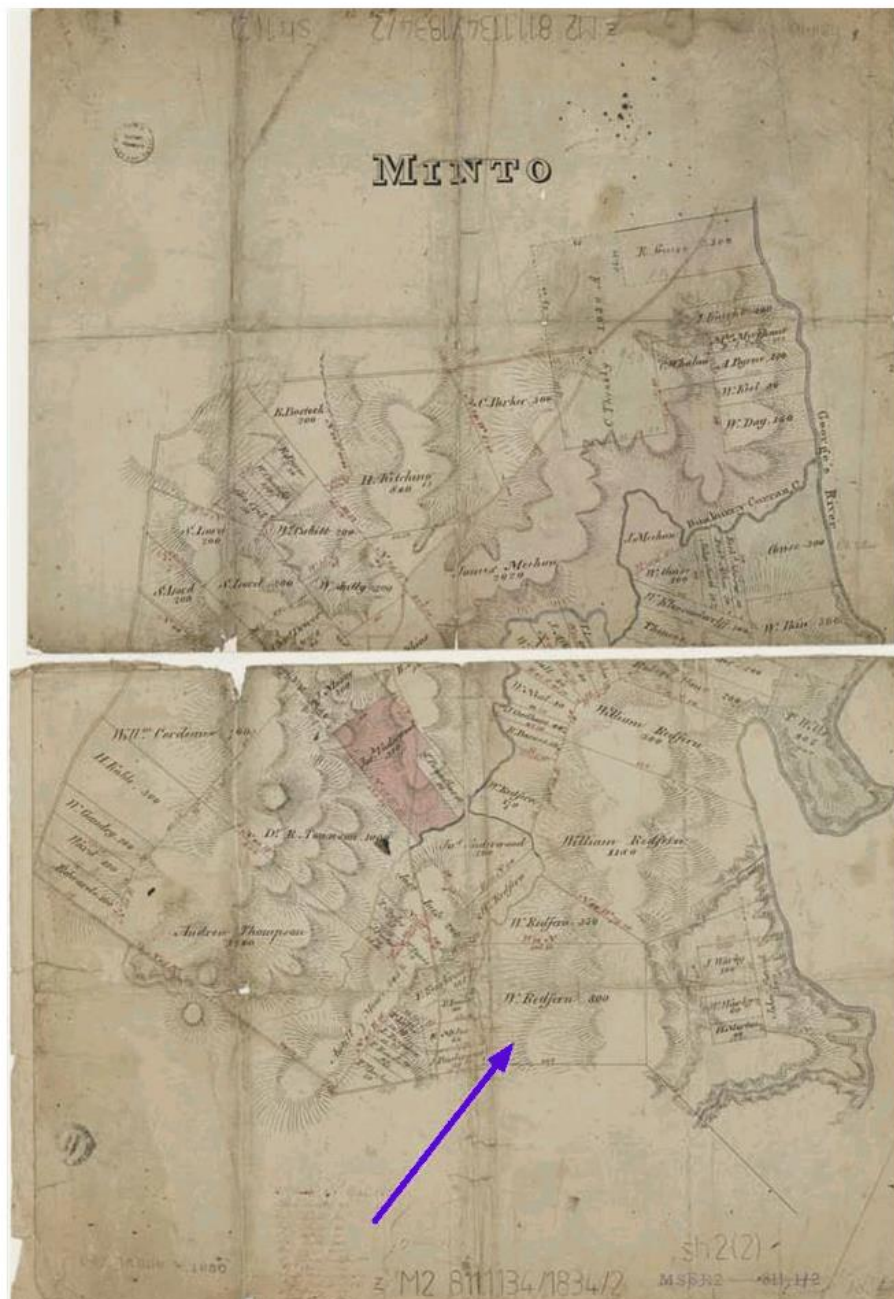


Figure 4 – Parish of Minto, 1844. Two of several land grants to William Redfern indicated by purple arrow. (Source: SLNSW, M2 811/1134/2)

The township of Ingleburn was formed in the subdivision of Redfern's "Campbellfields" estate in the 1880s.

Shortly before his death, Frederick William Suttor contracted with William Lachlan Macquarie Redfern (son of William Redfern) and Hon Samuel Aron Joseph to purchase Lots 357 to 366 of the Campbellfields Estate for the price of £807/3/9. A deposit was paid to the vendors by the time of Suttor's death in July 1886, however no conveyance was registered. Consequently, on 1 March 1887, Marianne Suttor and William Henry Suttor, widow and brother respectively of the deceased, and Edward Harte Acres, trustees of the estate of the later Frederick William Suttor, formalised the purchase of the abovenamed property for the original agreed sum.<sup>2</sup> The Suttors were living at Parramatta at the date of Frederick's death and before that lived at "Varroville" near Minto Station from 1876 to the beginning of 1885.

Marianne Suttor subsequently built the subject house since there are advertisements in the Sydney Morning Herald in 1896 of a land sale in Ingleburn "*situate opposite the residence of Mrs. F.W. Suttor and only a short distance north of the main road leading to Ingleburn Railway Station.*"<sup>3</sup> There is scant information thereafter about the house and extensive farm property.

According to the 1901 Census, M Suttor was named the principal householder of the subject property at Ingleburn, occupied by a total of five males and three females, including Marianne herself.

The Suttors retained ownership of the property until 1912, when Marianne Suttor and Frederick Australis Suttor of Ingleburn, grazier, the trustees of the will of late Frederick William Suttor (1st part), Marianne Suttor (2nd part), Ethel Darling, Harold Varro, Gerald Edward, Erick Albin and George Septimus Suttor (3rd part) and Alfred Consett Suttor, solicitor (4th part) agreed to sell the property in September to Frederick Australis Suttor of Ingleburn, grazier for the sum of £553.<sup>4</sup> Marianne Suttor died two months later at her residence "Boronia, Ingleburn" (not the subject site).

Frederick Australis Suttor contracted in March 1921 to sell the property to John Richard Wood of Glebe, butcher; this was an unregistered agreement for sale. The 92 acres 1 rood of land with cottage thereon was formerly conveyed to Wood on 6 May 1921 for the sum of £1107.<sup>5</sup> Wood renamed the property "Woodcrest".

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<sup>2</sup> OST Bk 359 No 493, NSW Land & Property Information

<sup>3</sup> "By order of the Administratrix Estate Late Mr Thomas Healy", *Sydney Morning Herald*, 23 September 1896, p. 8

<sup>4</sup> OST Bk 979 No 99, NSW Land & Property Information

<sup>5</sup> OST Bk 1222 No 44, NSW Land & Property Information



Figure 5 – Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)



Figure 6- Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)





Figure 7 - Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)



Figure 8 - Woodcrest, 111 Oxford Road, post-1921. (Source: Private Collection)

John Richard Wood, Amy Wood, Aubrey Robert Wood, Eric Russell Wood and Amy Wood are listed as the occupants of Woodcrest, Oxford Road, Ingleburn from the 1920s (NSW electoral rolls 1926, 1928, 1930). By this time, John Richard Wood was retired, while his two sons were respectively butcher and farmer.

John Richard Wood of Woodcrest died on 17 September 1943. "He is survived by two daughters and five sons. Mrs Woods was in his 84<sup>th</sup> year and was an esteemed resident of the locality, having lived

there for many years".<sup>6</sup> The 92 acres of land at Ingleburn was valued for probate at £2400. At this date the improvements to the land comprised: concrete block bungalow, six rooms, kitchen and offices, iron roof, two sheds; galvanized iron hayshed; six galvanized iron bails; weatherboard dairy; galvanized iron garage; clearing and water supply. Wood bequeathed his real and personal estate in five equal shares to his five sons: Lindsay Carlisle Wood, Mervyn Richard Wood, John Roy Wood, Aubrey Robert Wood and Eric Russell Wood. However, John Richard Wood specified in the will that Eric Russell Wood could reside in the house rent free from the time of Wood's death until sale or rent free for six months, whichever alternative happened first.

Subsequently an agreement was reached between John Ray Wood of Croydon, butcher and Eric Russell Wood of Ingleburn, butcher - whereas the latter renounced probate of the said will, and probate was granted to John Ray Wood on 9 March 1944. However, John Ray Wood agreed to sell Woodcrest to Eric Russell Wood for £2000.<sup>7</sup> The following year, the Council approved the subdivision of the land into two lots<sup>8</sup> such that a small portion of 18½ perches (Lot A) was conveyed to the Metropolitan Water Sewerage and Drainage Board. The residue of 92 acres 22 perches of land was retained on Lot B in the name of Eric Russell Wood. The plan of subdivision is shown at Figure 9.

In 1959, Eric Russell Wood, lodged an application to convert the property to Torrens title. At this date the property was valued at £13,400; Lot A was unoccupied and Lot B (containing Woodcrest) was occupied by himself; Lots 365 and 366 were resumed by the Department of Education.<sup>9</sup> The survey plan accompanying the application is reproduced at Figure 10.

Eric and his wife, Thelma Jean, continued to live in Woodcrest until his death in 1963. The property passed by transmission the same year to Noel Stephen Lanning and Thelma Jean Wood, executors for his will. They sold the property to Judith Jean Tilbury of Kentlyn, Laurel Sacco of Liverpool, Maurine Wood of Ingleburn and John Russell Wood of Carlingford (butcher) as tenants in common. Woodcrest was transferred into the sole ownership of Maurine Wood in 1980.<sup>10</sup>

\$60,000 from Eric Alfred Wood's Estate was left to the Ingleburn RSL Club which enabled them to relocate and build new premises in 1975. Maurine Wood continued to live in Woodcrest until her death in 2006. The property passed by transmission the following year to Lynette Sandra Coates. Campbelltown Council approved a subdivision of the property in 2012 as DP 1172405 (Figure 14). 111 Oxford Road changed hands in February 2017 to the present owner.<sup>11</sup>

<sup>6</sup> "Obituary... Mr John Wood", *Biz*, 23 September 1943, p2

<sup>7</sup> OST Bk 1945 No 408, NSW Land & Property Information

<sup>8</sup> DP155747, NSW Land & Property Information

<sup>9</sup> Primary Application 41272, NSW Land & Property Information

<sup>10</sup> CT Vol 13929 Fol 114, NSW Land & Property Information

<sup>11</sup> Auto Consul 81/1172405, NSW Land & Property Information

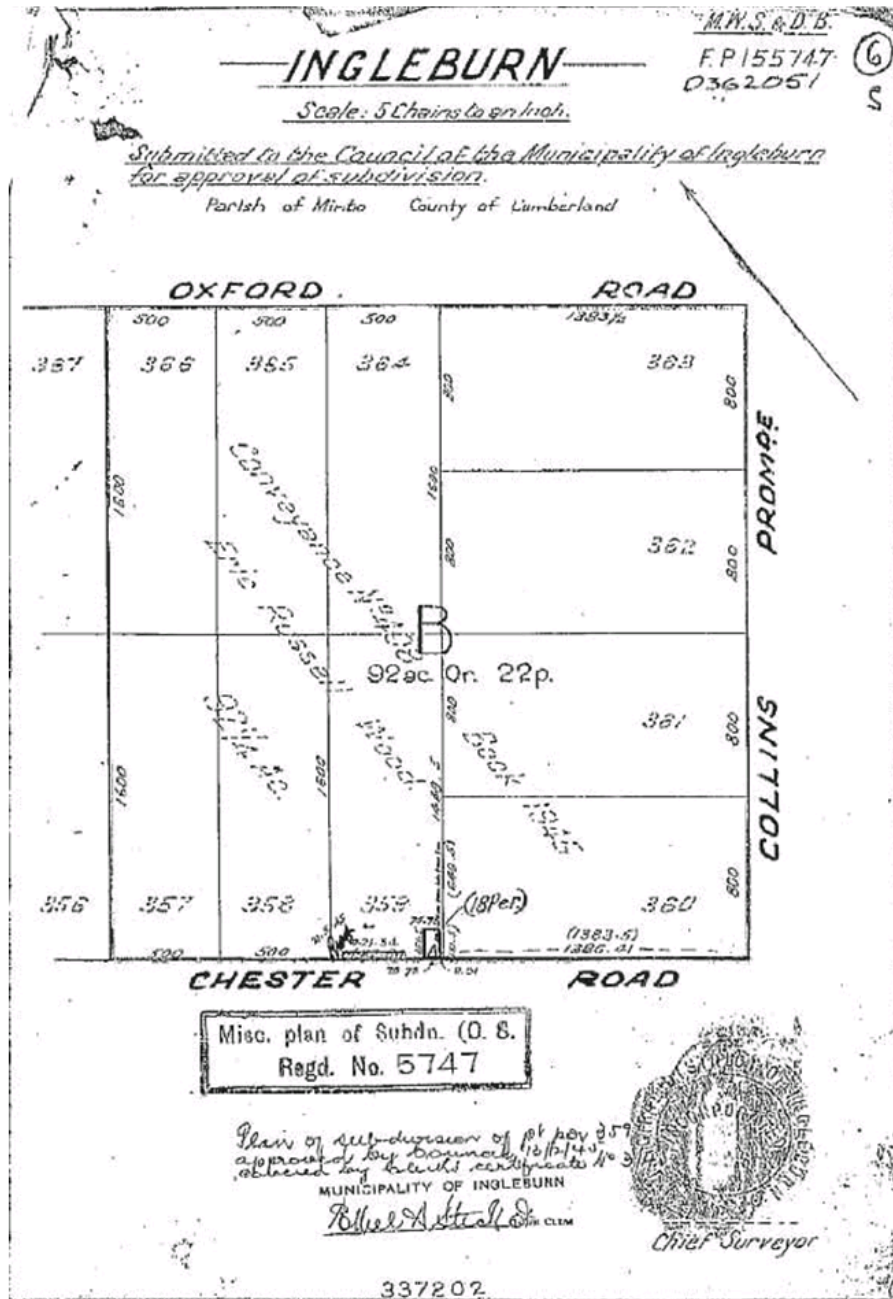


Figure 9 - Ingleburn, submitted to the Council of the Municipality of Ingleburn for approval of subdivision, 1945. Woodcrest was located on Lot B of this subdivision. (Source: NSW Land & Property Information, DP 155747)



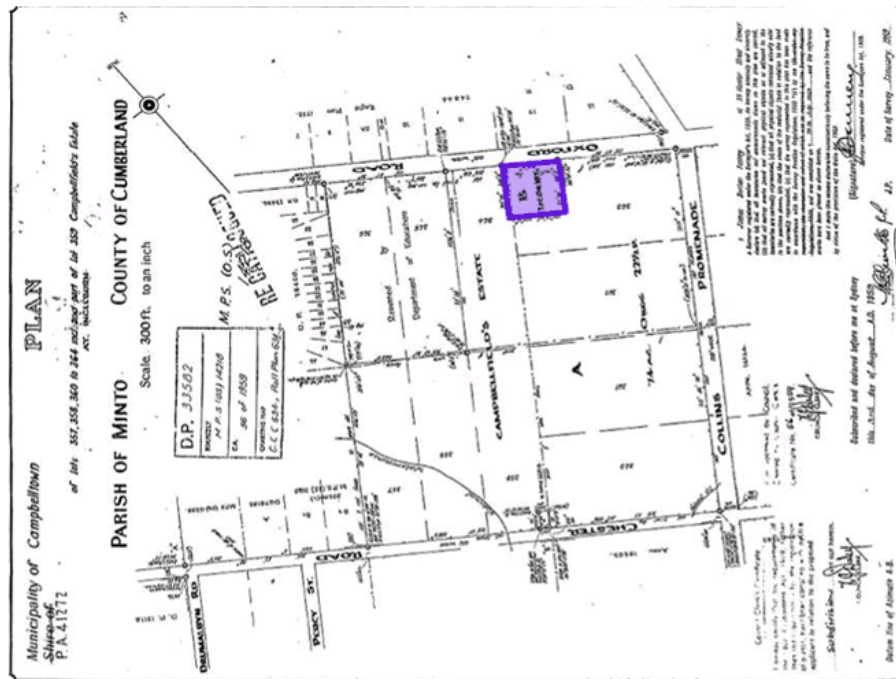


Figure 10 – Plan of lots 357, 358, 360 to 364 inclusively and part of Lot 359 Campbellfields Estate at Ingleburn, 1959. At this date, Woodcrest was located on Lot B thereof, shaded purple. (Source: NSW Land & Property Information, DP 91272)



Figure 11 – Woodcrest, 111 Oxford Road, Ingleburn, 1979. (Source: Campbelltown City Library)



Figure 12 - Woodcrest, 111 Oxford Road, Ingleburn, 1979. (Source: Campbelltown City Library)



Figure 13 – Block plan accompanying Certificate of Title Vol 13929 Fol 114 being the land registered in the name of Judith Jean Tilbury, Laurel Sacco, Maurine Wood and John Russell Wood, 1979. At this date, Woodcrest was Lot 426 in DP 259167 as shaded purple thereon. (Source: NSW Land & Property Information)

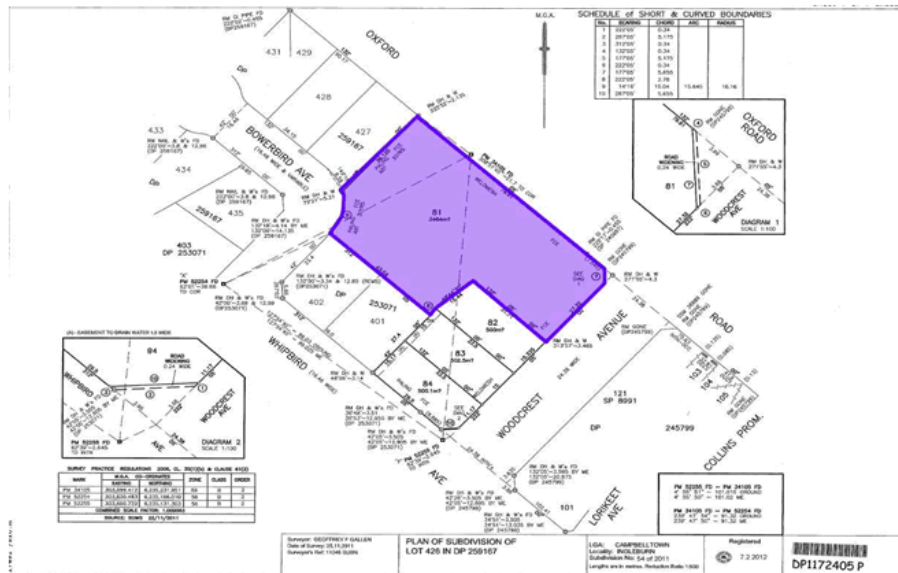


Figure 14 – Plan of subdivision of Lot 426 in DP 259167, 2012. Subject site shaded purple thereon. (Source: NSW Land & Property Information, DP1172405)



### **3.0 PHYSICAL EVIDENCE**

#### **3.1 SITE CONTEXT**

The subject site is located in the suburb of Ingleburn, approximately 1.5 kilometres south-east of Ingleburn Railway Station. It is in close proximity to Ingleburn High School and other local facilities. The immediate locality of the subject site is characterised by a mix of one and two-storey residential dwellings, generally dating from the mid-late 20<sup>th</sup> century.

#### **3.2 DESCRIPTION OF THE BUILDING**

The building is a residential dwelling with a hipped corrugated iron roof and verandah on three sides with an attached laundry and toilet block at the rear. The house is constructed of home-made concrete blocks with timber roof structure, including the verandah roof, timber joinery to door and windows (some of which is now missing), and concrete sills and architraves externally. The concrete verandah is constructed on stone footings and comprises a series of brick piers supporting pairs of timber posts. Concrete steps lead up to the verandah at the front, from the front path and a second set of steps is located on the northwest façade.

Historical research shows there was a building on the site by 1896, however the external form of this dwelling is not known. The interior fabric of the house is generally consistent with houses of the late Victorian era, and includes pressed metal ceilings and some original joinery. The front door, stained glass casement windows (many of which are now missing), and external architraves, which have been distinctively designed with a reverse entasis to their vertical elements, are likely to date from the 1910s – 1920s. These are likely to be components of the renovations to the house which probably included the addition of, or substantial renovation to, the verandah.

The site also comprises a remnant garage likely to date from the 1940s-50s. A cattle grid is located at the base driveway entrance, accessed from Oxford Road.

#### **3.3 DESCRIPTION OF THE INTERIOR**

The interior comprises a central hallway accessed from the front (north-eastern) section of the verandah, on either side of which are the two front bedrooms. The hallway leads into a lounge room which has a door and window to the north-western section of the verandah. A third bedroom is located adjacent to the lounge room. The rear of the house comprises a kitchen and two smaller rooms. A storage room is located at the southern end of the verandah on the eastern side, not accessible internally, and a bathroom on the western side, also only accessible externally from the verandah.

The house is not currently occupied and has recently been subject to several acts of graffiti and theft, resulting in several missing stained glass casement windows. Most windows have now been boarded up by the owner. Pressed metal ceilings in the front rooms are in fair condition, however the pressed metal in the rear kitchen is substantially corroded. NBR SARCHITECTURE has been advised that some structural works to cracks in walls have been recently carried out.

#### **3.4 VIEWS**

Primary views of the subject site are obtained from Oxford Road, from which the site is notable for comprising a dwelling on a relatively large block in its residential context. Closer views of the site and its surrounding residential area are also obtained from Woodcrest Avenue. As such, the north, east and south facades of the building are visible from the street and the building can be appreciated as having once been situated on a larger, rural block.

Oxford Road slopes down to the north-west from the subject site, so that the southern portion of the site affords distant views of the suburb, facing north.

### 3.5 PHOTOGRAPHIC SURVEY

The following photographs of the site and its surrounds were taken by Brad Vale, Senior Heritage Specialist, and Sophie Bock, Heritage Consultant of **NBR**SARCHITECTURE during an inspection of the site on 19<sup>th</sup> October 2017.



Figure 15: View of the subject site from Oxford Road, facing west.



Figure 16: The south-eastern façade of the building, showing the remnant garage structure.



Figure 17: View of Oxford Road facing north-west from the corner of Oxford Road and Woodcrest Avenue. The subject site is seen on the left.



Figure 18: Surrounding residential dwellings on Woodcrest Avenue, opposite the southern portion of the subject site.



Figure 19: Surrounding residential area on Oxford Road, opposite the subject site, facing south-east.



Figure 20: The cattle grid on the driveway of the subject site, accessed from Oxford Road.





Figure 21: The front (north-east) façade of Woodcrest, viewed from Oxford Road.



Figure 22: The front fence and gate posts on the Oxford Road frontage of the site.



Figure 23: The front façade of Woodcrest from the entrance gate to the property, facing south-west.



Figure 24: The north-west façade of the building.



Figure 25: View of the north-west façade of Woodcrest, showing steps to the verandah.



Figure 26: The western corner of the property, showing the rear of Woodcrest (far left).



Figure 27: The north-west boundary of the property, showing neighbouring properties on Bowerbird Avenue.



Figure 28: The rear wing of Woodcrest, at the south-west.



Figure 29: View of the rear wing of Woodcrest, facing north-east.



Figure 30: The south-east portion of the property, facing Oxford Road and Woodcrest Avenue.



Figure 31: The garage structure to the south-east of the house.



Figure 32: Boarded window on the north-east façade of the house, showing the home-made concrete blocks and rendered architrave and sill.



Figure 33: The north-eastern portion of the verandah, facing south-east towards the garage.



Figure 34: View of the bathroom, accessed from the south-western end of the verandah.





Figure 35: View of the hallway, facing south-west towards the lounge room and kitchen.



Figure 36: View of a bedroom, showing the pressed metal ceiling, concrete floor and recent structural work to walls.



Figure 37: Windows facing the verandah, now boarded up after theft of stained glass casements.



Figure 38: View of the lounge room, facing north-west, showing the fireplace and recent structural works to walls.



Figure 39: The kitchen at the rear of the house, showing the stove and chimney.



Figure 40: View of the rear room, showing the pressed metal ceiling, concrete floor and recent structural work to walls.

#### **4.0 ESTABLISHED HERITAGE SIGNIFICANCE**

##### **4.1 SIGNIFICANCE OF THE SUBJECT SITE**

The following Statement of Significance for the Woodcrest, at 111 Oxford Road, Ingleburn, is sourced from the NSW Heritage Inventory database, reference number 1290046:

*The house is of historical significance as a late 19th century country house altered in the early 20th century, with historical association with Mrs F.W. Suttor and the Wood family. The house is a fine example of a Victorian Filigree style house constructed by hand with locally-made sandstone/cement blocks and later Federation period alterations.*

## 5.0 THE PROPOSAL

The proposal involves the development of a childcare centre on the site, including the construction of a new building at the rear of the property, alterations to the existing house and new carpark and landscape areas. The proposal includes:

- The demolition of the garage structure and associated concrete driveway to the east of the main house;
- The demolition of the rear service wing of the main house and associated concrete steps and concrete pathway;
- The removal of the corrugated iron water tank and its concrete base at the rear of the house;
- The construction of single-storey semi-detached and detached childcare facility buildings in the rear and western portions of the site. They would have brick and timber walls and a mixture of gable and hip roofs;
- The refurbishment of the existing house for its integration into the childcare facility;
- Minor internal alterations to the main house to achieve access and code compliance;
- New landscaping works including new landscaped areas for the childcare facility, screening planting and trees;
- The early twentieth-century masonry fence posts and metal fencing will be retained and conserved; and
- The construction of a carpark in the eastern portion of the site.

Details of the development proposal have been prepared by ArtMade Architects.

The following drawings were reviewed for the preparation of this report:

| DRAWING NO. | DRAWING TITLE  | ISSUE | DATE     |
|-------------|--|-------|----------|
| A01.01      | Existing & Demolition Plan                             | C     | 20.06.19 |
| A02.01      | Site/ Roof Plan  | C     | 20.06.19 |
| A03.01      | Ground Floor Plan                                      | C     | 20.06.19 |
| A04.01      | External Elevations                                    | C     | 20.06.19 |
| A05.01      | Building Sections                                      | C     | 20.06.19 |
| A06.01      | Site & streetscape analysis plan                       | C     | 20.06.19 |
| A06.02      | Shadow diagrams, 3d perspective & schedule of finishes | C     | 20.06.19 |

## 6.0 ASSESSMENT OF HERITAGE IMPACT

### 6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *Campbelltown Local Environmental Plan (LEP) 2015*, the *Campbelltown Development Control Plan (DCP) 2015* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, contained within the NSW Heritage Manual.

### 6.2 EVALUATION OF THE NSW HERITAGE DIVISION GUIDELINES

The following assessment is based on the assessment criteria set out in the NSW Heritage Office (now Heritage Division) publication '*Statements of Heritage Impact*', contained within the NSW Heritage Manual. The standard format has been adapted to suit the circumstances of this application.

#### DEMOLITION OF A BUILDING OR STRUCTURE

- *Have all options for retention and adaptive reuse been explored?*
- *Can all the significant elements of the heritage item be kept and any new development be located elsewhere on the site?*
- *Is demolition essential at this time or can it be postponed in case future circumstances make it retention and conservation more feasible?*
- *Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If not, why not?*

#### Comment:

The proposal includes the demolition of the garage structure to the east of the house, and the rear service wing on the southern side of the house.

The garage structure is proposed for demolition in order to accommodate part of the proposed carpark in the eastern corner of the site. The garage is likely to date from the c1950s, is constructed in timber framing and has had its external sheeting removed (material not known, but likely to have been fibro asbestos). The garage structure is consequently in very poor condition. The garage makes little contribution to the heritage significance of the site. Its removal is acceptable from a heritage perspective as it will allow the required carparking spaces for the childcare facility and will not detract from the overall heritage significance of the site.

The demolition of the rear laundry wing of the building is proposed in order to accommodate the development at the rear of the existing house. This enables the development to be placed to ensure the heritage item's continued prominence from the street. The demolition of the laundry wing constitutes an acceptable heritage impact as it allows the construction of useable and connected space for the childcare facility at the rear of the property, rather than separating components of the new building on either side of the existing wing. The spatial planning of the childcare centre has been carefully designed in order to integrate the main part of the existing house, and to retain the prominence of the heritage item's three main elevations. Siting the new development at the rear of the building enables a site circulation to use compliant ramps for level change. Comprehensive archival recording of the rear wing prior to demolition will assist in the mitigation of this heritage impact, and in the future understanding of the historical configuration of the place in any interpretation strategies.

#### MINOR PARTIAL DEMOLITION (INCLUDING INTERNAL ELEMENTS)

- *Is the demolition essential for the heritage item to function?*
- *Are important features of the item affected by the demolition (eg fireplaces in buildings)?*
- *Is the resolution to partially demolish sympathetic to the heritage significance of the item (eg creating large square openings in internal walls rather than removing the wall altogether)?*



- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

**Comment:**

In addition to the structures discussed above, elements proposed for removal or demolition include:

Externally:

- Concrete driveway (wheel strips) leading to the garage and associated concrete paths to the west of the garage;
- Concrete paths at the rear (south) of the house;
- Corrugated iron water tank on concrete base;
- Part of the rear (southern) wall of the house and steps; and
- Door and some adjacent wall fabric between the kitchen and the central rear room

Internally:

- Door leading to the southern corner room to be altered to comply with AS 1428.1.

The removal of these elements is proposed in order to accommodate the new development without compromising the form, architectural aesthetic or character of the existing house. Proposed demolition of landscape elements such as concrete pathways and steps, as well as the corrugated iron water tank and its concrete base, is acceptable as these are generally limited to the rear of the house and their removal will not impact on the aesthetics or legibility of the house, nor the overall character of the site. These landscape elements to be removed are not from the early phase of use of the site.

The demolition of the internal door and adjacent wall fabric is proposed in order to meet access requirements and allow the introduction of the new use to the house. The proposed removal of doors and wall fabric is limited and acceptable from a heritage perspective.

Similarly, the proposal to demolish a portion of the southern wall and the associated concrete steps is in order to accommodate a connecting structure between the existing house and the new development, and is aimed at ensuring the integration of the existing house into the new development in terms of function.

**CHANGE OF USE**

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been sought? Has the consultant's advice been implemented? If not, why not?*
- *Does the existing use contribute to the significance of the heritage item?*
- *Why does it need to be changed?*
- *What changes to the fabric are required as a result of the change of use?*
- *What changes to the site are required as a result of the change of use?*

**Comment:**

The subject site is currently vacant and in poor condition. The introduction of the childcare facility constitutes a positive outcome for the site in terms of ensuring its ongoing maintenance and conservation as a heritage item. The upkeep of the site, including maintenance works to the house and regular gardening to the landscaped areas, is an important aspect of retaining its cultural value for the benefit of the community. The proposal has been carefully developed in order to integrate the existing house with the new addition, so that its future use necessitates regular maintenance.

**MAJOR ADDITIONS**

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If not, why not?*
- *Will the additions tend to visually dominate the heritage item?*
- *Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?*

**Comment:**

Proposed additions to the site include:

Additions to the existing house:

- Accessible bathroom and comms/service room in the room to the east of the existing lounge room;
- Refurbishment of the existing kitchen as a staff room with access to the existing WC on the west side of the verandah;
- Use of the eastern verandah room as a laundry; and
- New balustrades along the perimeter of the verandah and new child proof security gate and fence adjacent to the house on the western verandah.

New single-storey childcare facility:

- Southern extension to the house with 2 playrooms, entrance foyer, two cot rooms and associated small service spaces;
- Detached building connected by a covered walkway to contain three playrooms, music/art room, storage rooms, WCs and nappy change facilities;

The proposed alterations to the existing house on the subject site are minor and have been designed to retain the existing form and internal configuration of the house so that its former use as a residence will continue to be understood. External alterations, including the addition of a balustrade, gate and fence on the verandah, are proposed in order to achieve compliance for this use and to ensure the safety of children given the fall from the verandah to the ground on the north and west sides of the house. These additions are minor interventions into existing fabric and largely reversible. This is required for the proposed use of the building as a childcare centre.

Proposed internal alterations and fit-out to the existing house are for its refurbishment for use as a facility for the childcare centre staff, including an accessible WC. The alterations for a new door will allow the new use. Proposed internal alterations acceptable from a heritage perspective because the layout and configuration of the main level of the house will be retained. The building will continue to be understood as a historical residence defined by a central hallway with rooms on either side, and service rooms at the rear. The defining characteristics of the house, which include this configuration, its interior finishes such as the pressed metal ceilings and plaster details, and its external form, will be retained.

The single-storey childcare facility has been designed as a contemporary addition in an architectural language that is sympathetic to the early farmhouse. Sympathetic aspects of the design include its siting, scale, roof forms, broken-up massing and materiality.

The siting of new addition is an important aspect of maintaining the heritage value of the site. The siting at the rear and to the western side of the existing house has been selected so that the prominence of the house and the visibility of its three primary facades are maintained. The house will retain its prominence on the site. The new eaves and roof planes do not exceed the height of the corresponding elements of the farmhouse. This ensure the on-going dominance of the early house on this site.

The separation of the new buildings from the existing house has been achieved with a recessed joint at the rear of the house, leading to the main section of the rear extension. The large new building is offset from the north-western boundary and is joined to the rear extension via a light-weight colonnade.

The design of the addition has been developed as a contemporary addition that is subservient and visually sympathetic to the existing farmhouse. Aspects of the design that demonstrate sensitivity to the architectural character of the house include the roof configuration of varied hips and gables to break up the massing of the new work. There is a skillion roof plane falling from the rear of the existing house in a reasonably traditional manner. It meets the gable of the southern extension. That new building has a recessed joint in the middle that breaks up the massing of the gables and gives a scale of small sheds that could have existed around a farmhouse. This approach is repeated in the building along the north-western side boundary. The building in the western corner has a series of hips that makes for a diversity of traditional roof forms among the new buildings, and separates the new gabled buildings. The use of eaves, Colorbond matte in shale grey, vertical timber cladding and split-face concrete blocks with an affinity for the masonry of the early farmhouse make for a materials palette that can be understood as a new building, but one that defers to the forms and materials of the early farmhouse.

Overall, these aspects of the design ensure that the early farmhouse dominates the site and that the additions are understood as separate, but with the scale of farm buildings that might be located around the rear of a farmhouse. The architectural character of the farmhouse has informed the contemporary yet unassertive architecture of the additions.

#### **NEW LANDSCAPE WORKS AND FEATURES (INCLUDING CARPARKS AND FENCES)**

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*
- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*
- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*
- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*
- *How does the work impact on views to, and from, adjacent heritage items?*

#### **Comment:**

Proposed new landscape elements include:

- New landscaping works for outdoor play areas;
- Garden landscaping around perimeter of outdoor play areas to interpret the early twentieth-century layout of the front garden;
- Retention and conservation of the early twentieth-century fencing along Oxford Road; and
- New carpark in the eastern portion of the site, including new driveways for access from Woodcrest Avenue.

The construction of the carpark will constitute a substantial alteration to the setting of the farmhouse and will compromise its legibility as farmhouse on a rural block. This diminishes the area of the garden setting, though this area does not contain a designed landscape. The loss of garden area and permeable surfaces is necessitated by the carpark and outdoor play area requirements for a childcare centre.

The proposed carpark and the open landscaped area for the outdoor play areas have been located offset from either side of the existing farmhouse in order to retain the prominence of its side facades when viewed from Oxford Road and Woodcrest Avenue, and to retain its original

character as a farmhouse on a rural block. This ensures that the building continues to be viewed in the round and that the symmetry of its architectural design, roof form and the defining feature of the three-sided verandah are understood.

Overall, the landscaping works would allow the site to be adapted for its use as a childcare centre, while enabling it to be interpreted as a former farmhouse. The overall heritage significance of the site will be retained.

### 6.3 HERITAGE OBJECTIVES OF THE CAMPBELLTOWN LEP 2015

The proposed development is acceptable from a heritage perspective, for the following reasons:

- The proposal will introduce a new use to the heritage item, which is currently vacant and in poor condition, and will improve its amenity and security, and promote its ongoing maintenance.
- The proposed additions have been sited to the rear and western side of the farmhouse, so that its dominance over the site is maintained. Its primary elevations, exhibiting the roof form and three-sided verandah, will retain their visibility from Oxford Road and Woodcrest Avenue.
- The design of the additions is sympathetic to the architectural character of the farmhouse.
- The heritage significance of the subject site will be retained through the adaptation and conservation of the farmhouse in a setting that enables its farmhouse former use to be interpretable.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *Campbelltown LEP 2015*, which are:

#### **5.10 Heritage conservation**

##### *(1) Objectives*

*The objectives of this clause are as follows:*

- (a) to conserve the environmental heritage of Campbelltown,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

### 6.4 HERITAGE GUIDELINES OF THE CAMPBELLTOWN (SUSTAINABLE CITY) DCP 2015

The *Campbelltown (Sustainable City) DCP 2015* supports the *Campbelltown LEP 2015* by providing additional objectives and development standards for the conservation of heritage in Campbelltown. Volume 2 of the *Campbelltown (Sustainable City) DCP 2015* contains site specific development controls for certain heritage items, including the subject site, referred to as Woodcrest, in Section 4.3 of the DCP.

#### 6.4.1 SECTION 4.3 WOODCREST HERITAGE ITEM

The objectives of Section 4.3 of the DCP, concerning the heritage conservation of the subject site, include:

- Ensure that Woodcrest heritage item is not dwarfed by future residential development.*
- Ensure that development within the curtilage of Woodcrest House is of appropriate scale, form, colour and siting so as not to significantly impact on the heritage significance of Woodcrest House.*

The controls relevant to the subject proposal include:

- c) External colour and material of new development shall be recessive in nature*



- d) New development shall avoid replicating the architectural elements within the heritage building to prevent creating a false impression of historical development on the site*
- e) The erection of pergolas, outbuildings and the like shall only be permitted where Council is satisfied that such development is of appropriate height, scale, colour and material so as not to detract from the significance of Woodcrest heritage item.*

**Comment**

The proposed adaptation of the site for a childcare centre has been designed as a separate, contemporary addition to the early farmhouse, so that the buildings are understood as being of distinct time periods. The form of the roofs, use of eaves, and the differentiation of materials, are elements of the design that ensure the visual distinction between the two buildings. Overall, the design ensures its appearance as a contemporary addition which references elements of the historic building without replicating them. The new is subservient to the scale and siting of the farmhouse.

The proposed additions are appropriate for the subject site in terms of height and scale, as the Woodcrest farmhouse will be maintained and conserved, and its prominence on the site will be retained.

As such, the proposed development is consistent with the objectives of the *Campbelltown (Sustainable City) DCP 2015* that relate to the subject heritage item.

## 7.0 RECOMMENDATIONS AND CONCLUSION

### 7.1 RECOMMENDATIONS

To mitigate any potentially adverse impacts from the proposal, we make the following recommendations:

- A Photographic Archival Recording of the subject site, which includes an accurate and comprehensive recording of the rear laundry wing, should be carried out prior to any demolition work on the site.
- A Conservation Works Schedule should be prepared for the existing house on the subject site. This Schedule should include the retention, repair and, where necessary the like-for-like replacement, of all significant fabric, including the structure, hand-made blocks, pressed metal ceilings, plaster detailing and significant joinery.

### 7.2 CONCLUSION

The proposed development of the property at 111 Oxford Road, Ingleburn, will have an acceptable impact on the heritage significance of the site, which is listed as an item of local heritage significance on Schedule 5 of the *Campbelltown Local Environmental Plan (LEP) 2015* as 'Woodcrest', item 73.

The proposal will introduce a new use to the heritage item, which is currently vacant and in poor condition, and will improve its amenity and security and promote its ongoing maintenance.

The proposed new additions have been sited to the rear and side of the farmhouse. The new work is scaled so that its dominance on the site is retained. Its primary elevations, exhibiting the three-sided verandah, will retain their visibility from Oxford Road and Woodcrest Avenue.

The design of the addition is sympathetic to the architectural character of the early farmhouse.

The heritage significance of the subject site will be retained.

The proposal is consistent with the heritage objectives of the *Campbelltown LEP 2015* and the *Campbelltown (Sustainable City) DCP 2015*.

Yours Faithfully,  
**NBR**SARCHITECTURE.



**Brad Vale**  
Senior Heritage Consultant

## 4.2 Demolition of existing building and construction of a three storey seniors living development consisting of 14 independent living units at 1 Reddall Street, Campbelltown

### 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

This application proposes a development which requires assessment in accordance with State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (SEPP 65) and proposes to exceed the 'Height of Buildings' standard, in clause 4.3 of the Campbelltown Local Environmental Plan, 2015 (CLEP), by more than 10 percent. Therefore, under Sections 2.19(1)(a) and 4.8(4)(a) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the determining authority for this development application is the Campbelltown Local Planning Panel.

### Executive Summary

- This development application proposes the demolition of an existing building on site and construction of a three-storey 'Seniors Living' development, comprising of 14 independent living units, at 1 Reddall Street, Campbelltown.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP).
- In accordance with Clause 4.3 of the CLEP, the maximum building height for this site is 9m. The development proposes a maximum height of 9.94m which equates to an increase above the 9m maximum by 10.24 percent. Under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the maximum height limit is 8 metres. The development is 24.25 percent above this limit.
- A request was submitted under clause 4.6 of the CLEP 2015 to approve the development despite non-compliance with the relevant height limits. This request is supported having regard to existing and approved development in the neighbourhood and the desired future character detailed in the Glenfield to Macarthur Urban Renewal Corridor Strategy.
- The application was publicly exhibited and notified to adjoining properties from 4 December 2018 to 21 December 2018. In response, two submissions were received which expressed objection to the subject development proposal.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended that the application be approved subject to the recommended conditions of consent specified in attachment 1.



## Purpose

The purpose of this report is to assist the Panel with the determination of the subject application in accordance with the relevant provisions of the EP&A Act.

## Officer's Recommendation

That development application 3598/2017/DA-SL for the demolition of existing building and construction of a three-storey 'Seniors Living' development, comprising of 14 independent living units, at 1 Reddall Street, Campbelltown, be approved subject to the conditions of consent contained in attachment 1

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|                             |  |
|-----------------------------|--|
| <b>Property Description</b> | Lot A in DP 412911, 1 Reddall Street, Campbelltown   |
| <b>Application No</b>       | 3598/2017/DA-SL  |
| <b>Applicant</b>            | Craftsman Homes  |
| <b>Owner</b>                | Jednic Pty Ltd   |
| <b>Statutory Provisions</b> | State Environmental Planning Policy 55- Remediation of Land<br>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004<br>State Environmental Planning Policy (Infrastructure 2007)<br>State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development<br>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment<br>Campbelltown Local Environmental Plan 2015 |
| <b>Other Provisions</b>     | Campbelltown 2027<br>Glenfield to Macarthur Urban Renewal Corridor Strategy<br>Campbelltown (Sustainable City) Development Control Plan 2015   |
| <b>Date Received</b>        | 14 November 2017   |

## History

### Site and Surrounding Locality

The site is rectangular in shape with a north-east (front) boundary measuring 27.372m, south-east (side) boundary measuring 36.614m, south-west (rear) boundary measuring 31.029m and north-west (side) boundary measuring 32.957m. It also has an area of 1,129m<sup>2</sup> with a relatively flat topography.

The subject property is currently occupied by a single storey building with vehicular access provided from Moore Street, at the rear of the site, with another separate crossover located along the Reddall Street frontage.

The locality is characterised by a variety of residential developments including detached dwellings, multi dwelling developments and residential flat buildings, up to three storeys in



**First Floor**

- Five units including two x one-bedroom and three x two-bedroom 'independent living units'.

**Second Floor**

- Five units including two x one-bedroom and three x two-bedroom 'independent living units'.

**Campbelltown 2027**

Campbelltown 2027 is Council's Community Strategic Plan (CSP) for the city which addresses four key strategic outcomes that Council and other relevant 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 most relevant to this application is:

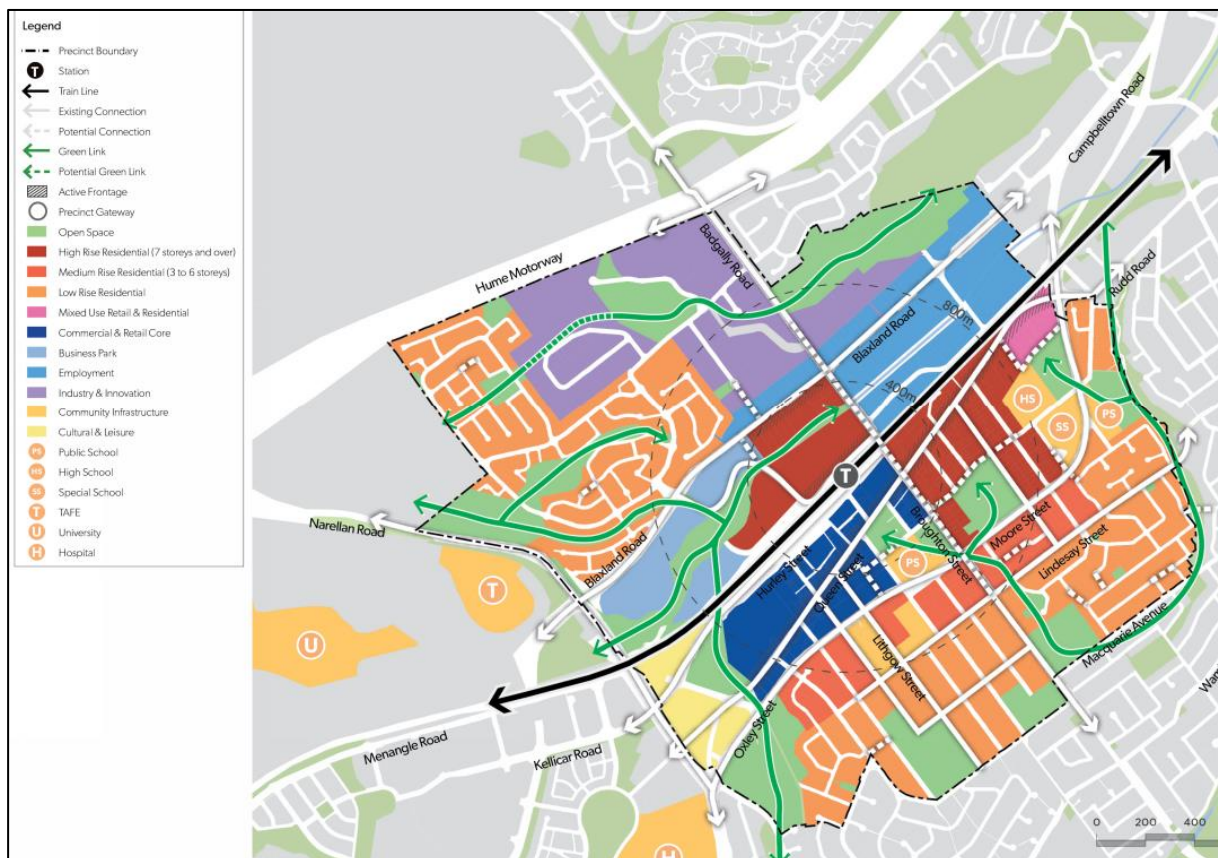
1.8- Enable a range of housing choices to support different lifestyles

The existing site is readily capable of facilitating the proposed development. The proposal appears to be consistent with the above mentioned strategy in terms of contributing to the provision of further Senior's Living housing in order to meet the needs of the growing local population. Further, this proposal also presents a design that is consistent with the desired future character of the neighbourhood.

**Glenfield to Macarthur Urban Renewal Corridor Strategy**

The Glenfield to Macarthur Urban Renewal Corridor Strategy relates to the subject site.

The specified land use of the subject site is identified within this Strategy as being "Medium Rise Residential (3 to 6 storeys)". The proposal reflects the plans within this Strategy which are to provide a variety of housing types within walking distance to the station and to cater for all members of the community; and enable residential, commercial and mixed use buildings between three and six storeys, close 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 this vision and is, therefore, supported. A planning proposal to change CLEP 2015 to implement this part of the strategy has not yet been commenced.



## Report

The development has been assessed in accordance with the 'Matters for Consideration' detailed in Section 4.15 of the EP&A Act.

### 1. Planning Provisions

#### State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

SEPP No. 55 provides a state wide planning approach which aims to promote the remediation of contaminated land in order to reduce the risk of compromising human health or any other aspect of the environment.

As there is no recorded history of any contamination land use being previously undertaken on site, no further geotechnical investigations were considered necessary. Notwithstanding, relevant conditions of consent are recommended requiring the developer to notify and remediate any unexpected contamination discovered during excavation works.

#### 1.1 State Environmental Planning Policy (Infrastructure) 2007

The purpose of the State Environmental Planning Policy (Infrastructure) 2007 is to facilitate the effective delivery of public infrastructure across NSW.



### Clause 101 Development with frontage to classified road

As the subject site does not have direct access onto the State classified Moore-Oxley bypass, the proposed development will not negatively impact its operation as all vehicular access will be obtained via Moore Street. The proposed development previously included the connection of stormwater infrastructure into the Moore-Oxley Bypass in addition to excavating the basement car park which is in close proximity to this classified road. As a result, the application was referred to the RMS for comment on 19 January 2019 who then subsequently provided their response on 15 February 2019.

### Clause 102 Impact of road noise or vibration on non-road development

The proposal includes the construction of residential accommodation adjacent to a State road. As a result, the proposed development is required to comply with this clause. A condition of consent is recommended which requires the preparation and submission of an acoustic report, prior to the issue of a construction certificate, to ensure that the relevant requirements of Clause 102 have been met.

### 1.2 State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (SEPP SL)

SEPP (Housing for Seniors or People with a Disability) 2004 applies to the proposed development. The proposal is defined in the following as “in-fill self-care housing” which is: -

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

An assessment of the application in accordance with SEPP SL is as follows: -

| Clause  | Comment   |
|---|---|
| <b>4 Land to which Policy applies</b>   | The land is zoned <i>R3 Medium Density Residential</i> and dwelling houses are permitted in this zone.  |
| <b>10 Seniors housing</b>   | The proposed development is considered to be a group of self-contained dwellings.   |
| <b>13 Self-contained dwellings</b>  | The proposal is defined as “in-fill self-care housing”.   |
| <b>18 Restrictions on occupation of seniors housing allowed under this Chapter</b>  | Conditions of consent restricting the occupation of the premises are recommended in accordance with (2).  |
| <b>21 Subdivision</b>   | The proposal does not include subdivision.  |
| <b>24 Site compatibility certificates required for certain development applications</b>   | Clause 24 of the SEPP outlines when a site compatibility certificate is required. The site is zoned R3 which permits seniors housing within this zone. Therefore, a site compatibility certificate is not required. |
| <b>26 Location and access to facilities</b><br>Clause 26 of the SEPP requires that a seniors living development must be located within 400 metres of shops, banks, retail services, community and recreation services | The site is located 130m to the nearest bus stop. There are another six stops within 400m distance of this location. The 881, 882 and 883 buses all connect to the Campbelltown CBD which has similar               |

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| and a general practitioner, or be located within 400 metres of public transport that will take residents to within 400 metres of these facilities.  | facilities within 400m of the Dumaresq Street bus stops. The 870 bus also provides access to Campbelltown Mall, Macarthur Square and Campbelltown Hospital.   |
| <b>27 Bushfire prone land</b>   | The site is not located within an identified bushfire prone area so the requirements of Clause 27 are not considered to be applicable in this circumstance.   |
| <b>28 Water and sewer</b>   | All the required water and sewer services have been provided to the site.   |
| <b>29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</b><br>Under clause 29 of the SEPP, the consent authority is to consider whether the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria: | See below.  |
| (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,   | The site is not identified as having any significant environmental value or to contain any known hazards.   |
| (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,  | The subject site is within 3km of the Campbelltown private and public hospitals. It is also in close proximity to the city centre which includes a wide range of medical services including general practitioners, specialists and medical imaging. The proposal is a small scale infill senior's housing project and the surrounding infrastructure is considered to be adequate in terms of accommodating the demands of additional development in this area.   |
| (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.  | The immediate locality includes a mix of detached single storey dwellings interspersed with older style flat building developments that are three storeys in height. It should also be noted that a number of boarding house developments have also been approved in the local area that are generally a maximum of two storeys in height. The height of the development in this R3 zoned precinct is limited to a maximum of 9m under the CLEP 2015. Redevelopments in the local area are generally larger than the original residence's which comprise of small |

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|   | <p>single storey dwellings on large lots. The proposed development exceeds the height controls under both the SEPP SL and CLEP, which is discussed in detail later in this report.</p> <p>It is also noted the site is located within the Campbelltown Precinct Plan which is identified in the Glenfield to Macarthur Corridor Strategy. The specified land use of the subject site is identified within this Strategy as being "Medium Rise Residential (3 to 6 storeys)". As previously highlighted, the proposed development is considered to be consistent with this vision.</p> |
| <p><b>31 Design of in-fill self-care housing</b><br/>Development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.</p> | <p>An assessment of the application against these guidelines is discussed further in this report.</p>   |
| <p><b>33 Neighbourhood amenity and streetscape</b></p>  |   |
| <p>a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p>   | <p>The proposed building is considered to be consistent with the local streetscape and desired future character of the locality.</p>  |
| <p>b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p>  | <p>The site is not located within close proximity to any heritage items or heritage conservation areas.</p>   |
| <p>c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>i. providing building setbacks to reduce bulk and overshadowing, and</p>   | <p>The proposed development is not considered to result in adverse impacts on the adjoining neighbours' amenity. The proposed setbacks are considered to reduce visual bulk and overshadowing from the completed building.</p>  |



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| ii. using building form and siting that relates to the site's land form, and  | The proposed building is considered to be designed to respond with the relatively flat topography of the site.  |
| iii. adopting building heights at the street frontage that are compatible in scale with adjacent development, and   | The proposed three storey height is consistent with existing older style residential flat buildings in the locality and reflects the desired future character of this area as outlined within the Campbelltown Precinct Plan.   |
| iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and   | The proposed development is appropriately setback from all property boundaries.   |
| d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and | The proposal provides a 5m front setback to the proposed balconies and a minimum 6.3m front setback to the front of the building. The SCDCP generally outlines a front setback of 5.5m for residential development and a 4m front setback for multi-dwelling development in the R3 zone. The proposed front setback is considered to be generally consistent with the SCDCP and is, therefore, supported. |
| e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and  | The proposed landscaping is considered to be acceptable as it exceeds that which exists in the front setbacks of other surrounding properties. The increase in landscaping is also consistent with the desired level of work necessary for this site which will ultimately enhance the character of the local area.   |
| f) retain, wherever reasonable, major existing trees, and   | The proposal includes the removal of five existing trees from the site. The sizes of the trees are not considered to be significant. They are all predominantly exotic species which will be replaced with native vegetation that is endemic to the local area.   |
| g) be designed so that no building is constructed in a riparian zone.   | There are no riparian zones on or adjacent to the site.   |

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| <b>34 Visual and acoustic privacy</b>   |   |
| a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and   | The proposed development has been designed to mitigate any overlooking onto adjoining properties located on the southern and western sides of the site. The location of windows and balconies have also been oriented to the street frontages in order to mitigate any potential overlooking onto these private properties.   |
| b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.   | The development is designed to provide bedrooms at the rear of the site which will reduce any potential acoustic impacts from Moore and Reddall Streets. The basement car park access ramp is not located in close proximity to any of the proposed bedrooms or adjoining dwellings.  |
| <b>35 Solar access and design for climate</b><br>a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and   | The proposed development has been designed to ensure the adjoining properties and private open space areas at 3 Reddall Street and 68 Moore Street will continue to receive a minimum of three hours solar access on the winter solstice (21 June). The dwelling to 3 Reddall Street will experience increased overshadowing to bedroom and bathrooms windows, however, the proposal will not impact any living rooms windows located on the southern side of the building. |
| b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.   | The design of the proposed development provides each dwelling with a balcony and adjoining living area which will continue to achieve a minimum of three hours solar access over the course of the day.   |
| <b>36 Stormwater</b><br>The proposed development should:<br><br>a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and | The applicant has submitted a stormwater management plan which demonstrates that all resultant discharges from the site will be conveyed to a single disposal point located at the rear of the site, adjacent to the Moore Street service way.<br><br>The subject site has a sufficient level of deep soil area in order to absorb a considerable co-efficient of stormwater run-off.   |

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| b) include, where practical, on-site stormwater detention or re-use for second quality water uses.  | Two rainwater tanks will be provided in the front setback to collect stormwater for reuse on site.   |
| <p><b>37 Crime prevention</b><br/>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> | The proposed development has been designed to facilitate casual surveillance of both street frontages and the entries to each dwelling.  |
| b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and   | The proposed shared entry has secure access.   |
| c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.   | The proposed development has a secure design which provides for adequate passive surveillance of the street frontages. Additional measures have been employed within the complex to ensure people seeking to enter the premises are required to pass through an entrance gate to Moore Street or Reddall Street. |
| <p><b>38 Accessibility</b><br/>The proposed development should:</p> <p>a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p>  | The proposed development has clear pedestrian links to Reddall Street and access to a wide range of public transport services.   |
| b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.  | The proposed development has clear and level access to the pedestrian footpath network which connects with local bus stops. Pedestrian access is completely separate to the vehicular access to the site.  |
| <p><b>39 Waste Management</b><br/>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>   | The proposed development includes a suitable waste storage area on the ground floor level.   |

#### 40. Development standards – minimum sizes and building height

An assessment against the development standards is presented below:

| Control       | Required  | Proposed  | Compliance                           |
|---------------|---|---|--------------------------------------|
| Site Size     | Min. 1,000m <sup>2</sup>                        | 1129m <sup>2</sup>  | Yes                                  |
| Site Frontage | Min 20 metres wide                              | 31m   | Yes                                  |
| Height        | Where RFB's not permitted 8 metres              | The applicant has submitted a request to vary the development standard. See discussion below.                                 | No - Clause 4.6 variation submitted. |
|               | Two storeys for buildings adjacent to boundary. | The building is three storeys in height, but is setback 1.8m to the eastern boundary.   |                                      |
|               | 1 storey for building in rear 25% of the site   | The building requires an 8m rear setback for the rear 25% of the site. The building has a 7.88m setback to the rear boundary. |                                      |

#### 41 Standards for self-contained dwellings

In accordance with clause 41 of SEPP SL, a consent authority must not grant approval to a development application, made pursuant to this Chapter, unless the proposal complies with the standards specified in Schedule 3 of this Policy. Despite the numerous provisions specified in this Schedule, a self-contained dwelling (or part thereof) which is located above the ground floor, in a multi-storey building, is not required to meet compliance with these provisions if the application was lodged by, or on behalf of, a social housing provider.

As the development application has not been lodged by a social housing provider, nor does it make any reference to such an entity operating the completed dwellings, these clauses are relevant during the determination of this DA.

The submitted access report provided an assessment against all the relevant clauses listed under Schedule 3 of the SEPP. The report states that the proposal meets adequate compliance with these provisions so relevant conditions are recommended to ensure satisfactory compliance with this requirement.

### 50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse a development application, made pursuant to this Chapter, on any of the grounds outlined in the table below. It is also important to note that this clause does not require a development proposal to meet comprehensive compliance with these provisions.

| Control                           | Required  | Proposed   | Compliance                 |
|-----------------------------------|---|--|----------------------------|
| Building Height                   | 8m  | The proposed maximum height is 9.94m. See discussion below.  | No – see discussion below. |
| Density and Scale                 | 0.5:1   | The proposed FSR of 0.7:1 is intended to reflect a similar floor area to “multi dwelling development” which have a maximum FSR of 0.75:1 under the CLEP. | No – See discussion below. |
| Landscaped Area                   | a minimum of 30% of the area of the site is to be landscaped,   | The proposal provides 32% landscaped area.   | Yes                        |
| Deep Soil Zones                   | If, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres, | The development proposes a deep soil area of 296m <sup>2</sup> which is 26% of the site.   | Yes                        |
| Solar Access                      | if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,  | All dwellings will receive a minimum of 3 hours solar access on the winter solstice (21 June)  | Yes                        |
| POS for in-fill self-care housing | (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in   | There are four ground floor units which have terraces orientated toward the front  | Conditioned                |

|         |   |  |     |
|---------|---|--|-----|
|         | <p>part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> | <p>of the building. Each terrace is less than 15sqm, with the actual building being setback 5m from these terraces. The front setback also has sufficient space to accommodate an increase in the terrace areas to 15sqm to satisfy SEPP SL. A condition of consent has been recommended in this regard.</p> |     |
| Parking | (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider,   | The proposal requires a total of 12 car parking spaces and 14 car parking spaces are proposed on site.   | Yes |

## 1.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

In accordance with Clause 31 of SEPP SL, in determining a development application made for the purpose of in-fill self-care housing, the consent authority must take into consideration the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development which was published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

An assessment of the application against these guidelines is as follows: -

| Design Principle and Better Practices Required  | Proposed  |
|---|---|
| <b>Responding to Context</b>  |   |
| <b>Street layout and hierarchy</b> - What is the pattern and hierarchy of streets in the local area? Are there opportunities for introducing new streets or lanes? How does the built form vary between different types of streets? What are the patterns of planting in the streets and gardens? What are the typical front setbacks and building heights? Where are there anomalies to any of these patterns and why? | The site is a corner allotment and is larger in area than that which exists on other surrounding residential properties. No new streets or modifications to the existing road hierarchy are proposed as part of this application. |
| <b>Block and lots</b> – What are the predominant block and lot patterns? How have these changed over time (for example by subdivision and amalgamation)? What are   | The original block and lot patterns do not appear to have been substantially modified by further subdivision from the original  |

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| the typical lot sizes, shape and orientation? Which lots are better for intensification and which are not? Is amalgamation necessary to support future development? Are there any corner sites, sites with two street frontages, or sites that are relatively wide or shallow and are therefore more suitable for intensification?  | development of the local area.<br><br>The subject site is a corner lot with two street frontages.   |
| <b>Built environment</b> - Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing? Is there a regular rhythm of spaces between them? What are the atypical buildings? Should particular streetscapes and building types be further development or discouraged?   | The surrounding development has an established character of detached single dwellings interspersed with residential flat buildings and multi dwelling developments.<br><br>The proposed front setback measures 5 metres, which is similar to that of other adjacent properties. Given the age of the building stock in the local area, further development is likely.             |
| <b>Trees</b> - Where are the significant trees and landscapes in the neighbourhood? Are there street trees, and is so what species and spacing? What are the patterns of planting in the front and rear gardens? Could new development protect and enhance existing vegetation?   | The proposal includes the removal of five existing exotic trees from the site. The proposed development includes new planting to the boundaries which will significantly enhance the completed development.   |
| <b>Policy environment</b> – What are the key characteristics of an area as identified by the Council? How might these be accommodated in the design of new development for the area? Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?   | The subject area does not have any specific characteristics prescribed by Council controls.   |
| <b>Site Planning and Design</b>   |   |
| <b>Objectives:</b><br><br>– To minimise the impact of new development on neighbourhood character<br><br>– To retain existing natural features of the site that contribute to neighbourhood character<br>– To provide high levels of amenity for new dwellings<br><br>– To maximise deep soil and open space for mature tree planting, water percolation and residential amenity<br><br>– To minimise the physical and visual dominance of car parking, garaging and vehicular circulation<br><br>– To provide housing choice through a range of dwelling sizes. | The proposed development enhances the character of the surrounding locality.<br><br>The proposed dwellings will have a high level of amenity with north-east facing private balconies.<br><br>An ample amount of open space and deep soil planting is proposed.<br><br>Car parking areas are located in the basement.<br><br>Dwelling sizes are proposed between 53sqm and 64sqm. |
| <b>General</b><br><br>• Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the<br><br>• Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car  | The proposed development will provide a satisfactory level of internal and external amenity for each unit, while also minimising any detrimental impacts on adjoining neighbours.   |



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| <p>parking. This can also provide variety in massing and scale of built form within the development</p>   | <p>The development proposes nine (9) x two bedroom dwellings and five (5) x one bedroom dwellings. The proposal includes one car parking space per dwelling in the basement car park.</p>  |
| <p><b>Built Form</b></p> <ul style="list-style-type: none"> <li>• Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a street</li> <li>• Parts of the development towards the rear of the site should be more modest in scale to limit the impacts on adjoining properties</li> <li>• Design and orient dwellings to respond to environment conditions: <ul style="list-style-type: none"> <li>- orient dwellings on the site to maximise solar access to living areas and private open space</li> <li>- locate dwellings to buffer quiet areas within the development from noise.</li> </ul> </li> </ul>  | <p>The building has a primary frontage to Reddall Street with a secondary street frontage located on Moore Street.</p> <p>The proposed dwellings are sufficiently setback from the side and rear boundaries to minimise impacts on adjoining properties.</p> <p>Solar access will be provided to 100% of the proposed dwellings which is consistent with <i>SEPP (Affordable Rental Housing)</i>.</p> <p>The development is suitably located and noise impacts are able to be suitably ameliorated.</p>  |
| <p><b>Trees, landscaping and deep soil zones</b></p> <ul style="list-style-type: none"> <li>• Maintain existing patterns and character of gardens and trees: <ul style="list-style-type: none"> <li>- retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape</li> <li>- retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep soil planting</li> <li>- retain large or otherwise significant trees on the other parts of the site through sensitive site planning</li> <li>- where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees</li> </ul> </li> <li>• Improve amenity by increasing the proportion of the site that is landscaped area by: <ul style="list-style-type: none"> <li>- increasing the width of the landscaped areas between the driveways and boundary fences, and between driveways and new dwellings</li> <li>- providing pedestrian paths</li> <li>- reducing the width of driveways</li> <li>- providing additional private open space above the minimum requirements</li> <li>- providing communal open space</li> <li>- increasing front, rear and/or side setbacks</li> <li>- Providing small landscaped areas between garages, dwelling entries, pedestrian paths, driveways, etc.</li> </ul> </li> </ul> | <p>New planting will minimise the impact of the development on the streetscape.</p> <p>All rear vegetation that is proposed for removal is generally not native to the local area and will be replaced during the redevelopment of the site.</p> <p>Existing trees on the subject site are not significant enough to warrant them being retained.</p> <p>Several new mature and semi-mature trees will be provided. This can be ensured by way of a condition on any issued consent.</p> <p>Adequate landscaping will also be provided between the completed dwellings, driveways and fences</p> <p>Separate pedestrian access has been provided to the development.</p> <p>Driveway widths are appropriate for the site frontage.</p> <p>The level of private open space is appropriate given the size of the dwellings. Communal open space has been provided. Front, side and rear setbacks adequately comply with SCDP 2015.</p> |

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| <ul style="list-style-type: none"> <li>• Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees: <ul style="list-style-type: none"> <li>- it is preferable that at least 10% of the site area is provided as a single area at the rear of the site, where there is opportunity to provide a mid-block corridor of trees within a neighbourhood</li> <li>- where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern</li> </ul> </li> <li>• Minimise the impact of higher site cover on stormwater runoff by: <ul style="list-style-type: none"> <li>- using semi-pervious materials for driveways, paths and other paved areas</li> <li>- using on-site detention to retain stormwater</li> </ul> </li> </ul> | <p>Adequate landscaping will be provided between dwelling entries, pedestrian paths, and driveways, etc.</p> <p>Adequate deep soil planting zones will be provided with a consolidated area located within the rear setback.</p> <p>A pattern of deep soil planting will also be implemented within the front setback.</p> <p>An adequate amount of pervious area has been provided on site which will minimise stormwater runoff.</p> <p>On site detention has not been provided.</p>  |
| <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>• Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approached to garages</li> <li>• Where possible maintain existing crossing and driveway locations on the street.</li> </ul>  | <p>A basement car park is proposed with a single driveway crossover. The existing driveway crossover will be replaced and upgraded.</p>   |
| <p><b>Impacts on Streetscape</b></p>  |   |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>- To minimise impacts on the existing streetscape and enhance its desirable characteristics</li> <li>- To ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scale appropriately in relation to the existing streetscape</li> <li>- To minimise dominance of driveways and car park entries in the streetscape</li> <li>- To provide a high level of activation and passive surveillance to the street</li> </ul>   | <p>The streetscape presentation of the proposed development is considered to be satisfactory. The subject proposal will enhance and encourage future development in the locality.</p> <p>Front setbacks and landscaping provisions appear consistent with, and sympathetic to, adjoining development</p> <p>The proposed landscape provisions will also minimise the prominence of driveways on site.</p> <p>The proposed dwellings address the street frontage in addition to promoting passive surveillance of the public domain.</p> |
| <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Respond to the desired streetscape character by: <ul style="list-style-type: none"> <li>- locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation, driveway locations, pedestrian entries, etc.)</li> <li>- providing a front setback that relates to adjoining development</li> </ul> </li> </ul>  | <p>The proposed development is sympathetic to the existing streetscape. The design and corner location of the buildings appears to reduce the impact of the development on the existing streetscape.</p> <p>The front setback will be similar to adjoining development in addition to meeting adequate compliance with the SCDGP.</p>   |

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| <p><b>Built Form</b></p> <ul style="list-style-type: none"> <li>• Reduce the visual bulk of a development by: <ul style="list-style-type: none"> <li>- breaking up the building massing and articulating building facades.</li> <li>- allowing breaks in rows of attached dwellings</li> <li>- using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character.</li> <li>- setting back upper levels behind the front building façade.</li> <li>- where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses.</li> <li>- reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements.</li> <li>- using a roof pitch sympathetic to that of existing buildings in the street.</li> <li>- avoiding uninterrupted building facades including large areas of painted render.</li> </ul> </li> </ul>                               | <p>The appearance of the building mass has been reduced as a result of incorporating a flat roof design.</p> <p>Adequate articulation is proposed.</p> <p>A variety of colours and materials are proposed and have been incorporated into the building design. The proposed windows and door openings also provide sufficient fenestration to this concept.</p> <p>This location of locating second storeys in the roof space is not considered to be necessary for the subject proposal.</p> <p>No attic rooms are proposed.</p> <p>The proposed building façade and flat roof are considered to be suitably designed and will enhance the existing streetscape.</p>   |
| <p><b>Trees, landscaping and deep soil zones:</b></p> <ul style="list-style-type: none"> <li>• Retain existing trees and planting in front and rear setbacks and the road reserve. Where this is not possible or not desirable use new planting in front setback and road reserve, and plant in front of front fences to reduce their impact and improve the quality of the public domain.</li> </ul>   | <p>The proposal seeks to remove all existing exotic trees from the site which will be replaced by advanced stock native trees.</p>  |
| <p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>• Clearly design open space in front setbacks as either private or communal open space</li> <li>• Define the threshold between public and private space, for example by level change, change in materials, fencing, paving and/or signage</li> <li>• Design dwellings at the front of the site to address the street</li> <li>• Provide a high quality transition between the public and private domains by: <ul style="list-style-type: none"> <li>- designing pedestrian entries where possible to be directly off the street</li> <li>- for rear residents, providing a pedestrian entry that is separate from vehicular entries</li> <li>- designing front fences to provide privacy where necessary, but also to allow for surveillance of the street</li> <li>orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings</li> <li>- locating and treating garbage storage areas with switchboards so that their visual impact on the public domain is minimised.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>- Adequately sized areas have been provided within the rear setback which will be dedicated as communal open space.</li> <li>- Proposed fencing will provide a distinct separation between the public and private open space areas.</li> <li>- All unit frontages address the street.</li> <li>- High quality transition has been provided between the public and private domains.</li> <li>- Two pedestrian entrances are proposed to a communal entry.</li> </ul> <p>The development will not result in any rear residents.</p> <ul style="list-style-type: none"> <li>- Proposed fencing and landscaping will provide privacy and permit casual surveillance from the public domain.</li> <li>- The waste storage areas will not be visible from either streetscape.</li> </ul> |

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| <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>• Avoid unrelieved, long, straight driveways that are visually dominated by: <ul style="list-style-type: none"> <li>– varying the alignment of driveways to avoid a ‘gunbarrel’ effect</li> <li>– setting back garages behind the predominant building line to reduce their visibility from the street</li> <li>– considering alternative site designs that avoid driveways running the length of the site</li> </ul> </li> <li>• Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> <li>– terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking</li> <li>– using planting to soften driveway edges</li> <li>– varying the driveway surface material to break it up into a series of smaller spaces (for example delineate individual dwellings)</li> <li>– limiting driveway widths on narrow sites to single carriage width with passing points</li> <li>– providing gates at the head of driveways to minimise visual pull of the driveway</li> </ul> </li> <li>• Locate or screen all parking to minimise visibility from the street.</li> </ul> | <p>The subject application does not propose any ‘long barrelled’ driveways and the intended length/configuration of the one proposed is considered appropriate for the scale of this development.</p> <p>No individual garages are proposed.</p> <p>Landscaping within the front setback will alleviate views of the full driveway length.</p> <p>Proposed planting will also soften the edges of the intended driveway.</p> <p>All car parking spaces will be located within the basement floor area.</p> |
| <p><b>Impacts on neighbours</b></p>   |  |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>– to minimise impacts on the privacy and amenity of existing neighbouring dwellings</li> <li>– to minimise overshadowing of existing dwellings and private open space</li> <li>– to retain neighbours’ views and outlook to existing mature planting and tree canopy</li> <li>– to reduce apparent bulk of development and its impact on neighbouring properties</li> <li>– to provide adequate building separation</li> </ul>   | <p>Privacy/amenity impacts onto neighbouring properties are considered to be satisfactory.</p> <p>Overshadowing of adjoining dwellings will be minimal.</p> <p>Existing trees in the rear setback will not be retained as they are not considered significant enough for retention.</p> <p>The bulk of the development is reduced within the proposed rear setback which adjoin other private properties.</p> <p>Adequate building separation is proposed.</p>   |
| <p><b>Built Form</b></p> <ul style="list-style-type: none"> <li>• Design the relationship between buildings and open space to be consistent with the existing patterns in the block: <ul style="list-style-type: none"> <li>– where possible maintain the existing orientation of dwelling ‘fronts’ and ‘backs’</li> <li>– where the dwelling must be orientated at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impact on privacy of neighbours</li> </ul> </li> <li>• Protect neighbours’ amenity by carefully designing bulk and scale of the new development to relate to</li> </ul>   | <p>The proposed building will be orientated in a similar manner to the building which currently exists on these sites.</p> <p>The design of the development seeks to maximise solar access to the proposed</p>   |

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| <p>the existing residential character, by example:</p> <ul style="list-style-type: none"> <li>- setting upper storeys back behind the side or rear building line</li> <li>• Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure</li> <li>• Design second storeys to reduce overlooking of neighbouring properties, for example by: <ul style="list-style-type: none"> <li>- incorporation them within the roof space and providing dormer windows</li> <li>- offsetting openings from existing neighbouring windows or doors</li> </ul> </li> </ul> <p>• Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks.</p>  | <p>dwellings and other adjoining properties. Substantial setbacks to the side boundaries have been provided in order to facilitate solar access.</p> <p>The roof form has been 'broken down' in order to reduce any unsightly visual bulk of the proposed buildings on site.</p> <p>The development will be substantially setback from neighbouring properties in accordance with the requirements specified in SCDCP 2015.</p> <p>The buildings have been sufficiently setback from all side and rear boundaries.</p> |
| <p><b>Trees, landscaping and deep soil zones</b></p> <ul style="list-style-type: none"> <li>• Use vegetation and mature planting to provide a buffer between new and existing dwellings</li> <li>• Locate deep soil zones where they will provide privacy between new and existing dwellings</li> <li>• Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings</li> <li>• For new planting, if possible, use species that are characteristic of the local area.</li> <li>•</li> </ul>   | <p>Substantial landscaping will be provided to all boundaries.</p> <p>Deep soil zones will allow for planting of large trees to improve privacy.</p> <p>Satisfactory landscaping will be provided within the side and rear setbacks.</p> <p>Most species have been selected from the Campbelltown Native Gardening Guide.</p>  |
| <p><b>Residential amenity</b></p> <ul style="list-style-type: none"> <li>• Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation</li> <li>• Design dwellings so that they do not directly overlook neighbours' private open space or into existing dwellings</li> <li>• When providing new private open space minimise negative impacts on neighbours, for example by <ul style="list-style-type: none"> <li>- locating it in front setbacks where possible</li> <li>- ensuring that it is not adjacent to quiet neighbouring uses, for example bedrooms</li> <li>- designing dwellings around internal courtyards</li> <li>- provide adequate screening</li> </ul> </li> </ul> <p>Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation.</p> | <p>The shadowing impact of the proposal on neighbouring properties will be minimal.</p> <p>Adequate building separation will be provided between the proposal and existing dwellings on adjoining sites. In addition, balconies are not oriented towards private dwellings.</p> <p>Open space locations have been determined by unit locations which are considered to be appropriate for the proposed development.</p> <p>Satisfactory landscaping will be provided within all setbacks.</p>                          |
| <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>• Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts</li> <li>• Position driveways so as to be a buffer between new and existing adjacent dwellings</li> </ul>  | <p>Landscaping will be provided near the driveway and along property boundaries to screen noise and reduce visual impacts.</p> <p>The driveway will also form a buffer between new and adjacent dwellings on adjoining properties.</p>   |

| <b>Internal Site Amenity</b>   |  |
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| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>- to provide quality useable private and communal open spaces for all residents</li> <li>- to provide dwellings that have distinct identity and safe entries</li> <li>- to provide safe and distinct pedestrian routes to all dwellings and communal facilities</li> <li>- to ensure adequate solar access to living areas and private open space</li> <li>- to reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development</li> </ul>   | <p>A communal open space area is proposed to the rear setback.</p> <p>Each dwelling will have a safe and distinct entry.</p> <p>Safe and distinct pedestrian routes are provided throughout the development.</p> <p>Each dwelling will have adequate solar access to living areas and private open space.</p> <p>Vehicular circulation areas are located within the property and are not visually prominent when viewed from the streetscape.</p>  |
| <p><b>Built form</b></p> <ul style="list-style-type: none"> <li>• Design dwellings to maximise solar access to living areas and private open spaces</li> <li>• In villa or townhouse style developments, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation</li> <li>• Provide buffer spaces and/or barriers between the dwellings and driveways, or between dwellings and communal areas</li> <li>• Use trees, vegetation, fencing, or screening devices to establish curtilages for individual dwellings</li> <li>• Design dwelling entries so that they are clear and identifiable from the street or driveway</li> <li>• Provide a buffer between public/communal space and private dwellings</li> <li>• Provide a sense of address for each dwelling</li> <li>• Dwellings are orientated to not look directly into other dwellings</li> </ul> | <p>Each dwelling will have adequate solar access provided to living areas and private open space areas.</p> <p>A variety of colours and materials are proposed to be used in the construction of the subject development proposal.</p> <p>Buffer planting will be provided between the dwellings and driveway.</p> <p>Proposed vegetation and fencing will establish individual curtilages.</p> <p>The main entries will appear clear and identifiable from the proposed driveway. Landscaping and fencing will be provided as a buffer between the proposed communal and private space areas.</p> <p>The colours and materials proposed to be applied to the building façades provide a sense of address when viewed from the public domain.</p> <p>The units are designed to overlook the two street frontages rather than the adjoining private properties.</p> |
| <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>• Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths: <ul style="list-style-type: none"> <li>- where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy</li> </ul> </li> <li>• Avoid large uninterrupted areas of hard surface (driveways, garages, walls). Small areas of planting can break these up and soften their 'hard</li> </ul>  | <p>Unit 9 is located above the basement ramp, which is considered to be acceptable.</p> <p>Sufficient planting will be provided to soften any hard edges.</p>  |

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| <p>edge' appearance</p> <ul style="list-style-type: none"> <li>• Screen parking views and outlooks from dwellings</li> <li>• Reduce the dominance of areas for vehicular circulation and parking by considering: <ul style="list-style-type: none"> <li>– single rather than double width areas with passing bays</li> <li>– communal car courts rather than individual garages</li> <li>– single rather than double garages</li> <li>– tandem parking or a single garage car port in tandem</li> <li>– the provision of some dwellings without any car parking for residents without cars</li> </ul> </li> </ul>   | <p>Views of parking spaces from dwellings will be suitably screened using appropriate landscaping and fencing.</p> <p>The proposed basement car park provides ample areas for car parking which will not be visually prominent within the streetscape due to being appropriately screened by the proposed buildings on site.</p>  |
| <p><b>Residential amenity</b></p> <ul style="list-style-type: none"> <li>• Provide distinct and separate pedestrian and vehicular circulation on the site: <ul style="list-style-type: none"> <li>– where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely</li> <li>– provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking spaces</li> </ul> </li> <li>• Ensure that adequate consideration is given to safety and security by: <ul style="list-style-type: none"> <li>– avoiding ambiguous spaces in building and dwelling entries that are not obviously designated as public or private</li> <li>– minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks</li> <li>– clearly identifying thresholds between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage)</li> </ul> </li> <li>• Provide private open space that: <ul style="list-style-type: none"> <li>– is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen)</li> <li>– is orientated predominantly north, east or west to provide solar access</li> <li>– comprises multiple spaces for larger dwellings</li> <li>– uses screening for privacy but also allows casual surveillance when located adjacent to public or communal areas (including streets and driveways)</li> <li>– provides both paved and planted areas when located at ground level</li> <li>– retains existing vegetation where practical</li> <li>– uses pervious pavers where private open space is predominantly hard surfaced, to allow</li> </ul> </li> </ul> | <p>A separate pedestrian access will be provided to each dwelling.</p> <p>Sufficient pedestrian access is available to all dwellings.</p> <p>Dwelling entries are clearly identified.</p> <p>Minimal concealment opportunities exist within the development. A lighting plan is required to ensure clear external lighting of the car park and open space areas.</p> <p>Distinction between public and private spaces is clearly identified by landscaping, fencing and level changes.</p> <p>Private open spaces will be located adjacent to the living areas of each dwelling.</p> <p>Private open space is oriented to the north with some dwellings having larger courtyards</p> <p>The size of the private open space areas are relative to the size of each dwelling.</p> <p>Private open space areas will be screened by fences in addition to providing casual surveillance of these areas.</p> <p>Paved and planted areas will also be provided.</p> |



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| <p>for water percolation and reduced runoff</p> <ul style="list-style-type: none"> <li>• Provide communal open space that: <ul style="list-style-type: none"> <li>- is clearly and easily accessible to all residents and easy to maintain</li> <li>- incorporates existing mature trees and vegetation to provide additional amenity for all residents</li> </ul> </li> <li>• includes shared facilities such as seating areas and barbeques to permit resident interaction</li> </ul> <p>Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any communal open space.</p> | <p>It was not considered practical to retain all existing vegetation on site.</p> <p>Private open spaces area will be implemented/constructed using impervious floor tile material.</p> <p>A communal open space area has been provided within the rear setback.</p> <p>The communal open space area is in addition to the private open space areas provided for each dwelling.</p> <p>The bin storage area is not visible from the communal open space area and will not be visually prominent from the street.</p> |
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#### 1.4 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)

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 which is applicable to development proposing the following: -

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 this requirement and is, therefore, required to be assessed in accordance with this policy.

Part 4 of SEPP 65 states that a development application proposing any residential flat development must be accompanied by a design verification from a qualified designer, which confirms that: -

- (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 Steven Donaghey of SD Architecture ref 7885.

The application was assessed against the 9 design quality principles specified in SEPP 65 with responses to each of these requirements detailed in the Table (1) below: -

**Table 1: Assessment against the 9 Design Quality Principles under SEPP 65**

| Principle                                 | Planning Comment   |
|---|--|
| 1. Context & Neighbourhood Character      | The proposal is considered to be acceptable with regard to the context of the proposal within the wider neighbourhood.   |
| 2. Built form & Scale                     | The proposed built form and scale of the development is considered to be appropriate for the subject site and the surrounding locality.  |
| 3. Density                                | The density of the development is considered to be appropriate, given that the applicant has demonstrated the proposal does not exceed the maximum floor space ratio for development within the zone and the proposed number of units is not considered to be excessive for the site area. |
| 4. Sustainability                         | The applicant has provided a BASIX Certificate to demonstrate the proposal employs appropriate sustainability measures.  |
| 5. Landscape                              | The applicant has provided a landscape plan which demonstrates an appropriate level of landscaping has been provided to satisfy the principles of SEPP 65.   |
| 6. Amenity                                | The proposed development provides for an appropriate level of amenity and units are provided with compliant levels of solar access, outlook, ventilation and privacy.  |
| 7. Safety                                 | The proposed development is considered to provide appropriate safety measures and provides for passive surveillance of the street.   |
| 8. Housing Diversity & social interaction | The proposed development provides for seniors housing which will increase housing diversity within an area that is close to social infrastructure.   |
| 9. Aesthetics                             | The proposed mix of colours and building materials is considered to be similar to surrounding development and employs a variety of materials to create visual interest.  |

**Table 2: Apartment Design Guide**

Clause 30(2)(c) of SEPP 65 states that during the determination of a development application, proposing to construct a residential flat development, the consent authority must also take into consideration the Apartment Design Guide (ADG). Where the current proposal departs from these guidelines, the objectives of the recommended standards must, alternatively, be met. An assessment of the application in accordance with the ADG is demonstrated in the below table: -

| CONTROL  | PROPOSAL   | COMPLIANCE |
|--|--|------------|
| <b>Part 1: Identifying the context</b>   |  |            |
| <b>1A: Apartment Building Types</b><br>Narrow Infill Apartments                            | The proposed development is defined as seniors living development in the form of residential apartment buildings.  | Yes        |
| <b>1B: Local Character and Context</b><br>Urban Neighbourhoods/<br>Suburban Neighbourhoods | The subject site is located within the R3 zone which is envisaged to provide diversity in the provision of residential accommodation.<br><br>The proposed development is consistent with the desired future character of the area as an urban neighbourhood. | Yes        |

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| <b>1C Precincts and individual sites</b><br>Individual Sites   | The proposed development is an individual site   | Yes  |
| <b>Part 2: Developing the controls</b>   |  |  |
| <b>2C: Building Height</b>   | <p>The maximum height of building development standard in CLEP 2015 applicable to the subject site is 9m. The maximum height in the SEPP SL is 8m.</p> <p>The proposed development has a maximum height of 9.94m. This is considered reasonable in the context of the site, the nearby development (existing and approved) and the desired future character for the area.</p>  | No –<br>Further addressed in section 1.4 of this report. |
| <b>2D: Floor Space Ratio</b><br>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 0.7:1. No FSR applies for the site under the CLEP 2015. It is considered the proposed floor space ratio is consistent with the 'floor space ratio' objectives outlined within the ADG  | Yes  |
| <b>2E: Building depth</b><br>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line   | The apartment buildings will not exceed 12m in depth   | Yes  |
| <b>2F: Building separation</b><br><b>Up to four storeys</b><br>12 between habitable rooms/balconies<br>9m between habitable and non-habitable rooms<br>6m between non-habitable rooms  | <p>The site does not adjoin other residential flat buildings. The proposed development has a substantial building separation to the rear boundary, which meets the building separation requirements to the 'habitable areas' of dwellings on adjoining sites.</p> <p>The proposed 1.8m side setback to 3 Reddall Street is considered to be acceptable as there are no windows on the eastern elevation of the building which result in privacy impacts on this or any other adjoining residential properties.</p> | Yes  |
| <b>2G Street setbacks</b><br>Street setbacks to be consistent with existing/desired future setbacks.<br><br>In conjunction with height controls, consider secondary upper level setbacks to:<br>• reinforce the desired scale of buildings at the street frontage<br>• minimise overshadowing of the street and other buildings<br><br>To improve passive surveillance, promote setbacks | <p>The site is located on a corner block with two street frontages to Reddall Street and Moore Street.</p> <p>The proposed setbacks are consistent with those required for a 3 storey, residential building in a R3 "Medium density residential" zone.</p>   | Yes  |

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| which ensure a person on a balcony or at a window can easily see the street   |  |     |
| <b>2H: Side and rear setbacks</b><br>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 | The proposed development site is bound by a road frontage to two boundaries,<br><br>The setbacks of the residential buildings provide appropriate setbacks to the side and rear boundaries. A minimum setback of 1.8m has been provided to 3 Reddall Street (with no windows) and 7.8m distance to 68 Moore Street.  | Yes |
| <b>Part 3: Siting the development</b>   |  |     |
| <b>3A Site Analysis</b>   | The design of the development appropriately responds to the site constraints. The building wraps the street corner to provide a large centralised common open space area with suitable setbacks to other adjoining residential dwellings.  | Yes |
| <b>3B: Orientation</b>  | The design of the development maximises solar access into the living areas of the proposed units, which satisfies the ADG.<br><br>The overshadowing of the adjoining property to the rear of the site (68 Moore Street) is minimised during mid-winter, however, the proposal results in increased overshadowing to 3 Reddall Street. Regardless of this anomaly, the rear setback still retains sufficient solar access and overshadowing will not impact on any adjoining living room windows. | Yes |
| <b>3C: Public domain interface</b>  | The design of the proposed development addresses both street frontages.  | Yes |
| <b>3D: Communal and public open space</b><br><br>Controls:<br>25% communal open space (282m <sup>2</sup> )<br><br>50% direct sunlight to useable communal open space for min 2 hours between 9am – 3pm on 21 June         | The proposed development provides a communal open space area in the rear setback which equates to 20% of the site area. A large landscape area is also provided in the front setback, which can be utilised for common open space. The combined areas exceed 25% of the total site area.<br><br>The communal open space area will obtain solar access between 1pm and 3pm, to 50% of the common area in the rear setback.  | Yes |
| <b>3E: Deep Soil</b><br>Control:<br>Min deep soil provisions:<br><br>Site 650m <sup>2</sup> -1500m <sup>2</sup> , minimum   | Proposed deep soil planting equates to 26% of  | Yes |

|   |  |            |
|---|--|------------|
| <p>dimensions 3m 7% deep soil</p> <p>Site: 1129m<sup>2</sup><br/>7% = 79m<sup>2</sup></p>   | <p>the total site area.</p>  |            |
| <p><b>3F: Visual privacy</b><br/>Control:<br/>Min separation distance from buildings to side and rear boundaries:</p> <p>Up to 12m (4 Storeys):<br/>Habitable 6m, non-habitable 3m</p>  | <p>The proposed balconies have been appropriately oriented to both street frontages, preventing visual privacy issues.</p> <p>The 1.8m side setback does not include windows as this is located on the southern side of the building. As a result, the proposed separation distance is considered to be acceptable.</p> <p>The separation distance to the rear boundary will be a minimum of 7.8m which meets adequate compliance with this requirement.</p>             | <p>Yes</p> |
| <p><b>3G Pedestrian access and entries</b></p>  | <p>Pedestrian access will be provided from both Reddall and Moore Streets. The main entry will be provided to Moore Street while a secondary access will be available to Reddall Street.</p>   | <p>Yes</p> |
| <p><b>3F Vehicle access</b></p>   | <p>A visible portion of the basement access has been incorporated into the design of the building which will not detract from the streetscape character or add any unnecessary visual bulk.</p>  | <p>Yes</p> |
| <p><b>3J: Bicycle and car parking</b><br/>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>Council's SCDCP does not nominate any parking requirements for seniors housing, however, residential flat buildings of this magnitude would require a total of 20 car parking spaces. The subject proposal provides for 14 car parking spaces in the basement car park which reflects compliance with the requirement specified in the SEPP SL. The reduced car parking rate required by the SEPP SL is considered to be acceptable for the proposed development.</p> | <p>Yes</p> |

| <b>Part 4: Designing the building</b>  |   |                                      |
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| <p><b>4A: Solar and Daylight Access</b><br/>Living rooms and private open spaces for at least 70% of apartments should receive 2 hours direct solar access on winter solstice (Sydney metro area)</p>                                  | The proposed development provides for 100% of all dwellings to receive a minimum of 2 hours direct solar access in the winter solstice. | Yes                                  |
| Max 15% of apartments receive no direct sunlight between 9am and 3pm in mid-winter   | All dwellings receive solar access.   | Yes                                  |
| <p><b>4B: Natural ventilation</b><br/>At least 60% of apartments are naturally cross ventilated, in first 9 storeys</p> <p>Overall depth of crossover or cross through unit does not exceed 18m, measured glass line to glass line</p> | All dwellings have adequate cross ventilation.  | Yes                                  |
| <p><b>4C: Ceiling heights</b><br/>Habitable room 2.7m</p>  | All units will have a minimum internal, 'floor-to-ceiling' height of 2700mm.  | Yes                                  |
| <p><b>4D: Apartment size and layout</b><br/>4D-1: Minimum internal areas:</p> <p>1 bed 50m<sup>2</sup><br/>2 bed 70m<sup>2</sup></p>   | <p>Proposed:</p> <p>1 bed 54m<sup>2</sup><br/>2 Bed 64m<sup>2</sup></p>   | Yes<br>No -<br>See discussion below. |
| Every habitable room must have an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.   | Each habitable room is provided with a window, which is no less than 10% of the floor area of the room.                                 | Yes                                  |
| <p><b>4D-2 : Environmental performance</b><br/>Habitable room depth limited to 2.5m x max ceiling height</p> <p>In Open plan layout (i.e. combined living, dining, and kitchen) max habitable room depth is 8m from a window.</p>      | The depth of all habitable rooms proposed meet compliance with this requirement other than those proposed as open living areas.         | Yes                                  |



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| <p><b>4D-3: Layout designed to accommodate variety of household activities and noise</b></p> <p>Master bedroom min area 10m<sup>2</sup>, other bedrooms 9m<sup>2</sup></p> <p>Bedroom min dimensions 3m</p> <p>Living rooms:<br/>3.6m (studio/ 1 bed)</p> <p>4m (2 bed+)</p> | <p>All master bedrooms have a minimum area of 10m<sup>2</sup> while all other bedrooms will be no less than 9m<sup>2</sup> in area.</p> <p>All bedrooms are a minimum of 3m wide.</p> <p>Generally complies</p> <p>Does not comply. See discussion below.</p>                          | <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>                          |
| <p><b>4E: private open space and balconies</b></p> <p>Primary balconies minimum area:</p> <p>1 bed – 8m<sup>2</sup>, 2m<br/>2 bed – 10m<sup>2</sup>, 2m<br/>3+ bed – 12m<sup>2</sup>, 2.4m</p> <p>Ground floor units: 15m<sup>2</sup>, depth 3m</p>                          | <p>All proposed balconies provide a minimum area in accordance with the control.</p> <p>Terraces to the ground floor are required to be increased to 15m<sup>2</sup></p>   | <p>Yes</p> <p>No, Condition recommended to achieve compliance.</p> |
| <p><b>4F: Common circulation spaces</b></p> <p>Max units off core per level is 8</p>   | <p>The proposal provides for a maximum 5 units per level.</p>  | <p>Yes</p>   |
| <p><b>4G: Storage</b></p> <p>1 bed 6m<sup>3</sup><br/>2 bed 8m<sup>3</sup></p> <p>50% of required storage to be located within the unit</p>  | <p>No basement storage areas are provided. Each unit is provided with a storage area in accordance with the SEPP SL which is considered reasonable given the purpose of the development.</p>   | <p>No</p>  |
| <p><b>4H: Acoustic Privacy</b></p>   | <p>Relevant conditions of consent should be applied to ensure noise transfer between units is minimised.</p>   | <p>Yes, conditioned</p>  |
| <p><b>4J: Noise and Pollution</b></p>  | <p>As the subject site adjoins the Moore-Oxley Bypass, an acoustic report is required to be submitted, in accordance with the Infrastructure SEPP, which requires additional measures to be employed which will further mitigate road noise from unduly impacting these dwellings.</p> | <p>Yes</p>   |
| <p><b>4K: Apartment Mix</b></p>  | <p>A suitable range of apartment sizes have been provided within the development which are evenly distributed throughout the building</p>  | <p>Yes</p>   |

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| <b>4L: Ground Floor Apartments</b>           | The proposed terraces adjoin the front gardens. Direct access will be provided to the front garden area.<br><br>The ground floor apartments address the street and provide passive surveillance of the public domain.   | Yes |
| <b>4M: Facades</b>                           | The proposed façade will be constructed from a mix of low maintenance finishes, including timber, brick, cladding, render and metal. The finishes will define the base, middle and top of the building. The façade design is considered to satisfy the relevant objectives specified in section 4M of the ADG | Yes |
| <b>4N: Roof Design</b>                       | The flat roof design will not visually dominate the streetscape and is considered to be proportionate to the overall form of the building.  | Yes |
| <b>4O: Landscape Design</b>                  | The proposed landscaping design for the site includes a number of planter boxes and landscaped areas. The landscape design is considered to be appropriate for the site and satisfies the objectives of the ADG.  | Yes |
| <b>4P: Planting on Structures</b>            | The proposed development includes planters located over the basement podium which contain suitable species that will thrive on the subject site.  | Yes |
| <b>4Q: Universal Design</b>                  | The design of units for adaptable design is required under the SEPP SL.   | Yes |
| <b>4U: Energy Efficiency</b>                 | A BASIX Certificate has been submitted in support of the proposed development.  | Yes |
| <b>4V: Water Management and Conservation</b> | The proposal includes water efficient fittings to each unit.  | Yes |
| <b>4W: Waste Management</b>                  | The proposed waste management measures are adequately sized and located. A bulk waste receptacle will be 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 as the material selection is considered to reduce ongoing maintenance costs.   | Yes |

### Unit Sizes

The proposed two bedroom units do not meet the minimum size requirements specified in Section 4D of the ADG. Even though these units may be undersized, their use as seniors living apartments will result in them having a lower occupancy rate than that of a standard residential dwelling. The proposal also provides for adequate solar access and private open

space to service the proposed development. As a result, it is considered that the reduced unit size is acceptable.

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

The proposed site is located within the Georges River Catchment so 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 to be acceptable in this regard.

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

A BASIX Certificate for the development (No. 850669M) was submitted with the development application. The certificate lists all the measures that are required to satisfy BASIX requirements which have been incorporated into this seniors living proposal. As a result, the development is considered acceptable in terms of meeting all the sustainability requirements listed in State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.

## **1.4 Campbelltown Local Environmental Plan 2015**

The subject site is zoned R3 Medium Density Residential zone in accordance with the Campbelltown Local Environmental Plan 2015. The proposed development is nominated as a permissible land use in the zone and is nominated as seniors housing which is defined in the EP&A Act, 1979, as:

Seniors housing means a building or place that is:

- (a) A residential care facility, or
- (b) A hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) A group of self-contained dwellings, or
- (d) A combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
  - (i) seniors or people who have a disability, or
  - (ii) people who live in the same household with seniors or people who have a disability, or
  - (iii) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

**Note. Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.**

A portion of the site is also zoned SP2 - “Classified Road” to the secondary street frontage, which is approximately 1.8m in depth. This area has not been identified for any land acquisition or affected by any future road widening.

The proposed development is considered to be consistent with the objectives of the R3 Medium Density Residential Zone:

- 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 enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a wide range of housing choices in close proximity to commercial centres, transport hubs and routes.
- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

An assessment of the relevant clauses of the CLEP is presented in the table below.

| Provision  | Comment  | Compliance                           |
|--|--|--------------------------------------|
| <b>Part 4 Principal Development Standards</b>  |  |                                      |
| 4.3 Height of Buildings <ul style="list-style-type: none"> <li>• 9m maximum</li> </ul> | The subject development application proposes a maximum building height of 9.94 metres.   | No – see discussion below this table |
| 4.4 Floor Space Ratio  | No FSR is provided in the CLEP 2015 for Seniors Living, however, Clause (2) specifies a maximum FSR of 0.75:1 for any multi dwelling development. The subject seniors living proposal will be consistent with future multi dwelling developments within the R3 zone and with an FSR of 0.71:1 the proposal is a reasonable scale for the site. | N/A                                  |

|  |  |                                      |
|--|--|--------------------------------------|
| 4.6 Exceptions to development standards                              | The application was accompanied by a Clause 4.6 request to vary the “ <i>Height of Buildings</i> ” provision specified in the CLEP 2015. A detailed discussion of a variation to this development standard is presented below.                 | No – See discussion below this table |
| <b>Part 5 Miscellaneous provisions</b>                               |  |                                      |
| 5.1A Development on land intended to be acquired for public purposes | The site is not identified for acquisition.  | N/A                                  |
| 5.3 Development near zone boundaries                                 | The clause applies to the land within the site which is zoned SP2. The ancillary infrastructure works proposed within the area zoned SP2 is not considered to be inconsistent with the zone.   | Yes                                  |
| 5.10 Heritage conservation   | The site is not identified as an item of ‘environmental heritage’ nor is it located within a ‘heritage conservation’ area.   | Yes                                  |
| <b>Part 7 Additional local provisions</b>                            |  |                                      |
| 7.1 Earthworks   | The applicant has submitted a geotechnical report in support of this application. To ensure the stability of surrounding development, it is recommended that a requirement for a dilapidation report be included in any conditions of consent. | Yes                                  |
| 7.2 Flood Planning   | The site is not a flood control lot.   | N/A                                  |
| 7.4 Salinity   | As a geotechnical report was submitted which addressed salinity, the proposal satisfies Clause 7.4 of the CLEP 2015.   | Yes                                  |
| 7.10 Essential Services  | The site has existing services   | Yes                                  |

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 in Clause 4.3 and consideration of a Clause 4.6 request.

#### Clause 4.3 Height of buildings

The proposed development has a maximum height of 9.94m, as measured to the highest point of the building from natural ground level. The proposal exceeds the height of buildings development standard of 9m, as prescribed under clause 4.3 of Campbelltown LEP 2015 by 994mm or 10.4 percent at its highest point. The proposed development exceeds the maximum height of buildings standard of 8 metres in the SEPP SL by 1.94 metres or 24.25 percent at its highest point.

A written request, in accordance with clause 4.6 of Campbelltown LEP 2015, was submitted by the applicant which sought to vary this standard. The justification that was presented in this written request is summarised as follows:

- The building is elevated at one section to provide the required height clearance for the basement level car parking area. The building is mainly compliant except for this section.
- The proposal will not conflict with the underlying aims for built form and land use intensity in the zone or the site's relationship to the hierarchy of height limits for surrounding land.
- Variation to building scale is more appropriate at this site than it may be elsewhere given the fact that taller buildings exist to the east at Nos 7 and 9 Reddall Street.
- Strict compliance with the 9m height control will be counterproductive in achieving these aims particularly when the scale of development will not be perceptibly different to one that strictly complies with the 9m requirement. The proposed scale of development still relates to the built form envisaged by the planning controls, despite the relatively minor numerical departure from the nominated 9m maximum building height. The proposed non-compliance will better achieve the aims of providing local services (senior housing) which meet the needs of the immediate population.

The variations says that in order to accommodate the accessibility needs of the residents of the complex and improve the design outcome, it is required that each floor of the proposed development does not contain a break in its floor level which will make passage through the development restrictive for the residents.

The result of the above redesign approach, coupled with the slight fall of the site which slopes towards the western boundary, is that the ground floor level of the proposed development will project above the ground level adjacent to the western boundary of the Site. The Architect has accommodated that area by proposing excavation of this section of the Site to provide for a basement level for the proposed development. The result of this architectural design is that, adjacent to the western boundary of the site, the development is classified as three storey.

In the circumstances of this matter, it is considered that the two storey 8m height limit would unreasonably restrict the proposed development.

Additional to the above it is considered that compliance with the 8m height limit in the SEPP SL is unreasonable itself given that the LEP itself allows a development of 9m. The purpose of the control in the SEPP SL is to limit the scale of development to that of a standard residential nature. In this particular case the standard residential development permitted by the 9m height limit in the LEP is 3 storeys in nature as evidenced by the existing buildings at 7 and 9 Reddall Street. Effectively the assessment weight given to the 8m height limit should be discounted due to the 9m height limit that applies to this neighbourhood under the CLEP. In seeking a variation to the development standard, an assessment of the subject seniors living housing proposal 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,
  - (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Flexibility in the application of Clause 4.3 (Height of Buildings) is considered to be appropriate for this particular development. Overall, the proposal was determined to be an appropriate use of the subject site given its close proximity to the Campbelltown CBD public transport and limited impacts on the amenity of adjoining residential dwellings.

- (2) Development consent may, subject to this clause, be granted for development even though the development will 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.

This clause enables consideration of both the variation of the height limit under Clause 4.3 of the CLEP 2015, which is not excluded from this clause and the variation to the height limit under the SEPP SL.

- (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 provided that seeks to demonstrate that compliance with the control is unreasonable and unnecessary and is adequately justified on environmental planning grounds.

The variation to building height will not detract from the amenity of the surrounding development in regard to solar access, views or privacy. The proposed development is permissible within the zone and reflects compliance with the relevant controls in regard to front and side setbacks, privacy, open space, car parking and built form. There is environmental planning benefit in having seniors living housing well located in regards to the services specified in the SEPP SL including public transport and this site is so located. There is environmental planning benefit in encouraging development in this location that will complement the future style of development proposed in the Glenfield to Macarthur Urban Renewal Corridor Strategy.

It is agreed that it would be unreasonable and unnecessary, in the circumstances of this case, to require strict compliance with the maximum 8m building height given there would be no significant additional public or environmental benefit in doing so and compliance with the maximum height control of 8m in the SEPP SL would result in a development at a smaller scale than is currently permissible on the land.

- (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 applicant's written request is considered to be satisfactory for the proposed development having regard to subclause (3). Non-compliance with the development standards for maximum height in the SEPP SL and the CLEP is considered to be acceptable given the specific nature of the subject variation and the physical and environmental planning circumstances for this site. The proposal is consistent with the objectives and purpose of the relevant controls and the R3 zone and therefore is considered to be in the public interest.

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

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) provides more detailed planning provisions which supplement the statutory provisions specified in the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

In accordance with Clause 4.15(1)(a)(iii), Council is required to consider the relevant provisions of any applicable development control plan during the determination of a development application.

The following details the assessment of the proposal in accordance with the relevant requirements specified in SCDCP 2015.

### 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 these provisions are discussed in the following table: -

| Provision  | Comment   | Compliance       |
|--|---|------------------|
| <b>2.2 Site Analysis</b>   |   |                  |
| 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 specified in Section 2.2 of the SCDCP 2015. | Yes              |
| <b>2.3 Views and Vistas</b>  |   |                  |
| a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.                     | The subject site does not benefit from any views" or "vistas.   | Yes              |
| <b>2.4 Sustainable Building Design</b>   |   |                  |
| <b>2.4.1 Rainwater Tanks</b>   |   |                  |
| a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings.              | The proposed development includes rainwater tanks on site.  | Yes, conditioned |
| c) All rainwater tanks shall   | It is recommended that installation of  |                  |

|   |   |            |
|---|---|------------|
| <p>comply with AS3500 (as amended) - National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water's Guideline for Rainwater Tanks on Residential Properties.</p> <p>e) Where it is intended that the development be strata title subdivided, the tank shall be sited in a location to be common property.</p> <p>f) Above ground water tanks shall be located behind the primary or secondary building line.</p> | <p>tanks will be conditioned in accordance with these requirements.</p> <p>It is not proposed to subdivide the property.</p> <p>The tanks will be installed below ground.</p> |            |
| <p><b>2.4.2 Solar Hot Water</b></p> <p>a) All new buildings are encouraged to provide a solar hot water system.</p> <p>b) Where the site is connected to the gas main, the solar hot water system is encouraged to be gas boosted.</p>  | <p>The proposed development does not include solar hot water.</p>   | <p>No</p>  |
| <p><b>2.4.3 Natural Ventilation</b></p> <p>a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.</p>   | <p>All units are naturally ventilated</p>   | <p>Yes</p> |
| <p><b>2.4.4 Light Pollution</b></p> <p>a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.</p>   | <p>External lighting will be conditioned to ensure impacts to adjoining properties are minimised</p>  | <p>Yes</p> |
| <p><b>2.4.5 BASIX</b></p> <p>The Building Sustainability Index (BASIX) is an interactive, internet-based planning tool designed to assess the potential performance of residential development against a range of sustainability indices. The focus of BASIX is on the key indices of water and energy, and the related indices of landscape, stormwater and thermal comfort, reflecting the NSW Government's decision to</p>   | <p>A BASIX Certificate was submitted in support of the proposed development.</p>  | <p>Yes</p> |

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| <p>establish water consumption and greenhouse gas emission reduction targets for all new dwellings built in NSW.</p> <p>For Development standards requirements for a BASIX certificate refer to <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a></p>   |  |                         |
| <b>2.5 Landscaping</b>   |  |                         |
| <p>a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.</p> <p>b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.</p> <p>c) Landscape design shall add value to the quality and character of the streetscape.</p> <p>d) A Landscape Concept Plan is required to be submitted with a development application for:</p> <p>xiii) any other development that in the opinion of Council a landscape plan</p> <p>e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.</p> <p>f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.</p> | <p>The landscape design improves the visual character of the development.</p> <p>No native trees are present on site.</p> <p>The proposed landscaping contributes to the vegetative character of the locality.</p> <p>The amended site and roof plans include details for landscaping. It is recommended that a consent condition be imposed requiring the landscape plan be amended to be consistent with all of the plans.</p> <p>The landscape plan was provided.</p> <p>A condition has been recommended to ensure landscaping includes endemic and drought resistant species.</p> | <p>Yes</p>              |
| <b>2.7 Erosion and Sediment Control</b>  |  |                         |
| <p>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</p>   | <p>An erosion and sediment control plan was submitted with the application and appropriate conditions of consent have been recommended to ensure compliance with this plan.</p>  | <p>Yes, conditioned</p> |

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| <p>Appendix 5 of Volume 1 and Council's Engineering Design Guide for Development</p> <p>b) Site activities shall be planned and managed to minimise soil disturbance.</p> <p>c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.</p> <p>d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.</p>  |  |   |
| <p><b>2.8 Cut, fill and floor levels</b></p>  |  |   |
| <p><b>2.8.1 Cut and Fill</b></p> <p>a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.</p> <p>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.</p> <p>d) Development incorporating any cut or fill shall comply with the following requirements:</p> <p>i) minimum cross fall of 1% to any adjoining waterway; and</p> <p>ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance');</p> <p>iii) batters to be no steeper than 6H:1V for public areas.</p> <p>e) All fill shall be 'Virgin Excavated Natural Material' (VENM).</p> <p>f) No fill shall be deposited in the vicinity of native vegetation.</p> <p>g) All basement excavation shall be setback a minimum of</p> | <p>It is recommended that a CMFP be required as a condition of consent.</p> <p>A condition of consent is recommended requiring a dilapidation report.</p> <p>Excavation for the purpose of a basement car parking area is considered acceptable.</p> <p>The application does not propose any 'filling' of the site, however, conditions of consent are recommended requiring the use of VENM if this is required at a later stage.</p> <p>No native vegetation is located on the site.</p> | <p>Yes, conditioned</p> <p>Yes, conditioned</p> <p>Yes</p> <p>Yes, conditioned</p> <p>Yes</p> |

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| <p>900mm from the property boundaries.</p> <p>h) Provisions of basements shall not result in non-compliance with deep soil planting controls contained within this plan.</p>  | <p>The basement is setback a minimum of 1.2m to property boundaries.</p> <p>The proposal complies with the SCDCP's deep soil planting requirements.</p>  | <p>Yes</p>   |
| <p><b>2.8.2 Surface Water and Floor Levels</b></p> <p>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.</p> <p>b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.</p> <p>c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) food level.</p> <p>e) Buildings involving basements, hospitals, seniors living dwellings and educational establishments with more than 50 students shall comply with the provisions of Council's Engineering Design Guide for Development.</p> <p>f) Any solid fence constructed across an overland flow path shall be a minimum 100mm above the finished surface level of the overland flow path.</p> <p>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</p> | <p>The site is not a flood control lot.</p> <p>The site has an overland flow path within the front setback. Habitable floor levels are satisfactory.</p> <p>The floor levels are acceptable.</p> <p>It is recommended that a condition require compliance with Council's 'Engineering Design Guide'.</p> <p>A pump-out drainage system will be required for the basement car park and appropriate conditions of consent are recommended ensuring compliance with this requirement.</p> | <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes, conditioned</p> <p>Yes, conditioned</p> |

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| Section 4.13.8 of Council's Engineering Design Guide for Development.   |  |                  |
| <b>2.9 Demolition</b>   |  |                  |
| <p>a) A development application involving demolition shall be considered having regard to the following information:</p> <p>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures ( as amended);</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>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;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p> <p>b) Where appropriate, demolished materials shall be recycled for reuse on site.</p> | Appropriate conditions of consent are recommended to ensure that the demolition of all existing structures on site is strictly undertaken in accordance with these controls. | Yes, conditioned |
| <b>2.10 Water Cycle Management</b>  |  |                  |
| <p><b>2.10.1 Water Cycle Management</b></p> <p>a) A comprehensive Water Cycle Management Plan (WCMP) shall be prepared and submitted as part of a development application.</p>  | A stormwater management plan was submitted in support of the proposal and reviewed by Council's Development Engineer.  | Yes              |
| <p><b>2.10.2 Stormwater</b></p> <p>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</p>  | The stormwater management plan was designed to drain, via gravity, to the Moore Street Access way.   | Yes              |

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| <p>b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.</p> <p>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 a designated overland flow path, such as a road.</p> <p>g) A major/minor approach to drainage is to be taken for stormwater flows. Generally the piped drainage system shall be sized to accommodate the difference between the 100-year ARI flow and the maximum safe overland flow, with minimum requirements as set out in section 4 of Council's Engineering Design Guide for Development</p> <p>h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility.</p> <p>i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times.</p> <p>j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.</p> <p>k) Stormwater run-off shall be appropriately channeled into a stormwater drain in accordance with <i>Council's Engineering</i></p> |  |  |
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| <i>Design Guide for Development</i>  |   |                         |
| <p><b>2.10.3 Stormwater Drainage</b></p> <p>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/fit outs), demonstrating to Council how the stormwater will be collected and discharged from the site.</p> <p>b) The stormwater concept plan shall include the following information as a minimum:</p> <p>i) locations, layouts and sizes of stormwater pipes and pits;</p> <p>ii) minimum grades and capacity of stormwater pipes; and</p> <p>iii) existing and proposed easements, site contours and overland flow path/s.</p>  | <p>The stormwater management plan was designed to drain, via gravity, to the Moore Street Access way</p>  | <p>Yes.</p>             |
| <p><b>2.12 Retaining Walls</b></p>   |   |                         |
| <p>a) Any retaining wall that is not complying or exempt development as specified in the E&amp;CDC shall be designed by a suitably qualified person.</p> <p>b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>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.</p> <p>c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:</p> <p>i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.</p> <p>d) Any retaining wall shall not</p> | <p>The proposal includes retaining walls within the property, however, there are discrepancies with the submitted stormwater plans which compromise this provision. A condition of consent is recommended seeking the correction of this anomaly.</p> | <p>Yes, conditioned</p> |

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| <p>adversely alter surface flows to adjoining private land.</p> <p>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.</p> <p>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.</p> <p>g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 metres to 1.2 metres.</p> <p>h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.</p> <p>i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.</p> |   |            |
| <p><b>2.13 Security</b></p>   |   |            |
| <p>a) Development shall be designed to:</p> <p>i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</p> <p>ii) minimise dead ends and other possible entrapment areas;</p> <p>iii) clearly identify and illuminate access points to buildings and designated public places; and</p> <p>iv) clearly differentiate between private and public space.</p> <p>b) External lighting shall be designed to:</p> <p>i) encourage the use of safe</p>   | <p>The proposed development has been designed to facilitate casual surveillance to the public domain.</p> | <p>Yes</p> |

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| <p>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> <p>c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.</p>   |  |            |
| <b>2.14 Risk Management</b>   |  |            |
| <p><b>2.14.1 Contaminated Land Design Requirements</b></p> <p>a) The requirements of Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land (EPA, DUAP, 1998) shall be satisfied on sites known to have, or may give Council reason to suspect, a potential for previous contamination.</p> <p>b) An initial investigation regarding the possible or actual contamination of a site shall be carried out by a suitably qualified person.</p> <p>b) Where a site is identified by Council, Office of Environment and Heritage and/or by the initial investigation as being, or having the potential to be contaminated, a Contamination Management Plan shall be submitted with the development application.</p> <p>c)</p> | <p>Council's records do not identify the site as being contaminated.</p>   | <p>N/A</p> |
| <b>2.15 Waste Management</b>  |  |            |
| <p><b>2.15.1 Waste Management Plan</b></p> <p>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</p>  | <p>A waste management plan was submitted in support of the application</p> | <p>Yes</p> |

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| <p>required.<br/>                 b) Council may require a WMP for any other development, where in Council's opinion, such a development<br/>                 c) Plans submitted with a development application shall detail the following (as applicable):<br/>                 i) the size and location of waste and recycling storage areas;<br/>                 ii) routes for occupants to access waste and recycling areas;<br/>                 iii) collection point and/or access route for collection vehicles;<br/>                 iv) ventilation of waste and recycling storage areas;<br/>                 v) location of garbage chute and service rooms;<br/>                 vi) bin and storage area washing facilities; and<br/>                 vii) occupants disposal points for all waste streams.</p> |   |  |
| <p><b>2.15.2 Waste Management during demolition &amp; construction</b><br/>                 a) All waste and recyclable streams shall be stored separately on site.<br/>                 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.<br/>                 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.<br/>                 d) Convenient and safe vehicular access to waste and recycling material storage areas shall be provided.<br/>                 e) The removal, handling and disposal of asbestos or other</p>                | <p>An appropriate waste management plan was submitted..</p> |  |

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| hazardous materials shall be carried out in accordance with Workover NSW, Office of Environment and Heritage and other regulatory authority guidelines and requirements.   |   |                  |
| <p><b>2.15.3 On-going Waste Management</b></p> <p>a) Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.</p> <p>b) Any room(s) for storing garbage and recycling shall be located in a position that is convenient for occupants and waste collection staff. Collection rooms shall complement the development and not be visibly obtrusive when viewed from any public place.</p> <p>c) A refuse collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.</p> <p>d) 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 1V:8H.</p> <p>e) The maximum travel distance between any storage area/point and the collection point for all bins shall be 25 metres.</p> | <p>Waste storage is located behind the front building line.</p> <p>The location of the garbage room is convenient.</p> <p>A collection point to Reddall Street is acceptable.</p> <p>The bin wheeling path is acceptable.</p> <p>The wheeling path is acceptable.</p> | Yes              |
| <b>2.16 Provision of Services</b>  |   |                  |
| The pavement shall be constructed in such a manner that will not be damaged by a collection vehicle carrying the maximum legal weight.   | The site is appropriately serviced.   | Yes              |
| <b>2.17 Work On, Over or Near Public Land</b>  |   |                  |
| <p><b>2.17.1 Approval Required Prior to Working On or Over Public Land</b></p> <p>a) Written approval shall be</p>   | Relevant conditions of consent are recommended in regard to works over public land.   | Yes, conditioned |

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| <p>obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.</p>  |  |                         |
| <p><b>2.17.2 Working Near Public Land</b><br/> a) Notwithstanding clause 2.17.1 a) a hoarding or fence shall be erected between the work site and a public place where:<br/> i) the work involved in the development is likely to cause pedestrian or vehicle traffic in a public place to be obstructed or altered; and/or<br/> ii) the building involves the enclosure of a public place in accordance with Work Cover requirements<br/> b) Where a hoarding fence is required to be erected upon public land, including any road, road related area, footpath or nature strip, prior written approval shall be obtained from Council.<br/> c) Where the site work is likely to be hazardous to persons on a public place, the work site shall be kept lit between the sunset and sunrise.</p> | <p>Relevant conditions of consent are recommended in regard to any works proposed over public land.</p>  | <p>Yes, conditioned</p> |
| <p><b>2.17.3 Excavation Work Near State Roads</b><br/> a) Any proposal that includes excavation works adjacent to a State Road shall be accompanied by detailed geotechnical report relating to the proposed excavation of the site and support structures to RMS's satisfaction.</p>  | <p>As the proposed basement excavation is situated in close proximity to the Moore-Oxley Bypass, the application was referred to RMS who have provided comments and conditions of consent.</p> | <p>Yes</p>              |

### 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 SCDP 2015 with regard to requirements for residential development.

| Provision   | Comment   | Compliance |
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| <p><b>3.3 Desired Future Character for Medium Density Residential Neighbourhoods</b></p> <p>The medium density residential neighbourhoods shall be characterised by:</p> <ul style="list-style-type: none"> <li>• medium density housing comprising two storey attached dwellings and multi dwelling housing in a landscaped setting with additional habitable areas provided within the roof space;</li> <li>• development footprints that are sited to achieve setbacks to boundaries and provide for landscaping and private open space;</li> <li>• articulated front facades where garages and car parking spaces are setback and do not dominate the streetscapes;</li> <li>• active residential facades with balconies;</li> <li>• soft landscaping along communal driveways and the front boundary;</li> <li>• a high standard of architectural merit and urban design quality buildings; and</li> <li>• development that incorporates a mix of dwelling sizes to provide housing choice.</li> </ul> | The design is satisfactory.   | Yes        |
| 3.4 General Requirements for Low and Medium Density Residential Development - Zones R2, R3, R4 and R5   |   |            |
| <p><b>3.4.1.1 Streetscape Design Requirements</b></p> <p>a) Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods.</p> <p>b) Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design. Landscaping shall be used to reduce the impact of any privacy fencing.</p> <p>c) The built form shall relate to the</p>  | As previously discussed in this report the streetscape presentation of the development is satisfactory. | Yes        |



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| <p>natural landform and setting.</p> <p>d) On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.</p> <p>e) Garage doors facing a public street shall not be wider than 50% of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).</p> <p>f) No carports or garages (or like structures) shall be located within 6 metres of the primary street boundary, for additional requirements of setbacks for the various types of residential development refer to section 3.5,3.6 and 3.7 of this part of the plan.</p> <p>g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.</p> <p>h) Multi dwellings and dual occupancies shall satisfy the following architectural requirements:</p> <p>i) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines</p> <p>ii) incorporation of façade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements</p> <p>iii) provision of windows and active space in the building ends, to provide additional security and visual interest</p> <p>i) All windows facing the street (primary and secondary) must have a balanced architectural design.</p> |   |                         |
| <p><b>3.4.1.2 Building Height</b></p> <p>a) 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.</p>   | <p>The proposed building height is not considered to result in any overshadowing that will detract from the amenity of the adjoining properties or public spaces.</p> | <p>Yes</p>              |
| <p><b>3.4.1.3 Advertising Material</b></p> <p>a) As part of the letter box design for multi dwelling housing a special container shall be provided for the placement of advertising and newspaper materials. Such container shall be located behind the building line and</p>  | <p>It is recommended the letter box design be conditioned to comply with the SCDCP.</p>   | <p>Yes, conditioned</p> |

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| <p>designed to be part of the letter box arrangement for the development.</p>   |  |                         |
| <p><b>3.4.2 Car Parking and Access</b></p> <p>a) The minimum dimensions of any required parking space shall be 2.5 x 5.5 metres. If the car parking space adjoins a vertical edge which is 100mm or higher, the minimum width of the car parking space shall be 2.7 metres.</p> <p>c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.</p> <p>d) The maximum garage floor levels (above or below) for a garage setback 6 metres from the front property boundary shall be in accordance with the requirements contained under Council's Engineering Guide for Development, (Appendix K - Standard Drawings No. SD-R08 and SD-R09),</p> <p>f) Driveways shall be located a minimum distance of 6 metres from the tangent point of any unsignalled intersection (refer to Figure 3.4.2.1).</p> <p>g) The minimum width of the driveway at the street kerb shall be:</p> <p>ii) 5 metres where a single driveway provides access for two (2) or more dwellings.</p> <p>i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2. 2).</p> <p>j) Plain concrete driveways including crossover and layback shall not be permitted. Details of driveway colours and patterns shall be submitted with the development application.</p> <p>k) Internal driveways and vehicle access shall be provided with sufficient widths to ensure easy access to and from designated car parking areas/garages.</p> <p>l) Internal driveways for multi dwellings shall be designed to provide two-way vehicle access.</p> | <p>The proposed basement car parking spaces comply with these requirements.</p> <p>The proposed grades were reviewed by Council's Development Engineer and conditions of consent are recommended.</p> <p>The driveway of not located within 6m of a tangent point.</p> | <p>Yes</p>              |
| <p><b>3.4.3.1 Acoustic Privacy</b></p> <p>a) Development that adjoins significant noise sources, (such as main roads, commercial/industrial development, public transport interchanges and railways) shall be designed to achieve acceptable internal noise levels, based</p>   | <p>The proposal has been assessed in accordance with SEPP Infrastructure due to its close proximity to the Moore-Oxley Bypass. Appropriate conditions of consent have</p>  | <p>Yes, conditioned</p> |

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| <p>on recognised Australian Standards and any criteria and standards regulated by a relevant State Government Authority.</p> <p>b) Development shall incorporate noise attenuation measures that are compatible with the scale, form and character of the street.</p> <p>c) On-site noise generating sources including, but not limited to, plant rooms and equipment, air conditioning units, pool pumps, and recreation areas shall be designed and located to ensure that the noise levels generated by such facilities do not exceed 5 dBA above background levels at the property boundary.</p>   | <p>been recommended in order to address and attenuate any offensive noise levels emanating from this roadway.</p> |            |
| <p><b>3.4.3.2 Visual Privacy</b></p> <p>a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).</p> <p>b) Notwithstanding Clause 3.4.3.2a) any window of a living room located on an upper level shall:</p> <p>i) be offset by 2 metres to limit views between windows and balconies; or</p> <p>ii) have a sill height 1.7 metres above the floor level; or</p> <p>iii) be splayed to avoid direct views between windows; or</p> <p>iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.</p> <p>c) Notwithstanding 3.4.3.2a), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p> <p>d) No wall of a proposed building shall be permitted to be constructed on the boundary for that portion of the boundary that is directly adjacent to an existing required private open space area on the adjoining allotment.</p> | <p>As previously discussed in this report the proposal adequately provides for visual privacy.</p>                | <p>Yes</p> |
| <p><b>3.4.4 Solar Access</b></p> <p>a) Living areas shall generally have a northerly orientation.</p> <p>b) A minimum 20sqm fixed area of the</p>  | <p>Most units within the proposed development have been orientated to the north.</p>                              | <p>Yes</p> |

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| <p>required private open space shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.</p> <p>c) Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development.</p> <p>d) Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures.</p>   | <p>A “fixed area” has also been provided in the rear setback.</p> <p>The proposed development facilitates maintaining suitable levels of solar access to the adjoining properties.</p> |            |
| <p><b>3.5 Ancillary Residential Structures - Zones R2, R3, R4 and R5</b></p>  |  |            |
| <p><b>3.5.1 Fencing</b></p> <p>a) 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.</p> <p>b) Residential fencing along the rear and side boundaries shall be:</p> <p>i) located behind the primary street building line;</p> <p>ii) a maximum 2.1 metres in height (excluding retaining walls); and</p> <p>iii) a maximum 1.8 metres in height, if adjoining a secondary street.</p> <p>c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.</p> <p>d) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.</p> <p>e) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.</p> <p>f) Details for fencing shall be submitted with the development application.</p> | <p>The proposed fencing on both side boundaries is considered to be acceptable</p>   | <p>Yes</p> |

## **Part 11 – Vegetation and Wildlife Management**

Council's controls outlined in Section 11.3.6 require the provision of replacement tree planting where those existing are intended for removal from the site. The applicant has submitted an arborist report in support of the proposed development which has reviewed the existing trees on the subject site. This report also noted that the existing native trees, planted on the adjoining road reserve (i.e. the Moore-Oxley Bypass), would not be affected by the proposed seniors living development.

The proposal includes the removal of five exotic trees from the site. The applicant has provided a landscape plan which includes the provision of ten native trees, of substantial pot size, to be planted on site. The proposed replacement tree planting included in the landscape plan is considered to satisfy the requirements of the SCDCP 2015.

### **3. Planning Assessment**

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

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as any 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
- solar access
- built form
- traffic and car parking

##### **3.1.1 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 included in attachment 1 to manage the demolition works, including the installation of erosion and sediment control measures, prior to any works commencing on site.

##### **3.1.2 Solar Access**

The submitted shadow diagrams demonstrate that the orientation of the lots and associated dwelling design, will not significant increase overshadowing onto any adjoining properties. Compliance with the relevant controls for solar access have been further discussed elsewhere in this report.

##### **3.1.3 Built Form**

Each of the building elements are considered to provide an acceptable design outcome.

The height of the structure is considered to be suitable for the size and corner location of the site. The building design adequately addresses both street frontages.