



**CAMPBELLTOWN**  
CITY COUNCIL

# **LOCAL PLANNING PANEL**

**23 SEPTEMBER 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, 23 September 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.

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## **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 five 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 Demolition of dwelling and structures, construction of a multi dwelling development (five dwellings) and strata title subdivision - 19 Dan Street, Campbelltown

#### Community Strategic Plan

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

#### Referral Criteria

This proposal is considered sensitive development in accordance with the referral criteria Local Planning Panels Direction – Development Applications as one of the documents submitted with the application was prepared by a person who is now employed by Council to assess development applications and therefore there is a potential conflict of interest. Under Section 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the determining authority is the Campbelltown Local Planning Panel.

#### Executive Summary

- This development application proposes the demolition of an existing dwelling and associated structures and the construction of a multi dwelling development, consisting of five dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The application was notified to adjoining and surrounding residents and land owners from 12 November 2019 for 14 days. No submissions were received.
- The site is not considered suitable for the proposed development as the application fails to adequately satisfy the provisions of the CLEP 2015 and comply with a number of key requirements listed in the Campbelltown (Sustainable City) Development Control Plan 2015.
- The application fails to satisfactorily resolve critical deficiencies that were raised throughout the assessment process, specifically regarding the compatibility with the surrounding urban environment in particular the streetscape, compliance with stormwater requirements, impacts of traffic, parking and access, waste management and vegetation removal. Many of the key issues in isolation can easily be resolved, however cumulatively result in an overdevelopment of the site.
- During the assessment, it was identified that there may be a potential conflict of interest with respect to the consultant associated with this application who became an employee of the Council. Therefore the additional information submitted in regards to this application has been independently assessed.

- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and it is recommended to the panel that the application be refused for reasons outlined in this report.
- The proposal is not considered to be in the public interest.

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## Officer's Recommendation

It is recommended that development application 3503/2019/DA-M proposing the demolition of existing dwelling and associated structures and the construction of a multi dwelling development, consisting of five dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown be refused for the reasons in attachment 1.

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## Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of EP&A Act.

<b>Property Description</b>	Lot 13 DP 28272, 19 Dan Street, Campbelltown
<b>Application No</b>	3503/2019/DA-M
<b>Applicant</b>	Ians Family Trust Pty Ltd c/- Ideas Architects
<b>Owner</b>	Ians Family Trust Pty Ltd
<b>Provisions</b>	Campbelltown 2027 – Community Strategic Plan State Environmental Planning Policy 55 - Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	4 November 2019

## Application History

The application was received on 4 November 2019. The applicant was requested, by letter dated 30 March 2020, to submit additional information by way of amendments to the design and additional information on plans or reports regarding the following:

- internal driveway and manoeuvring area
- garage widths
- drainage

- Building Code of Australia
- amendment to the streetscape elevation of Dwelling 1, Design Excellence and how the dwelling design reduces the bulk and scale and minimises overlooking and overshadowing concerns
- tree removal, solar access to private open space
- rear access to the private open space
- waste management
- driveway length and gun-barrel appearance
- visitor parking shortfall
- privacy
- fencing
- size of private open space
- storage
- Survey plan legibility
- impervious area forward of the building line
- finished floor levels inconsistencies on plans
- strata plan
- landscape plan inconsistencies
- BASIX commitments

The applicant provided additional information on 11 May 2020 including a cover letter, arboricultural impact assessment and tree management plan, car park assessment, amended architectural plans, landscape plan, survey plan, a schedule of finishes, revised statement of environmental effects, stormwater report and traffic report. The key changes relate to the addition of windows and limited cladding to the front elevation and minor changes or notations to plans to address the issues raised by Council.

### **The Site and Surrounding Locality**

The subject site is known as 19 Dan Street, Campbelltown and legally described as Lot 13 DP 28272. The site is rectangular in shape, with an angled frontage to the street 16.5m wide, and has a total area of 801.1sqm. Vehicular access is achieved via Dan Street and existing trees and shrubs are located within the rear and side yard, as well as along the side boundary within the front setback.

Surrounding development comprises of single dwelling residential, with pockets of multi-unit housing which has occurred as the immediate area begins to undergo transition. To the north-west of the site, along Moore-Oxley Street in an R4 High Density Residential zone, new residential flat building development has occurred. The site is approx. 900m from Campbelltown Station to the west, and the Campbelltown CBD.

The topography of the site is generally flat, with a slight slope downwards from the rear boundary to the street.

A site location map is provided in Figure 1 below.



**Figure 1:** Site location map, subject site identified with the pin (source: Near Map)

## The Proposal

The proposed development will comprise the following:

- Demolition works to the dwelling and removal of ancillary buildings and structures.
- Construction of a multi dwelling development, consisting of five two storey dwellings.
- Dwellings 1 to 4 contain three bedrooms and dwelling 5 contains two bedrooms. A single garage is provided for each dwelling, as well as kitchen, living and other amenities. The size and dimensions of the proposed dwellings are listed in the table below:

Dwelling	Gross Floor Area (sqm)	Bedrooms	Car spaces	POS area (sqm)
1	86.5	3	1	44.65
2	92.7	3	1	40.55
3	92.7	3	1	40.40
4	92.7	3	1	40.40
5	84.5	2	1	40.08

- One visitor car parking space is proposed between dwellings 1 and 2.
- Private open space for each dwelling is located behind the front building line.
- Access to the private open space for each dwelling is provided from the internal living area.

- Strata title subdivision of each unit and an area of common property.
- Retention of one tree in the southern corner of the site, to be retained within the area of common property at the end of the driveway.
- Landscaping is proposed in accordance with the proposed landscape plan, which includes grassed areas, scattered tree planting and shrubs.
- The materials and finishes comprise a mixture of render and cladding with a metal roof. The colour palette comprises white, grey with timber coloured cladding.
- Front fencing comprising a mixture of solid columns and open-style palisade fencing. A gate is proposed within the fencing to dwellings 1 and 5 to provide separate access to the private open space.
- Bin storage for each dwelling is proposed within the private courtyards, with access provided through the garage for dwellings 2, 3 and 4.
- Provision of stormwater drainage infrastructure discharging to the street.

## Report

### 1. Vision

#### **Campbelltown 2027 Community Strategic Plan**

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

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The proposal would contribute towards housing supply to the Campbelltown area which is consistent with Strategy 1.8 of Outcome 1, which encourages a range of housing choices to support different lifestyles.

Despite consistency with strategy 1.8 of Outcome 1, the proposal is inconsistent with the strategy 4.3 of Outcome 4 which requires Council to responsibly manage growth and development, with respect for the environment and character of our city. The proposed built form will have adverse impact on the streetscape and natural environment and does not provide a functional living environment for the future residents.

It is considered that the proposed development is not consistent with the long term vision for the Campbelltown and Macarthur Region.

## **2. Planning Provisions**

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

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

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) requires the consent authority to consider whether the subject land of any development application is contaminated.

The site has historically been used for residential purposes for a number of years and the proposed use remains for residential purposes. Based on Council's site inspection carried out, no evidence of potentially contaminated land was present on site. As such, it is considered that the provisions of SEPP 55 have been satisfied and the use of the site for residential purposes remains suitable.

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

The development site is located within the Georges River Catchment, therefore the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP) apply to the subject application.

The general aims and objectives of this GMREP 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 GMREP and is considered acceptable in this regard.



## **2.4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State and an application for development consent in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

A satisfactory BASIX Certificate has been provided for the proposal and the proposal is considered acceptable in this regard.

## **2.5. Draft Environmental Planning Instrument**

Section 4.15 – (1)(a)(ii) of the EP&A Act requires consideration of any proposed instrument that has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Amendment No. 24 to Campbelltown Local Environmental Plan 2015 has been publicly exhibited and a planning proposal was considered by Council on 9 June 2020. The proposal has been forwarded to the Department of Planning, Industry and Environment. It is advised there are no amendments proposed to LEP 2015 which are required to be considered as part of the subject development application.

## **2.6. Campbelltown Local Environmental Plan 2015 (CLEP 2015)**

The subject site is zoned R3 Medium Density Residential under the provisions of Campbelltown Local Environmental Plan 2015. Multi dwelling housing is permissible with consent in the R3 zone.

Multi dwelling housing is defined as three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposed multi dwellings are consistent with the above land use definition.

### **R3 Medium Density Residential Zone**

The objectives of the R3 zone are:

- 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.

The proposed development provides for the housing needs of the community and contributes to providing a variety of housing types in close proximity to commercial centres, transport hubs and routes. Whilst the area is beginning to undergo transition to medium density, the immediate area surrounding the development site remains primarily single dwellings. The appearance of the development from Dan Street should be consistent with that of an individual dwelling. Dwelling 1 has direct frontage to the street, however, the built form of the dwelling as viewed from Dan Street is not characteristic of the area nor appropriate in terms of bulk and scale to create a suitable streetscape. The vast expanse of blank wall could be minimised further through design and use of materials such as cladding all the way to the roof to break up the mass of rendered façade. Within the development, other parts of the roof design provide considerable mass and associated overshadowing impacts for adjoining properties.

The proposal is a medium density multi dwelling housing development that is uncharacteristic of the future desired character of the area. Further, the development is contrary to the first objective of the R3 Medium Density Residential zone. Refer to Clause 7.13 – Design Excellence for detailed justification.

#### **Clause 2.6 Subdivision – consent requirements**

Clause 2.6 provides that land may be subdivided with development consent. The application proposes strata subdivision of the dwellings.

#### **Clause 2.7 Demolition requires development consent**

Clause 2.7 provides that the demolition of a building or work may be carried out only with development consent. Demolition is proposed and consent is sought under the subject application.

#### **Clause 4.3 Height of Building**

Clause 4.3 provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The Height of Building Map identifies a maximum height of nine metres. The proposal complies with the maximum building height prescribed for the site. Regardless of compliance with the height control, concerns have been raised during the assessment with respect to the angle of the roof and associated length resulting in imposing rooflines and unnecessary bulk and overshadowing.

#### **Clause 4.3A Height restrictions for certain residential accommodation**

Clause 4.3A requires a dwelling that forms part of multi dwelling housing must not be higher than two storeys. Dwellings proposed under this application are not greater than two storeys at any point.

#### **Clause 4.4 Floor Space Ratio**

Clause 4.4 (2A) prescribes the maximum floor space ratio for multi dwelling housing in Zone R3 Medium Density Residential is 0.75:1. The proposed development proposes a floor space ratio of 0.56:1 (449.1sqm/801.1sqm), which complies with clause 4.4.

**Clause 7.1 Earthworks**

Clause 7.1 requires the consent authority to consider whether the proposed works would have a detrimental impact on environmental functions and processes, neighbouring land uses, cultural or heritage items or features of the surrounding land.

The proposed development includes minor earthworks and is not anticipated to cause detrimental environmental impacts.

**Clause 7.10 Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The site is located within an established residential area with essential services readily available to service the site.

**Clause 7.13 Design Excellence**

Clause 7.13 of Campbelltown Local Environmental Plan 2015 applies to the development as the proposal involves the construction of a new building in the R3 Medium Density Residential zone.

During the assessment of the application, the applicant was requested to alter the street elevation of dwelling 1 and to provide further information as to how the design of the dwellings reduces the bulk and scale and minimises overlooking and overshadowing concerns and to address clause 7.13(4)(d)(v).

Clause 7.13(4) provides the following:

- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors,
  - (d) how the development addresses the following matters—
    - (i) the suitability of the land for development
    - (ii) existing and proposed uses
    - (iii) heritage issues and streetscape constraints
    - (iv) bulk, massing and modulation of buildings
    - (v) street frontage heights
    - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity
    - (vii) the achievement of the principles of ecologically sustainable development

- (viii) pedestrian, cycle, vehicular and service access, circulation and requirements
- (ix) the impact on, and any proposed improvements to, the public domain
- (x) the interface with the public domain
- (xi) the quality and integration of landscape design

The applicant provided amended elevation plans and indicated that design changes had been incorporated. The design changes included the addition of a window, changes to the balcony profile and changes to the materials on the front elevation to the front elevation.

The amended submission also included the following comments:

- Dwelling 1 has been located to front Dan Street utilising a number of different materials and colours.
- The external façade of dwelling 1 fronting Dan Street provides vertical and horizontal articulation to minimise bulk and scale.
- The first floor balcony on the front façade provides articulation and use of varying materials such as glass balustrades.
- The balcony located on the south west side elevation and the extension of the ensuite on the north east side elevation also provides articulation, coupled with the cladding type material, when the dwelling is viewed from Dan Street.
- Landscaping within the front setback area provides an appealing streetscape aesthetic and softens the streetscape.
- The proposed form and external appearance of the development will improve the quality and amenity of the public domain due to only one dwelling fronting the street.
- The design of the dwellings, particularly the dwelling fronting Dan Street, provide articulation and modulation to reduce the bulk and scale and minimises overlooking and overshadowing concerns. This is done by separating the development in two parts with visitor parking in between. This not only provides visual interest along the side elevation when viewed from the street, it also breaks up the continuity of the buildings along this elevation.
- The varying roof heights along the elevations also add to minimising the bulk and scale of the development.
- The two storey nature of the dwelling is consistent with the maximum height allowed.
- The two storey dwelling also provides visual interest within the streetscape and is consistent with other two storey dwellings within the locality.
- There is an existing two storey multi dwelling development located three blocks down from the subject site.
- The area is undergoing a change from older type single storey dwellings to more contemporary two storey dwellings as the area evolves and is also in close proximity to residential apartment buildings within the area.

In response to the above, the dwellings contain a distinctive architectural feature through the use of varying façade and uses a range of complimentary materials and finishes which unifies the development, with the exception of the front façade.

The surrounding area comprising of established housing stock is anticipated to undergo redevelopment in due course due to the R3 Medium Density Residential zoning of the immediate locality. The proposed built form contains a mix of modern and traditional finishes and elements that would provide diversity within the development and assist with the harmonisation of the development with the surrounding existing and future development. However, certain elements of the proposed built form are considered to be excessive and when considered with the inconsistencies and inadequacies identified with Council's controls, cumulatively result in an overdevelopment of the site.

Development immediately surrounding the subject site comprises low density single storey residential development, with medium density emerging in the wider R3 zoned area. The proposal has failed to consider the relationship to the context of the existing surrounding residential allotments and the envisaged future desired character of the area. The proposed two storey built form is considered to be contrary to that of the immediate surrounding area, not by way of the two storey component but by virtue of the design of the roof angles and resulting bulk of the higher components of the roofline and in particular resulting large front elevation.

In terms of streetscape, the revised proposal does not satisfactorily alter the front elevation to Dan Street and the applicant's justification relies upon the side elevation along the driveway being visible from the street and the additional windows and minor increase in cladding on the street elevation. It is important to achieve a good presentation to the street for this development as it is one of the first in the immediate vicinity and, importantly, will set the tone for the future desired character as the area transitions to medium density.

Whilst the area is beginning to undergo transition to medium density and remains primarily single dwellings, the appearance of the development to the street should be consistent with that of an individual dwelling. Dwelling 1 is provided with direct frontage to the street, however, the dwelling presents a built form to the street that is not characteristic of the area nor appropriate in terms of bulk and scale to create a suitable streetscape. The vast expanse of blank wall could be minimised further through design and use of materials such as cladding to a greater extent, e.g. all the way to the roof line, to break up the mass of rendered façade.

The streetscape of the development would be improved if the streetscape elevation of dwelling 1 were similar in design to the south-west elevation of dwelling 1, and incorporated a balanced window design. The applicant was requested to revisit the design of the street frontage to be similar in design to the side elevation fronting the driveway, which is considered to be aesthetically pleasing. The plans were amended by addition of windows; however the front façade remains largely blank, in particular the upper portion, with a window box as a feature. This frontage appears to be incongruous with the side elevation and adds unnecessary bulk to the key appearance to the street. The use of cladding in a similar manner to the side elevation going up to the roof line and a similar balcony arrangement would have addressed this concern.

The proposed two storey nature of the development is supported. However, the design incorporates a significant roof over dwelling 2 which is 2.5m from ceiling to the top of the roof which provides unnecessary bulk for an extended length. This bulk could be reduced by a lowering of the upper portion of the roof and reduction in angle. This can clearly be seen on

the section drawing provided with the application. There are unnecessary overshadowing and visual dominance impacts from this roofline, which could easily be avoided without compromising the design.

The applicant mentioned in the justification that the visitor car parking space between dwellings 1 and 2 reduces bulk by “breaking up” the development. This approach could have been incorporated into the development to provide the required second visitor space and break up the remaining building form, which in turn would reduce other amenity impacts including overshadowing.

The elevation to the street has provided a large blank wall due to the angled roof being higher at the street than within the development. This elevation appears to be inconsistent with other elevations and provides unnecessary “boxiness” to the modern design with angles and a good mixture of materials. The use of the cladding on the side elevation all the way to the roofline significantly reduces the bulk of the building. It is acknowledged that effort has been made within the amended design to incorporate cladding within the window box and add two other windows where previously blank. The cladding, however, would have been better used over a large portion of the façade, as has occurred on the side elevation. Should this have been the only issue with the development, a condition of consent could have been recommended to further amend this façade, however, there are numerous issues which cumulatively render the proposal unsuitable without further amendments to the overall design.

The assessment against Campbelltown (Sustainable City) Development Control Plan 2015 also reveals inadequacies of the development with respect to important functionality of the development, which contribute to the design concerns and non-compliance with clause 7.13(4)(d).

It is considered that resolution of the other issues relating to the development outlined in this report such as a driveway design, second visitor car parking space, direct rear access to all private open space (POS) for bin access, and tree retention would allow for the opportunity to address the building design issues raised at the same time and result in an overall improved design outcome.

## **2.7. Campbelltown (Sustainable City) Development Control Plan (SCDCP 2015)**

The Campbelltown (Sustainable City) DCP 2015 is categorised into several volumes and parts that relate to specific localities and various developments. Volume 1, Part 2 that relates to development controls for all types of development with Part 3 relating to low and medium density residential development and ancillary residential structures.

The following table provides an assessment of the proposal in accordance with the relevant requirements of SCDCP 2015.

<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.2 Site Analysis</b>	A Site Analysis Plan shall be lodged with the development application.	A site analysis plan was provided with the development application.	Satisfactory
<b>2.4.1 Rain Water Tanks</b>	Above ground water tanks shall be located behind the primary or secondary building line.	Proposed rain water tanks are located behind the primary building line.	Satisfactory
<b>2.4.5 BASIX</b>	BASIX Certificate to be provided in accordance with State Environmental Planning Policy	Compliant BASIX certificate has been provided.	Satisfactory

	(Building Sustainability Index: BASIX) 2004.		
<b>2.5 Landscaping</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The proposed landscaping treatment could be embellished further by way of increased opportunities for landscaping in an amended design to address the key design and layout concerns identified within this report. The proposed landscape design softens the visual impact of the development, however, should allow for the retention of existing trees on the site, screen planting and replacement planting in a revised design.	Unsatisfactory
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	The development proposes the retention of only one existing established tree. In response to the initial assessment, an Arborist Report was prepared.  Council's Environment Officer reviewed the report and a discussion is provided in section 3.1 of this report.	
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposed landscaping strategy would not add value to the quality and character of the streetscape in its current form and must be revised to consider tree retention and replacement planting, as well as the other issues identified within this report with respect to streetscape and gun barrel driveway. The minor 'kink' in the driveway does not provide sufficient landscaping to mitigate against the visual impact of the driveway length.  The landscape design does not assist with the 'gun barrel' driveway.	
	d) A Landscape Concept Plan is required to be submitted for development applications that in the opinion of council a landscape plan is required.	A landscape plan has been prepared and submitted with the development application, however the plan is not considered satisfactory.	
	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.	Unsatisfactory landscape concept plan submitted, as detailed above.	

	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Landscaping strategy proposed features a mix of native and non-invasive plant species. An updated plan is required, as detailed above.	
<b>2.7 Erosion and Sediment Control</b>	a) An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application.	Erosion and sediment control details are noted on site plans provided with the development application.	Satisfactory
<b>2.8 Cut, Fill and Floor Levels</b>	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Architectural plans submitted detail proposed cut and fill.	Satisfactory
	b) max cut and fill 1m	Cut and fill is minor and does not exceed 1m.	
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	A condition of consent can be applied.	
<b>2.9 Demolition</b>	a) A development application involving demolition shall be considered having regard to the information listed within this part.	Demolition is proposed. A condition of consent can be applied.	Satisfactory
<b>2.10.2 Stormwater</b>	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 available from Council's website at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a> ).	See below.	Unsatisfactory
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device.	Subject site falls to the street and the stormwater design proposes to drain to the street via a series of new pipes.  The application has been referred to Council's Engineers who have requested invert and surface levels of the pit in Dan Street and the details of the site outlet pipes to be provided to demonstrating that the stormwater from the site has been discharged to the Council pit by gravity.	
	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development available from Council's website	Refer to comment above.	



	at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a> .		
<b>2.10.3 Stormwater Drainage</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	Refer to comment above.	Unsatisfactory
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	Refer to comment above.	
<b>2.12 Retaining Walls</b>	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	No retaining walls proposed as part of this application due to the relatively flat nature of the site.	N/A
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:  i) No filling shall be permitted within two 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.	No retaining walls proposed as part of this application.	
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:  i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.  Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has	No retaining walls proposed as part of this application.	

	been obtained and submitted as part of the DA.		
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	No retaining walls proposed as part of this application.	
	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.	No retaining walls proposed as part of this application.	
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	The provision of a Structural Engineering Report would be recommended as a condition of development consent if the application was supported.	
	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.	No retaining walls proposed on existing boundaries.	
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Retaining walls are not proposed on neighbouring properties.	
	i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	No retaining walls proposed as part of this application.	
<b>2.13 Security</b>	e) CPTED report required for DA's for multi dwelling housing developments.	A CPTED report was not submitted to demonstrate the functionally and CPTED principles.	Unsatisfactory
<b>2.14.1 Contaminated Land Management</b>	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.	The site has historically been used for residential purposes for a number of years and the proposed use remains for residential purposes.	Satisfactory
<b>2.14.2 Salinity</b>	Salinity Analysis and Remedial Action Plan shall be prepared and submitted with the development application where the site has been identified as being subject to a salinity hazard.	A condition of consent can be applied if the application is supported.	Satisfactory

<b>2.15 Waste Management</b>	A detailed Waste Management Plan (WMP) for multi dwelling developments are to detail how demolition and construction waste will be managed is required to be submitted.	WMP has been submitted with the development application. Refer to discussion below regarding waste management.	Satisfactory
<b>2.15.2 Waste Management During Demolition and Construction</b>	Waste management plan is required to be submitted in accordance with this control.	WMP application detailing how demolition and construction waste will be managed has been submitted with the development.	Satisfactory
<b>2.15.3 On-going Waste Management</b>	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>Ongoing waste will be managed individually, and bin storage areas located behind the primary building line within the courtyards. Residents will present bins for kerb side collection on allocated collection times.</p> <p>Council's Waste Officer has reviewed the proposed waste arrangements and raised concerns regarding dwellings 2-4 having access from the rear yard to the common driveway area through their garages.</p> <p>Dwellings 2, 3 and 4 do not have direct access from the bin storage area, located in the private open space, when a car is parked in the garage which is not considered satisfactory.</p> <p>Dwellings 1 and 5 have direct access from the bin storage area in the private open space to the street which is considered satisfactory.</p> <p>Bin presentation will occupy 8m of the 11.55m of net frontage available (or 69 percent), which is significantly above the 50 percent permitted by Council.</p> <p>The bin travel distance for Unit 5 is around double what is usually permitted.</p> <p>As such, any future application for development must resolve the issues with dwellings 2-4 by increasing the garage width, in</p>	Unsatisfactory

		addition to the other issues within this report, in order to allow a suitable waste outcome.	
<b>2.16 Provision of Services</b>	This Part of the DCP details requirements to ensure that development is provided with adequate water and power supply.	The subject site is currently serviced by utilities. Conditions of consent could be recommended to ensure compliance with this is achieved, should the proposal be supported.	Satisfactory

The following table provides an assessment against Volume 1, Part 3 low and medium density residential development and ancillary residential structures of the SCDP 2015.

Control	Requirement	Proposed	Compliance
<b>3.4.1.1 Streetscape</b>	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.	The development is considered inconsistent with the streetscape of Dan Street, as discussed in the discussion under Clause 7.13 Design Excellence of LEP.  The proposal presents as a medium density housing development through the provision of a bulky façade to the street, which is out of scale with the surrounding dwellings, as well as a gun barrel driveway, and is unsatisfactory.	Unsatisfactory
	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.	N/A - Subject site not located on a corner.	
	c) The built form shall relate to the natural landform and setting.	Satisfactory. Minimal change to levels is required due to the natural topography.	
	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.	Satisfactory. The proposal has incorporated a range of façade elements to ensure on-site parking areas are sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street.	
	e) Garage doors facing a public street shall not be wider than 50 percent of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).	No proposed garages face the street.	

Control	Requirement	Proposed	Compliance
	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.	Satisfactory. Garages are located at least 6m from the primary street boundary.	
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment	No bathroom, ensuite, toilet or laundry windows are proposed to front elevation.	
	h) Multi dwellings and dual occupancies shall satisfy the following architectural requirements:  i) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines  ii) incorporation of façade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements.  iii) provision of windows and active space in the building ends, to provide additional security and visual interest	Each dwelling proposes a balcony to the front façade to provide passive surveillance to the street and driveway access. However, there is opportunity within the design to alter the boxy design of the first floor balcony to the street to reduce the bulk and scale and solid façade as currently proposed.  Proposed multi dwellings include varied roof heights and wall planes, varied materials and finishes to create individuality, to other elevations.	
	i) All windows facing the street (primary and secondary) must have a balanced architectural design.	Proposed window siting is architecturally balanced, notwithstanding the unacceptable front façade.	
<b>3.4.1.2 Building Height</b>	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.	Two storey proposed.	Satisfactory
<b>3.4.1.3 Advertising Material</b>	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.	The plans detail the location of proposed letter box.	Satisfactory
<b>3.4.2 Car Parking and Access</b>	a) The minimum dimensions of any required parking space shall be 2.5 metres 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.	Each dwelling proposes a single garage to service each dwelling. Refer to further comments below.	Unsatisfactory
	b) The minimum internal dimension of an enclosed	Each dwelling contains a single garage, however the	

Control	Requirement	Proposed	Compliance
	garage shall be 3 metres x 6 metres.	minimum internal dimensions of 3m x 6m are not satisfied, being 5.8m, and no provision made for an increased width to allow for bin movements for dwellings 2, 3 and 4.	
	c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Driveway longitudinal sections submitted. A condition of consent to be applied to ensure driveway grades comply with AS 2890.1 if the application is supported.	
	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), which is available at Council's website at <a href="http://www.campbeltown.nsw.gov.au">www.campbeltown.nsw.gov.au</a> .	A condition of consent can be recommended should the proposal be supported.	
	e) Driveways greater than 30 metres in length as viewed from the street shall be avoided.	Nil proposed.	
	f) Driveways shall be located a minimum distance of six metres from the tangent point of any unsignalled intersection (refer to Figure 3.4.2.1).	N/A.	
	g) The minimum width of the driveway at the street kerb shall be: i) 2.5 metres where the driveway provides access for one dwelling; ii) five metres where a single driveway provides access for two or more dwellings (excluding secondary dwellings).	The amended architectural plans propose a non-compliant narrow driveway width, being less than 4.8m wide.	
	h) For residential developments incorporating more than 20 dwellings, a Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted with the development application.	Not applicable. Less than 20 dwellings proposed.	
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2.2).	Proposed driveway is located perpendicular to the road.	
	j) Plain concrete driveways including crossover and layback shall not be permitted. Details of driveway colours and patterns	A condition of consent can be applied if the application is supported.	

Control	Requirement	Proposed	Compliance
	shall be submitted with the development application.		
	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>Unsatisfactory vehicle access provided for each dwelling.</p> <p>Council's Engineer reviewed the justification provided within the submitted Car Park Assessment report dated 30 April 2020 prepared by Park Transit Pty Ltd with regard to the driveway arrangement, apron width, vehicle manoeuvring area and internal driveway width and determined that it is not acceptable due to the following reasons:</p> <p>i. The additional factors given in Cl. 3.2.2 of AS2890.1 in relation to the access driveway width have not been considered in the report.</p> <p>ii. The aisle width given in Table 1.1 of AS 2890.1 is applicable for off street car spaces not for the enclosed garages.</p> <p>iii. The clearance line of the provided swept paths encroach the garage walls and door entrances when entering and existing the garages. With the proposed apron and driveway widths, the entering of B85 vehicle into the garage cannot be achieved.</p> <p>iv. The report states that the measured internal driveway width is 5.1m. This width is incorrect. Due to the landscaping proposed on both sides of the internal driveway, the available width of the internal driveway at front boundary would be less than 4.8m.</p> <p>v. Even though the traffic report states that passing bay has been provided adjacent to Unit 2, sufficient information has not been provided to</p>	

Control	Requirement	Proposed	Compliance
		<p>demonstrate that two vehicles (B99 &amp; B85) can manoeuvre safely at this location.</p> <p>As the proposal is for multi dwelling development with a long circulation driveway (46.5m), the driveway manoeuvring area needs to be redesigned to comply with the Council and AS 2890.1 requirements. In this regard, the access and internal driveway shall be widened to 5.5m minimum to provide two way access to the development. As a 2.4m wide garage door has been proposed for the development, a minimum of 7.0m apron width shall be provided for each garage to achieve right angle entry to the garage as required by AS 2890.1. The swept paths shall be revised demonstrating that the B85 vehicle can enter and exit each enclosed garage in a forward direction with maximum of three point turn.</p>	
<b>3.4.3.1 Acoustic Privacy</b>	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 on recognised Australian Standards and any criteria and standards regulated by a relevant State Government Authority.	Not applicable as no major noise source.	N/A
	b) Development shall incorporate noise attenuation measures that are compatible with the scale, form and character of the street.	Not applicable	N/A
	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	Air conditioning units are not nominated by the BASIX Certificate.	N/A



Control	Requirement	Proposed	Compliance
	background levels at the property boundary.		
	d) Multi dwelling housing and attached dwellings near railway corridors and major roads shall demonstrate to Council's satisfaction compliance with the requirements under the Guidelines entitled Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008).	Not applicable.	N/A
<b>3.4.3.2 Visual Privacy</b>	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).	Windows are satisfactory to this control, as detailed on the amended plans and incorporate frosted glass and privacy screens.	Satisfactory
	b) Notwithstanding Clause 3.4.3.2a) any window of a living room located on an upper level shall: i) be offset by 2m to limit views between windows and balconies; or ii) have a sill height 1.7 metres above the floor level; or iii) be splayed to avoid direct views between windows; or iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.	Proposed windows are generally satisfactory to with this part.	
	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.	A balcony overlooking the street is proposed and would not overlook adjacent residential rear POS areas.	
<b>3.4.4 Solar Access</b>	a) Living areas shall generally have a northerly orientation.	Living areas have been appropriately sited.	Unsatisfactory
	b) A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	Solar access is achieved for dwellings between 9am - 12pm, without consideration being given to fencing. The inclusion of fencing on the shadows in the diagrams would result in a reduction in solar access provided to the dwellings to be well below the minimum requirement.	
	c) Development shall have appropriate regard to the impact on solar access to useable private open space and living	Shadow diagrams submitted have appropriate regard to the impact on solar access to useable private open space	

Control	Requirement	Proposed	Compliance
	areas, solar collectors and clothes drying areas of adjoining residential development.	and living areas, however, are not considered to be an accurate representation of all impacts as shadowing from fencing has not been considered.	
	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.	Fencing is a proposed structure and required to provide separation and privacy between occupants and neighbours. As such, the shadow diagrams should include fencing.	
<b>3.5.1 Fencing</b>	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.	Standard condition of consent recommending new fencing shall be erected at the cost of the developer could be applied if the application is supported.	Satisfactory
	b) Residential fencing along the rear and side boundaries shall be: i) located behind the primary street building line; ii) a maximum 2.1 metres in height (excluding retaining walls); and iii) a maximum 1.8 metres in height, if adjoining a secondary street	A condition of consent can be applied if the application is supported.	
	c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	Maximum 1.2m front fencing proposed.	
	d) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout	Not corner allotments.	
	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.	A condition of consent can be applied if the application is supported.	
	f) Details for fencing shall be submitted with the development application.	Submitted.	
<b>3.7.2.1 Site Requirements for Multi Dwelling Housing - Zone R3</b>	a) Multi dwelling housing shall not be erected on an existing battle-axe allotment.	N/A	Satisfactory
	b) For the purpose of calculating the developable area of an allotment a right of carriage way	N/A	

Control	Requirement	Proposed	Compliance
	shall not be included within the developable area of the allotment, unless the relevant public agency is satisfied that, that part of the allotment is capable of being developed for the purpose of multi dwelling housing.		
	c) Multi dwelling housing shall only be permitted on a site where no part of the allotment is within 50 metres of the commencement of the head of a cul-desac to which vehicular access to the site is obtained (refer to Figure 3.7.2.2).	Satisfactory.	
	d) A minimum of 10 percent of the total number of dwellings within a multi dwelling housing development containing 10 or more dwellings shall be adaptable dwelling(s).	Not applicable as less than 10 dwellings.	
	e) Multi dwelling housing shall not incorporate vehicular access that utilises any gate structure /mechanism other than access to basement car parking.	No gate structure/mechanism proposed.	
<b>3.7.2.2 Setbacks for Multi Dwelling Housing - Zone R3</b>	a) A multi dwelling housing development shall be set back a minimum of:  i) 4.0 metres from the primary street boundary;  ii) Two metres from the secondary street boundary;  iii) 0.9 metres from any side boundary;  iv) Three metres from the rear boundary for the ground level; and  v) Six metres from the rear boundary for all levels above ground level.	  Four metres  Not applicable.  Minimum 0.9m for dwelling 5.  Three metres proposed from the rear to ground level of dwelling 5.  Six metres proposed from the rear boundary to the first floor of dwelling 5.	Satisfactory
	b) Notwithstanding Section 3.7.2.2a), the car parking space shall be setback a minimum of 6 metres from the primary street setback.	Satisfactory.	

Control	Requirement	Proposed	Compliance
	<p>c) Despite Clause 3.7.1.2a) above, where car parking spaces/garages are located and accessed from the back of the site (i.e via a rear lane) a multi dwelling housing development shall be permitted to be setback by:</p> <p>i) Three metres from the primary street boundary;</p> <p>ii) Two metres from the secondary street boundary;</p> <p>iii) 0.9 metres from any side boundary;</p> <p>iv) Three metres from the rear boundary for the ground level;</p> <p>v) Six metres from the rear boundary for all levels above ground level; and</p> <p>vi) One metre from the rear boundary for the garage component of the building.</p>	N/A	
	d) Where garages are located and accessed from the back of the site (i.e via a rear lane) they shall not exceed 50 percent of the width of the rear elevation.	N/A	
	e) Multi dwelling housing on corner allotments shall be permitted to have dwellings located on the ground floor and the first floor above , providing compliance with the BCA requirements and separate access to each dwelling from the ground floor is provided. Refer to the example of floor plans illustrated in Figure 3.7.2.2.	N/A	
	f) Stairs providing access to upper level dwellings shall be enclosed.	Satisfactory.	
	g) Each dwelling within a multi dwelling housing development shall be provided with an 'incidentals' storage facility within the dwelling, which shall be available for personal use of the occupants of each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility	Satisfactory. Storage areas for each dwelling between 11.98sqm - 15.61sqm	

Control	Requirement	Proposed	Compliance
	<p>shall have a storage capacity of not less than the following:</p> <p>i) four cubic metres in the case of a studio flat;</p> <p>ii) six cubic metres in case of a one bedroom flat;</p> <p>iii) eight cubic metres in case of a two bedroom flat; and</p> <p>iv) 10 cubic metres in case of a three bedroom flat or more.</p>		
	h) The incidentals storage facility shall not be created as a separate (strata) allotment to the unit it services.	Incidentals storage is not proposed as a separate strata allotment.	
<b>3.7.2.3 The Size of Indoor Living Areas - Zone R3</b>	<p>a) The indoor living areas (i.e family room and lounges) within a dwelling (that forms part of multi dwelling housing development) shall have a minimum of one unfragmented area that is not less than:</p> <p>i) (3x3)sqm in case of a dwelling with one bedroom;</p> <p>ii) (3.5x4)sqm in case of a dwelling with two or three bedrooms;</p> <p>iii) (4x5)sqm in case of a dwelling with four or more bedrooms.</p>	<p>Dwellings proposed are 2-3 bedrooms. Each dwelling achieves an indoor living area with an unfragmented area that is not less than 3.5 x 4m.</p>	Satisfactory
	b) For the purpose of clause 3.7.2.3a) above, the total number of bedrooms within a dwelling shall include any room that is capable of being used as a bedroom (i.e study room).	Achieved.	
<b>3.7.2.4 Rear Access - Zone R3</b>	<p>a) Where there is no access to a rear lane or rear street directly available from the back of attached dwellings, each dwelling shall be provided with a separate and direct access from the backyard to the front yard that does not pass through any habitable area of dwelling (Refer to Figure 3.6.5.1 for a suggested design solution).</p>	<p>Dwellings 1 and 5 achieve access via a gate within fencing.</p> <p>Dwellings 2, 3 &amp; 4 rely on access through the garage, however, the garage has not been increased in width to allow for unobstructed access when a vehicle is parked in the garage. As such, no direct access is available to the rear POS.</p>	Unsatisfactory
	b) For the purpose of 3.7.2.4 a) above, the direct access from the	Not achieved for dwellings 2, 3 and 4.	

Control	Requirement	Proposed	Compliance
	rear to the front of the dwelling shall have a minimum width of 0.9 metres and shall not be obstructed by hot water systems, air conditioning units, gardens or anything that results in the obstruction of the access way.		
<b>3.7.2.5 Private Car Parking Requirement for Multi Dwelling Housing - Zone R3</b>	a) Each multi dwelling housing unit shall be provided with a minimum of one single garage or car parking space.	Single garages are proposed to each dwelling.	Satisfactory
	b) One external additional visitor car parking space shall be provided for every three units (or part thereof), unless all dwellings within the development have direct frontage to a public street.	Garages are not proposed on the street frontage.	
	c) No visitor car parking space shall be located forward of the primary or secondary street boundary.	Not applicable.	
	d) No visitor car parking space shall be in a 'stacked' configuration.	Not in stacked formation.	
<b>3.7.2.6 Requirements for the Use of Roof Space for Habitable Areas for Multi Dwelling Housing - Zone R3</b>	<p>a) Council may consider the use of the roof space for a habitable room, but only if:</p> <p>i) it is appropriately designed;</p> <p>ii) it is part of the overall design of the building;</p> <p>iii) appropriate light and ventilation is supplied to rooms; and</p> <p>iv) it does not negatively impact on the design quality of the streetscape.</p>	The plans do not indicate the use of the roof space.	N/A
<b>3.7.2.7 Private and Communal Open Space Requirement for Multi Dwelling Housing - Zone R3</b>	<p>a) Each multi dwelling housing unit shall be provided with an area or areas of private open space that:</p> <p>i) are not located within the primary street setback;</p> <p>ii) have a minimum area of 40 sqm,</p> <p>iii) have a minimum width of 3 metres;</p> <p>iv) include a minimum levelled area of (3x3) sqm;</p>	<p>Private open space for each dwelling is not located within the primary street setback area.</p> <p>Minimum 40sqm provided.</p> <p>Minimum width of 3 metres provided.</p> <p>Levelled area of 3m x 3m provided.</p>	Unsatisfactory in regards to solar access

Control	Requirement	Proposed	Compliance
	v) have an internal living room directly accessible to the outdoor private open space areas; and	The lower ground is open plan living / dining /kitchen which has direct access to the deck and POS.	
	vi) satisfy solar access requirements contained in section 3.4.4.	Not achieved as discussed under 3.4.4 - Solar Access.	
	b) No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	Achieved.	
	c) Any communal open space or recreation facility provided as a part of a development shall be designed and constructed to:  i) ensure safe access by the occupants of the development;  ii) prevent access by members of the public; and  iii) provide for the safety and well being of children in accordance with any applicable Australian Standard.	No communal open space or recreation facility proposed.	
<b>3.7.2.8 Presentation to Public Streets for Multi Dwelling Housing - Zone R3</b>	a) Multi dwelling housing shall satisfy the following architectural requirements:  i) a distinctive and innovative architectural design that presents visually interesting facades to the streets;  ii) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines;  iii) incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and  iv) provision of windows and active spaces in the building ends, to provide additional security and visual interest.	The development proposes a built form which includes façade treatments including render and cladding.  Despite the proposal including varied roof heights, wall planes and façade treatments as required under this Part, the overall built form fails to satisfactorily respond to the street, its siting, context and its landscaped setting.  The elevation to the street has provided a large blank wall due to the angled roof being higher at the street than within the development. This elevation appears to be inconsistent with other elevations and provides unnecessary boxiness to the modern design with angles and a good mixture of materials. The use of the cladding on the side (south-west) elevation all the way to the roofline significantly reduces the bulk of the building. It is acknowledged	Unsatisfactory

Control	Requirement	Proposed	Compliance
		<p>that effort has been made within the amended design to incorporate cladding within the window box and add two other windows where previously blank, the cladding would have been better used over a larger portion of the façade, as has occurred on the side elevation. Should this have been the only issue with the development, a condition of consent could have been recommended to further amend this façade, however, there are numerous issues which cumulatively render the proposal unsuitable without further amendments to the overall design.</p> <p>It is considered the proposal fails to make a positive contribution to the streetscape.</p>	
	<p>b) Multi dwelling housing shall satisfy the following additional provisions relating to streetscape:</p> <p>i) architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front facade of each dwelling.</p>	<p>Dwellings proposes side façade articulation that provides individuality through varied materials and finishes palette, but as discussed above, were not extended to the front façade as requested by Council. The applicant has indicated that the side elevation facing the driveway would also be visible from the street, which will be in part and is satisfactory in terms of design, however the front façade, which is the most prominent, has not been satisfactorily designed.</p> <p>Varied roof heights and planes proposed. Concerns have been identified with respect to the angles and overall height of the roof, which unnecessarily adds bulk to the overall development.</p> <p>Proposed facades incorporate different design elements to provide individuality to each dwelling.</p> <p>Each dwelling proposes a first floor balcony to provide</p>	



Control	Requirement	Proposed	Compliance
		passive surveillance and visual interest. The design of the balcony to the front elevation of dwelling 1 facing Dan Street could be altered to be similar to the side elevation and improve the appearance of the overall façade.	
	c) Unless Council can be satisfied that an existing dwelling located on the site makes a positive contribution to the character of the streetscape, that dwelling shall be demolished.	The design of the front façade and height and roof angles could be altered, which would render the development as making a positive contribution to the character of the streetscape. However, the design in its current form falls short of achieving this.	
	d) Where a development involves the construction of additional dwellings to create multi dwelling housing, the existing dwelling (where it is proposed to be retained) shall be renovated to match the colour, material, texture and architectural style of the proposed buildings so as to create a harmonious development.	N/A	
<b>3.7.2.9 Landscaping and deep soil planting Requirements for Multi Dwelling Housing Zone R3</b>	<p>a) Multi dwelling housing shall satisfy the following requirements relating to landscape:</p> <p>i) a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and</p> <p>ii) a minimum of 20 percent of the total site area shall be available for deep soil planting; and</p> <p>iii) no more than 30 percent of the area forward of any building line shall be surfaced with impervious materials.</p>	<p>Landscape plan prepared by Iftekhar &amp; Design Associates has been submitted with the development application.</p> <p>The proposed landscaping strategy would not add value to the quality and character of the streetscape in its current form and must be revised with consideration to tree retention and replacement planting, as well as the other issues identified within this report with respect to streetscape and gun barrel driveway.</p> <p>The proposed landscaping treatment could be embellished further by way of increased opportunities for landscaping in an amended design to address the key concerns identified within this report. The proposed landscape design softens the visual impact of the</p>	Unsatisfactory

Control	Requirement	Proposed	Compliance
		<p>development, however, should allow for extra areas for existing tree retention, screen planting and replacement planting in a revised design.</p> <p>The minimum deep soil planting area and maximum impervious area forward of the building line controls are met, however, the development has a shortfall of one visitor car parking space, which when provided would reduce the amount of landscaped area and increase impervious area and likely result in a non-compliance.</p>	
<b>3.7.2.10 Multi Dwelling Housing and Waste Management - Zone R3</b>	<p>a) Multi dwelling housing development shall make provision for individual waste storage, allocated behind the primary and secondary building lines and out of public view, as per the following:</p> <p>i) one 140 litre bin; and</p> <p>ii) two 240 litre bins.</p>	Each dwelling contains an area within the POS for the provision of three x waste storage bins in accordance with this part. However, unobstructed access is not provided to all areas – refer to comments above and section 3.1 of this report for a discussion.	Unsatisfactory
	<p>b) Development incorporating more than six dwellings not able to be Torrens Title subdivided under this Plan shall make provision for an appropriately sized communal waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors. Such storage facility shall:</p> <p>i) be located behind the primary and secondary building line;</p> <p>ii) be no more than 25 metres from the street;</p> <p>iii) be covered;</p> <p>iv) contain a hose connection;</p> <p>v) have an impervious floor that is connected to the sewer;</p> <p>vi) be located no closer than three metres (in a horizontal direction) from an opening within</p>	N/A	

Control	Requirement	Proposed	Compliance
	a dwelling on the site or from the property boundary; and  vii) incorporate design and construction (including colours, materials and finishes) that complement the development.		
	c) Any bin storage facility shall be of a sufficient size to accommodate the following for each multi dwelling housing:  i) one 140 litre bin; and  ii) two 240 litre bins.	N/A	
	d) All waste storage areas shall be appropriately screened from public view.	As the bins are stored within the POS, proposed fencing will screen the bins.	
	e) The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the dwelling to reach the collection point.	N/A	
	f) All bins located within waste/recycling bin storage facility shall be presented to kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.	N/A	
	g) Any development containing 20 or more dwellings, and/or when the number of bins proposed cannot be accommodated within 50 percent of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing (for the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 metre which allows for a 300mm separation distance either side of each bin).	N/A	
	h) The distance between a dwelling and the waste disposal	This control is not satisfied for dwelling 5.	

Control	Requirement	Proposed	Compliance
	point shall be a maximum of 40 metres.		
<b>3.7.2.11 Site Services for Multi Dwelling Housing - Zone R3</b>	a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	Essential services are available at the subject site. Condition of consent can be applied to ensure compliance with this part is achieved should the application be supported.	Satisfactory
	b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	Could be achieved by a condition of development consent if the application is supported.	
	c) All site services shall be placed underground.	Could be achieved by a condition of development consent if the application is supported.	
	d) All communication dishes, antennae and the like shall be located to minimise visual prominence.	Could be achieved by a condition of development consent if the application is supported.	

## 2.8. Developer Contributions

Section 7.11 development contributions are applicable to the proposed development. Should the application be approved, a condition of development consent can be applied.

## 3. Planning Assessment

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

Section 4.15(1)(b) of the EP&A Act requires the consent authority to assess the development's potential impacts on the natural and built environment.

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

- Streetscape and Built Form
- Waste Management
- Access, Traffic and Parking
- Tree removal and Landscaping
- Stormwater

#### Built form and Streetscape

The application proposes the demolition of a dwelling and the construction of a multi dwelling housing development comprising of five dwellings. The dwellings contain a distinctive architectural feature through the use of varying façade and uses a range of complimentary materials and finishes which unifies the development, with the exception of the front façade.

The surrounding area comprising of established housing stock will undergo redevelopment in due course. The proposed built form contains a mix of modern and traditional finishes and elements that will provide diversity within the development and will also harmonise with surrounding existing and future development. However, certain elements of the proposed built form are considered to be excessive and when considered with the inconsistencies and inadequacies identified with Council's controls, cumulatively result in an overdevelopment of the site.

Immediately surrounding development to the subject site currently comprises single storey low density residential development, with medium density emerging in the wider R3 zoned area.

The proposal has failed to consider the relationship to the context of the existing surrounding allotments and the envisaged future desired character of the area. The proposed two storey built form is considered to be contrary to that of the surrounding, not by way of the two storey component but by virtue of the design of the roof angles and resulting bulk of the higher components of the roofline and in particular resulting large front elevation and overshadowing impacts, and overbearing nature when viewed from adjoining properties.

In terms of streetscape, the revised proposal did not satisfactorily alter the front elevation to Dan Street and the applicant's justification relies upon the side elevation along the driveway also being visible from the street and the additional windows and minor increase in cladding being sufficient. It is important to achieve a good presentation to the street for this development as it is one of the first in the immediate vicinity and importantly, will set the tone for the future desired character as the area transitions to medium density. Refer to Clause 7.13 – Design Excellence for additional justification.

The built form has not satisfactorily responded to the key controls for a multi dwelling development to be functional and liveable for the occupants, as well as minimising amenity impacts for adjoining properties. The lack of visitor parking and minimum standards not being met for manoeuvring, parking and waste will result in ongoing issues for the residents.

The proposal presents as a medium density multi dwelling housing development that will be uncharacteristic of the future desired character of the area and is contrary to the first objective of the R3 Medium Density Residential zone.

## **Waste**

The development application was referred to Council's Domestic Waste Services Coordinator for review. The response identified the following concerns:

- The amended plans indicate that bin storage would be accommodated within the rear courtyard of each unit. However, in the cases of dwellings 2, 3 and 4, this arrangement does not allow for a clear travel path for bins between the storage area and the kerbside as there is insufficient garage width to accommodate a bin travel path while a vehicle is parked in the garage. Further, there is limited space within the driveway area that would allow for a car to be moved out of the garage to allow bins to pass without obstructing access to the driveway area.
- The frontage required to accommodate bin presentation at this development is 8m (3.9m for five x 140L bins, and 4.1m for five x 240L bins), which represents 69 percent of the net frontage available (11.5m, calculated as total frontage, less driveway width). On this basis, it is considered that there is insufficient frontage to accommodate 10 bins at the kerbside for collection each week.

- It is also noted that the travel distance for dwelling 5 is in excess of 45m from the bin storage area to the kerbside, which is significantly higher than the 25m allowed by Council's DCP.

The following recommendations were provided by Council's Domestic Waste Services Coordinator:

- Bin travel paths to be provided that allow for clear access for bins between the rear courtyard of each unit and the common driveway for units 2, 3 and 4, either by way of a widened garage or the provision of side access;
- Bin travel distance to be reduced for unit 5 to comply with Council's DCP; and
- Sufficient clear, unobstructed frontage to be provided to accommodate kerbside presentation of the proposed number of bins.

### **Access, Traffic and Parking**

The revised documentation was reviewed by Council's Senior Development Engineer who advised a number of items have not been addressed. A summary of concerns is provided below:

- The justification provided within the submitted Car Park Assessment report (dated 30 April 2020 prepared by Park Transit Pty Ltd) is not acceptable for the following reasons:
  - i. The additional factors given in Cl. 3.2.2 of AS2890.1 in relation to the access driveway width have not been considered in the report.
  - ii. The aisle width given in Table 1.1 of AS 2890.1 is applicable for off street car spaces not for the enclosed garages.
  - iii. The clearance line of the provided swept paths encroach the garage walls and door entrances when entering and exiting the garages. With the proposed apron and driveway widths, the entering of B85 vehicle into the garage cannot be achieved.
  - iv. The report states that the measured internal driveway width is 5.1m. This width is incorrect. Due to the landscaping proposed on both sides of the internal driveway, the available width of the internal driveway at front boundary would be less than 4.8m.
  - v. Even though the traffic report states that passing bay has been provided adjacent to Unit 2, sufficient information has not been provided to demonstrate that two vehicles (B99 & B85) can manoeuvre safely at this location.
- As the proposal is for multi dwelling development with a long circulation driveway (46.5m), the driveway manoeuvring area is to be redesigned to comply with the Council and AS 2890.1 requirements. In this regard, the access and internal driveway shall be widened to 5.5m minimum to provide two way access to the development. As a 2.4m wide garage door has been proposed for the development, a minimum of 7.0m apron width shall be provided for each garage to achieve right angle entry to the garage as required by AS 2890.1. The swept paths shall be revised demonstrating that the B85 vehicle can enter and exit each enclosed garage in a forward direction with maximum of three point turn. Electronic files of the revised swept path diagrams (in dwg and pdf

format) must be submitted to Council for further assessment as part of any future re-design.

### **Landscaping and Tree removal**

The application proposes the removal of five trees (Trees 8, 13, 14, 15 and 16), and the retention of one tree.

The development application was referred to Council's Environmental Officer for review and comment. The response identified the following concerns:

- The design of the development should demonstrate how it has considered the retention of Trees 8, 13, 14, 15 and 16. The proposal to remove all trees from the site is not an acceptable outcome. The other trees are identified as exempt and do not need consent for removal. The ratings that the Arborist has applied to the trees (eg SULE and significance ratings) should be independent of whether the tree is required to be removed as part of the development application or not. In giving all trees being removed to accommodate the development a low rating, the allocation of such a rating does not give an indication of the actual value/significance rating of each tree, as a standalone entity.
- Without the updated Arborist Report a full assessment cannot occur. Jacaranda (T8) must be retained, in addition to any others identified within the updated report, with appropriate replacement plantings for the loss of the remaining trees, i.e. 1:1 for those tree species that are not exempt in our DCP (n=4). There does not appear to be sufficient room for the replacement planting within the development due to the extent of associated hardscaping and is likely to be limited to the rear setback and POS areas of the site. There is not considered to be adequate room available in these areas without compromising the usability of the POS.
- The Landscape Plan only proposes two trees in the planting schedule for the entire site, with no street tree plantings proposed to be included.
- Any future application for development must include an updated Arborist Report which shows appropriate ratings for each tree (independent of the development); the proposed development should be re-designed with consideration to the retention of T8 and T13 to T16; and provide an updated Landscape Plan that provides adequate replacement (and street tree) plantings to compensate for the loss of trees on site.

### **Stormwater and Water Quality**

The revised documentation was reviewed by Council's engineers who advised the following has not been addressed. A summary of the concerns is provided below:

- Invert and surface levels of the pit in Dan Street and the details of the site outlet pipes to be provided demonstrating that the stormwater from the site has been discharged to the Council pit by gravity.

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

Section 4.15(1)(b) of the EP&A Act requires the consent authority to assess the likely impacts of the development, including social and economic impacts in the locality.

Social and economic issues are not envisaged with the proposal, with the exception of a future issue from the shortfall of one visitor car parking space on the site and inadequate room for the bins on the street frontage. Whilst the area is early in its transition, there is availability of on-street parking. Once other developments in the immediate vicinity commence, the demand for visitor parking and overflow on-street parking for those visitors when the onsite spaces are in use, is likely to create social cohesion issues. This could be addressed now by provision of the second visitor parking space on site, as required by Council's (Sustainable City) Development Control Plan 2015.

### **3.3. Site Suitability**

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

The site is not considered suitable for the proposed development due to its adverse impacts to the natural and built environment and the social and economic impacts on the locality as raised throughout this report.

Fundamentally, the proposal is an overdevelopment of the site, highlighted by the numerous non-compliances with Council's controls which on their own appear to be minor but cumulatively result in a development which is inconsistent with the zone objectives and proposes a built form that adversely impacts upon the streetscape.

Further, the application has failed to adequately address the surrounding environment, stormwater requirements, impacts of traffic, parking and access, waste management requirements and vegetation removal.

### **3.4. Public Interest**

The public interest is a comprehensive requirement that requires consent authorities to consider the long-term impacts of development and the suitability of the proposal in a larger context. The public interest is serviced through the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and having regard to the reasonable amenity expectation of surrounding land users.

In the circumstances of this case, the proposed development is considered to not be in the public interest. The application has failed to consider critical aspects of the site specifically the sites density, design and the impacts of the proposal.

Further, the application includes a number of non-compliances to the CLEP 2015 and SCDGP 2015 and the proposal would set an undesirable precedent for similar inappropriate and non-compliant residential development within the Campbelltown Local Government Area.

Refusal of the proposed development is considered to be in the public interest.

## **4. Public Participation**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions. The development application was publicly exhibited and notified to adjoining and nearby properties on 12 November 2019 for 14 days. No submissions were received.



## 5. Conclusion

This application has been assessed against the provisions of Section 4.15 of the EP&A Act. The proposed development is permissible with consent under the provisions of Campbelltown Local Environmental Plan 2015.

Overall, having regard to the matters of consideration under Section 4.15 of the EP&A Act and relevant matters discussed within this report and due to the significant and detrimental impact the proposed development would have on the compatibility with the surrounding urban environment in particular the streetscape, non-compliance with stormwater requirements, impacts of traffic, parking and access, waste management and vegetation removal.

The application fails to satisfactorily resolve critical deficiencies that were raised throughout the assessment process. It is recommended that the development for the demolition of existing dwelling and associated structures and the construction of a multi dwelling development, consisting of five dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown be refused subject to the recommended reasons for refusal detailed in attachment 1.

## Attachments

1. Arborist Report (due to size) (distributed under separate cover)
2. Draft Strata Plan (contained within this report)
3. External Colours and Finishes (contained within this report)
4. Landscape Plan (contained within this report)
5. Stormwater Plan (contained within this report)
6. Traffic Report (contained within this report)
7. Architectural Plans (for confidentiality reasons) (distributed under separate cover)

## Reporting Officer

Executive Manager Urban Centres



<div>PROJECT:</div> <div>PROPOSED MULTIDWELLING DEVELOPMENT AT 13 DAN STREET, CAMPBELL TOWN LOT 1, DP 28272</div> <div>CLIENT:</div> <div>IANS FAMILY TRUST Pty Ltd</div>	<div>0 This drawing is protected by copyright.</div> <div>NOTES:</div> <div>DESIGNS TO COMPLY WITH CURRENT VERSIONS OF BCA, AUSTRALIAN STANDARDS, COUNCIL REQUIREMENTS AND OTHER RELATED BUILDING REGULATIONS.</div> <div>ALL LEVELS AND DIMENSIONS SHALL BE VERIFIED BY BUILDER / SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK AND ANY DISCREPANCY THIS OFFICE MUST BE NOTIFIED.</div> <div>DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION, ENGINEERING DESIGN AND RELEVANT CONSULTANTS DRAWINGS. ALL DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.</div>	<div>DRAWING TITLE:</div> <div>SUBDIVISION PLAN</div> <div>SCALE 1: 200</div>	<div>DESIGNED:</div> <div>IFTEKHAR ABDULLAH B Arch, M. Urb. Des. (Sydney Uni.) Architect (Reg 8026 NSW, 2410 ACT)</div> <div>DESIGN DEV &amp; DRAWN:</div> <div>P CHAKMA (B. ARCH) M. GIS &amp; REMOTE SENSING ASADUZZAMAN RASSEL (BARCH) (M ARCH) ADVANCED ARCHITECTURE</div>	<div>ideas</div> <div>frekhar+design associates</div> <div>17 Warragamba Cr. Leumeah, NSW - 2560 Ph: 02 46257733, Mobile: 0404 891 326 e-mail: info@ideas-design.com.au www.ideas-design.com.au</div> <div>AMENDMENTS:</div>	<div>SCALE: 1:200</div> <div>DATE: 28 TH AUG 2019</div> <div>DWG. NO: SP-01</div> <div>revision: A B C D E F</div>
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FINISH SCHEDULE

- 1

Timberlook Cladding
- 2

Rendering with Grey Paint
- 3

Rendering with White Paint
- 4

Window Frame
- 5

Driveway
- 6

Metal Roof
- 7

Fascia
- Dark Colour Woodland Grey
- DP
- Matched with wall colour
- Coloured Concrete- Light Grey
- Light Colour



Note:  
Finishes are repeated  
To all units



FS 01

Rev 1

ideas

• Architects • Urban Designers

iftekhhar +design associates Pty Ltd

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PROPOSED MULTI-DWELLING ( 5 TOWN HOUSE)  
19 DAN STREET, CAMPBELLTOWN, NSW

DRAWING LIST

ARCHITECTURE

SHEET SIZE: A3

DRG. NO. DESCRIPTION

L-01	Landscape Plan (REV -A)
L-02	Landscape Plan
FS01	Finish Schedule (REV -A)
8035	Survey Plan
SP 01	Subdivision Plan



OWNER:  
IANS FAMILY TRUST PTY LTD  
NOVEMBER 2019

ISSUE FOR  
DEVELOPMENT  
APPLICATION

ARCHITECTS



ideas • Architects • Urban Designers  
iftekhar + design associates Pty Ltd  
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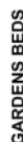
PLANTING SCHEDULE						
Species	ID	Common name	No	Pot Size	Height	Width
TREES						
Tristanopsis laurina	T1	Water Gum	1	5L	12	6
Pyrus calleryana 'Red Spire'	Pc	Red Spire	1	300mm	12	7
Jenus Callistemon	Jc	Bottle Brush	10	300mm	4	2
SHRUBS						
Acmena smithii	As	Lilly pilli	6	200mm	2.5	3
Agave attenuata	Aa	Lion's tail	15	150mm	1.5	1.5
GROUNDCOVER						
Viola hederacea	Vh	Ivy-leaved	10	150mm	0.3	0.6
Westringia fruticosa	Wf	Native Rosemary	10	150mm	1	1
Ophiopogon japonicus	Oj	Mondo Grass	10	150mm	0.5	0.7

	Lion's tail
	Mondo Grass
	New Leaved
	Native Rosemary
	Water Gum
	Red Spire
	Bottle Brush

Rev: A- 17.04.2020

- Amended and consistent with site plan

<div>PROJECT:</div> <div>PROPOSED MULTIDWELLING DEVELOPMENT AT 13 DUN STREET, CAMPBELLTOWN LOT 11 DP 28272</div>	<div>CLIENT:</div> <div>BUILD BY PROFESSIONALS</div>	<div>© This drawing is protected by copyright.</div> <div>NOTES:</div> <div>DESIGNING TO COMPLY WITH CURRENT VERSIONS OF BCA, AUSTRALIAN STANDARDS, CODE REQUIREMENTS AND OTHER RELATED BUILDING REGULATIONS.</div> <div>ALL LEVELS AND DIMENSIONS SHALL BE VERIFIED BY BUILDER / MANUFACTURER PRIOR TO COMMENCEMENT OF ANY WORK AND ANY VARIATIONS SHALL BE RECORDED IN WRITING.</div> <div>DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION, ENGINEERING DESIGN AND RELEVANT CONSULTANTS DRAWINGS. FIGURED DIMENSIONS TO TAKE PREFERENCE OVER SCALED</div>	<div>DRAWING TITLE:</div> <div>LANDSCAPE PLAN</div> <div>SCALE 1: 200</div>	<div>DESIGNED:</div> <div>IFTEKHAR ABDULLAH 9 Ard. / 16 Unit Dns. Sydney (NSW) Architect (reg. 61424 NSW, 2410 ACT)</div>	<div>DESIGN DEV &amp; DRAWN:</div> <div>ASADUZZAMMAN RASSEL (B ARCH) (M ARCH) ADVANCED ARCHITECTURE</div>	<div>ideas</div> <div>iftekhar+design as associates</div> <div>17 Warragamba Cr. Leumeah, NSW - 2560 Ph: 02 46257733, Mobile: 0404 891 326 e-mail: info@ideas-design.com.au www.ideas-design.com.au</div>	<div>AMENDMENTS:</div> <div>Rev: A</div>	<div>SCALE:</div> <div>1:200</div>
			<div>DATE:</div> <div>28 TH AUG 2019</div> <div>DWG. NO:</div> <div>L-01</div> <div>revision:</div> <div>A B C D E F</div>					



Cultivate to a depth of 200mm so that soil can be worked freely. Apply gypsum at manufacturer's rates to add in de-compaction of the site and breakdown of clay colloids.

Spread premium blend garden bed mix to a depth of 200mm, when settled. Back filling shall be tampered progressively to match existing soil compaction, to avoid later subsidence. Mound all garden beds to centre. Allow for depth of mulch to finished levels when installing soil mix. Refer to Garden Bed Preparation Detail

## PLANTS

All plants which have been declared, pursuant to section 7 & 8 of the Noxious Weed Act 1993, to be Noxious Weeds within the area of Liverpool City Council shall be removed on site and replaced with appropriate indigenous or native species.

All labels are to remain on plants and delivery receipts or copies of plant purchases, stating the species, amount, and container sizes of plants. Labels, when made available to Council's Construction Services or Private Certifier to facilitate certification that the landscape plan and conditions of consent have been implemented.

## STREET NUMBER

A street number is to be placed on site in a readily visible location, numbers having a height of not less than 75mm) Preferable location letter box prior to occupation of the building.

FRONT FENCE

As per council regulation.



Scale 1:20

**LAWN AREAS**

Cultivate to a depth of 100mm, so that soil can be worked freely. Apply Gypsum at manufacturer's rates to add in de-compaction of site and breakdown of clay colloids.

Spread 50mm layer of sandy loam topsoil blend. Rake over to form a smooth, even surface ready for lawn installation.

New turf to all areas to be Kikuyu. Lay with staggered and close-budded joints along contours, to prepared surface. Water immediately, top dress once established.

## MULCH

Mulch shall be ANL Re-mulch; which is best suited to the plant type and clients needs. Variation from this can only be made with consultation with the project manager.

- Mulch shall be free of soil, weed growth or any other foreign matter.
- Spread mulch evenly to a depth of 75mm over all garden beds.
- Rake over mulch surface to create an even finish.

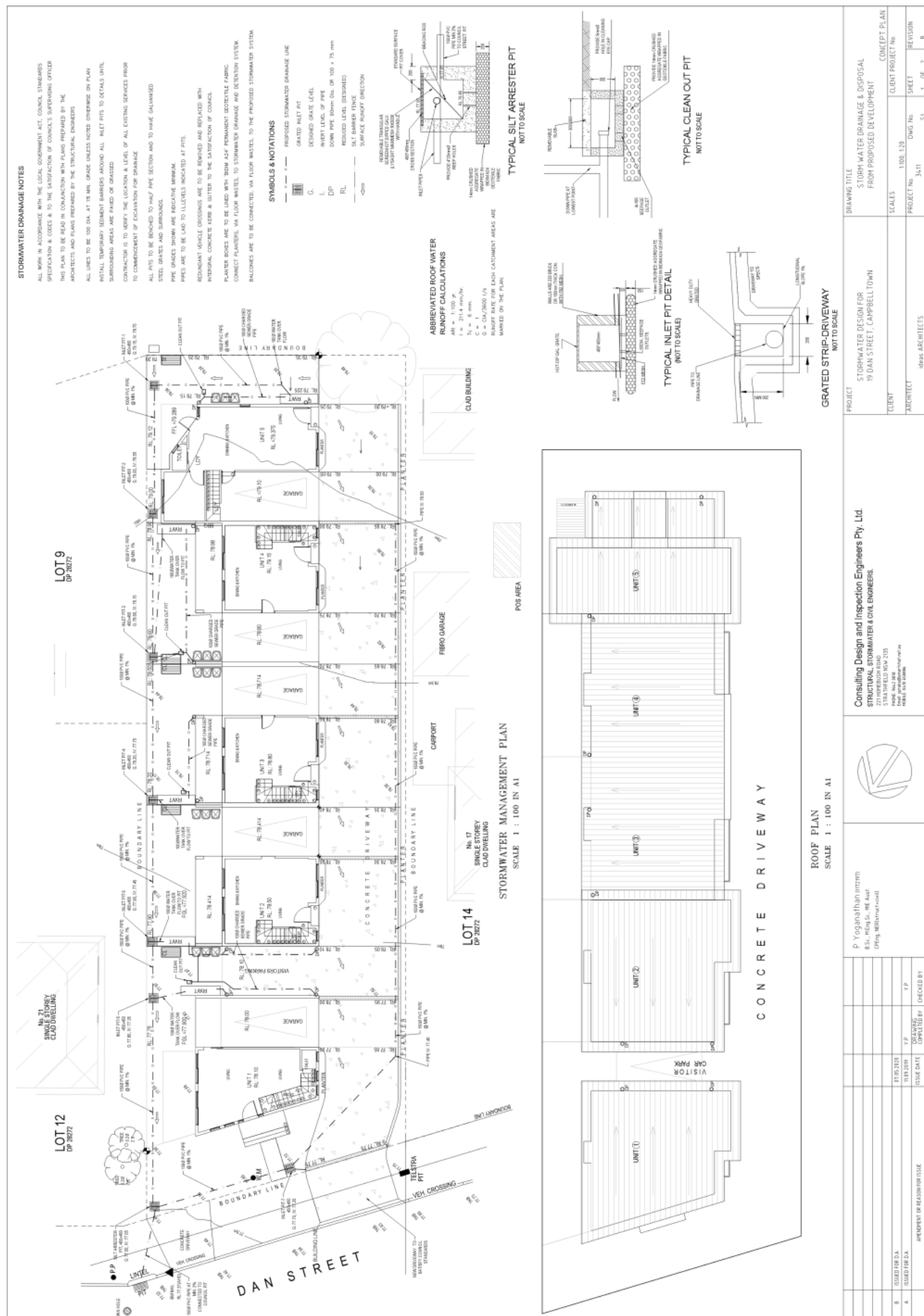
## GRAVEL (Where Applicable)

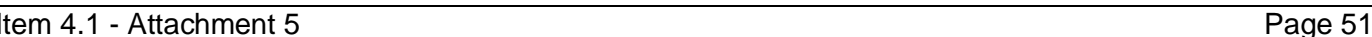
Gravel to be placed in designated areas as shown on plan.  
Install Cowra pebble white 20mm at 100mm Maximum depth.  
Rake surface evenly to spread gravel.



### Fence Details

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**ParkTransit**

**Car Park Assessment for 19 Dan Street, Campbelltown**

**– Parking & Traffic Engineering**

**30<sup>th</sup> April 2020**

ParkTransit Pty Ltd  
Unit 3, 398 Illawarra Rd  
Marrickville, NSW 2204  
ABN: 16 627 168 290  
Ph- 0431 084 571



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19 Dan Street, Campbelltown

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30<sup>th</sup> April 2020



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30<sup>th</sup> April 2020

Attention: Iftekhar Abdullah  
Director  
Ideas+Design Associates  
17 Warragamba Crescent  
Leumeah NSW 2560

**RE: Parking Assessment Report**  
**Proposed Residential Development at 19 Dan Street, Campbelltown**

Dear Iftekhar,

ParkTransit (PT) were engaged by Ideas+Design Architects to assess the car park layout of the proposed residential development against the Australian Standard for Off-Street Parking Facilities (i.e. AS2890.1-2004).

The subject site is located within the Campbelltown City Council LGA and is regular in shape. The subject site occupies Lot 13 DP28272 and is located on the south eastern side of Dan Street. The site is currently occupied by a residential dwelling house which have a sole frontage located along Dan Street.

The development proposal involves the construction of a double storey residential development accommodating five (5) town houses. As part of the residential development, all the residential parking spaces will be provided within an enclosed garage associated with each of the town houses which will be internally connected. One visitor parking space will also be provided as part of the development. Thus, the proposal involves an on-site parking provision of 6 car spaces including 1 visitors parking – accessible via the driveway located along the Dan Street frontage.

Architectural plans associated with the proposal have been prepared by Ideas Architects, and the plans indicating the car park are presented as **Attachment A**.

A detail assessment of all the elements of the proposed car park layout (including the design of the proposed driveways) was undertaken with reference to the relevant applicable Standards (i.e. AS2890.1 - 2004).

**Reviewed Plans**

As part of the review process ParkTransit have undertaken the assessment of the proposed car park layout with reference to the following Development Application drawing prepared by Ideas Architects and a copy of the plans indicating the car park layout are presented as **Attachment A**.

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19 Dan Street, Campbelltown

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30<sup>th</sup> April 2020



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- Ground Floor Plan –A-04– Issue A;
  - Site Plan – Site Analysis –A-01 – Issue A; and
  - First Floor Plan – Site Analysis –A-05 – Issue A.

#### **Parking Requirement**

The subject site is part of the Campbelltown City Council LGA. The Campbelltown Development Control Plan 2015 (DCP), Clause 3.7.2.5 Part 3– Low and Medium Density Residential Development, (DCP) includes the following parking rates:

##### **Residential development**

*One resident car space per dwelling*

*One visitor car space per three units (or part thereof)*

The proposal involves the construction of residential development accommodating five (5) town houses. Application of the above would result in an on-site parking provision of 6.67 car spaces, comprising of 5 resident car spaces and 1.67 (say 2) visitor car spaces. The proposal involves an on-site parking provision of 6 car spaces, comprising of 5 resident car spaces and one visitor space. Therefore, when compared to the Council's DCP requirements, the proposed resident car spaces are compliant whereas, there is a shortfall of 1 visitor space.

Alternatively, the on-site visitor car parking can be determined with reference to RMS Guide to traffic generating development. RMS Guide identifies the proposed residential development as medium density residential building. In relation to the on-site visitor car spaces, Clause 5.4.2 of the RMS Guide stipulates one space per each five unit or part thereof.

Application of the above visitor parking provision rates to the proposed residential development accommodating 5 town houses will result in an on-site parking provision of 1 visitor car space.

Furthermore, in relation to the on-site visitor car parking provision, the adjoining Liverpool Council specifies 1 visitor car space should be provided for every 4 units or part thereof. Application of the above visitor parking provision rates to the proposed residential development accommodating 5 town houses will result in an on-site parking provision of 1.2 (say 1) visitor car space.

In this regard, the proposed on-site parking provision of one visitor car space is compliant with RMS Guide to Traffic Generating Development.

Lastly, historical on-street parking demand on Dan Street was estimated with reference to aerial images. Google Earth collects aerial photographs on a periodic basis. As part of this study, we have reviewed the Google Earth images taken during daytime, as presented below:

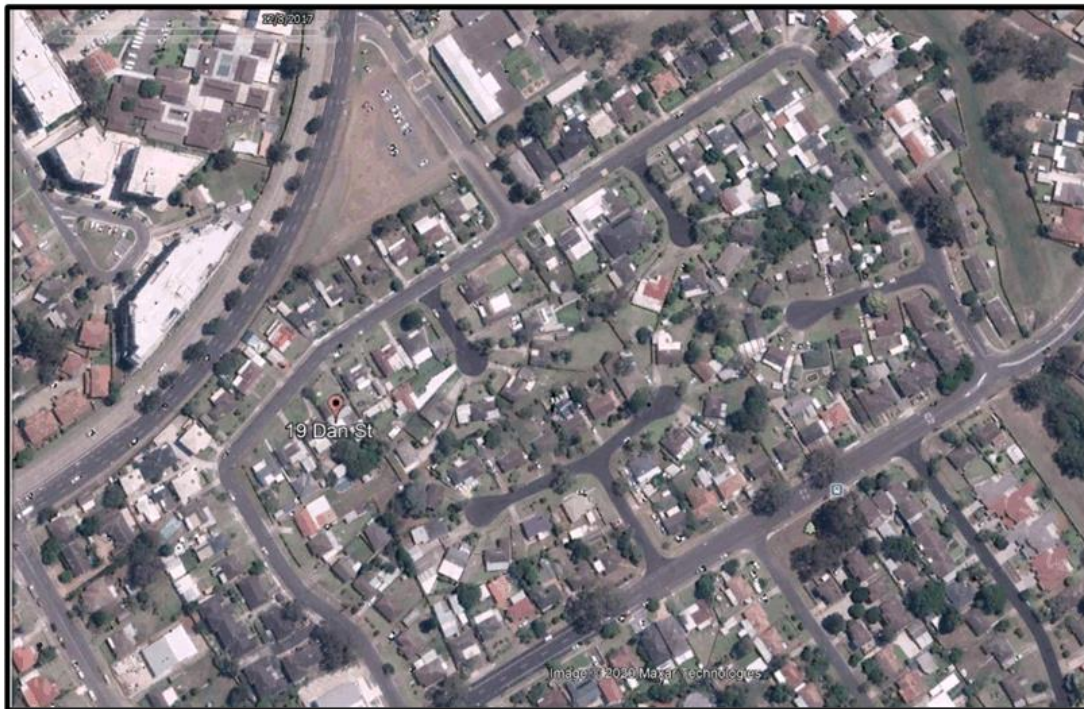


Figure 1- Aerial Image Demonstrating On-Street Parking Usage (taken on 8/12/2017 (Saturday))



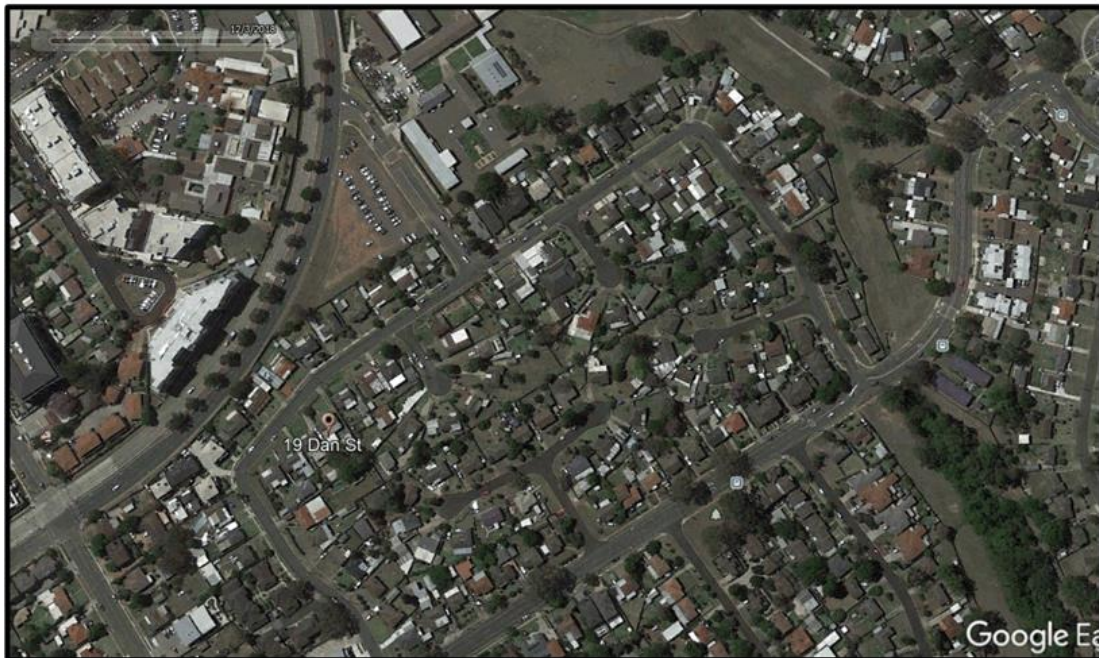


Figure 2- Aerial Image Demonstrating On-Street Parking Usage (taken on 3/12/2018 (Tuesday))



Figure 3- Aerial Image Demonstrating On-Street Parking Usage (taken on 4/1/2019 (Friday))

Review of the aerial images indicates during daytime, the on-site parking is usage is readily available to use.

In this regard, the proposed residential development may potentially increase the on-street parking demand by one car space. The review of the existing and historical parking usage is represents that there is spare capacity on Dan Street and the proposed residential development is highly unlikely to have any determinantal impact on the available on-street parking supply/demand of Dan Street.

#### **Car Park Assessment**

The car parking arrangement has been assessed according to the requirements listed in AS2890.1 (2004). As part of the proposal, all the residential parking spaces will be provided within an enclosed garage associated with each residential unit which will be internally connected. In relation to the design of an enclosed garage, clause a of Section 5.4 of the Standard specifies the following:

*Single vehicle garage The overall internal width shall be 3.0 m minimum and the internal space shall conform to the design envelope shown in Figure 5.2 except that the entry splays shown on Figure 5.2 may be omitted. A doorway of 2.4 m minimum width shall be provided. For right angle access to a garage, the*



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*required width of apron for manoeuvring purposes is shown in Figure 5.4. Single manoeuvre front-in entry may not be possible for some vehicles larger than the B85 vehicle at the apron widths shown in Figure 5.4*

#### **Space Width and Door Opening Width**

As part of the residential development each garage will accommodate one parking space and will have an internal width of 3.0m and the door opening was measured to be in excess of 2.4m – thus considered compliant with the Standard.

#### **Driveway Arrangement**

As part of the proposal, a new driveway located along the southern boundary of the site. Table 3.1 & Table 3.2 of AS2890.1 specifies the width of the access driveway, which is directly proportional to the on-site parking provision and also the type of frontage road.

Taking into account the driveway is located on the Dan Street, which is classified as a Local Road, and the car park has a capacity of 6 parking spaces, Table 3.1 classifies the proposed driveway as 'Category 1'. Table 3.2 therefore recommends the driveway width should be within a range of 3.0-5.5 metres, as a combined entry and exit. The width of the proposed driveway is in excess of 3.0 metres and is therefore considered compliant with the Standard.

#### **Height Clearance**

Section 5.3.1 of the Standard recommends a minimum height clearance of 2.2 metres should be provided within Garages. The review of the sections plan indicates that a minimum height clearance of 2.2metres, thus the proposed height clearance is considered to be compliant with the Standard.

#### **Pedestrian Sight Lines**

In relation to the pedestrian sight distances Clause 3.2.4 (b) of the Standard stipulates the areas that are required to be kept clear of any obstruction and the figure below indicates this requirement:



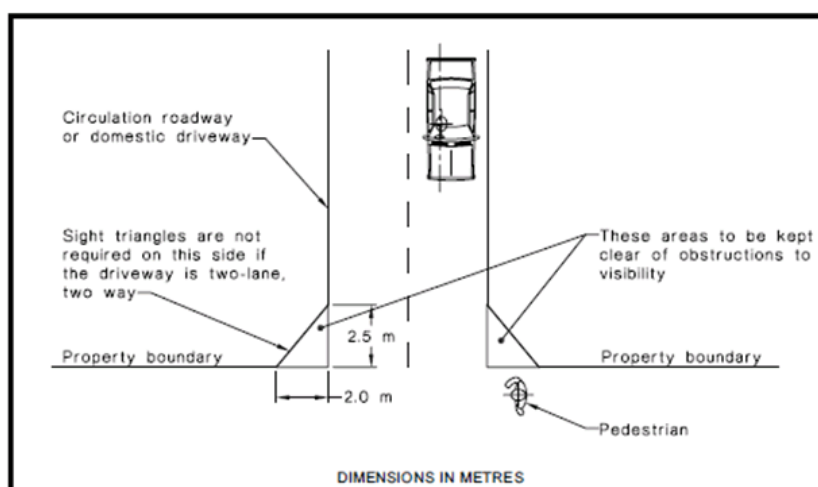


Figure 4- Minimum Sight Lines for Pedestrian Safety (Source AS2890.1-2204)

For vehicles exiting the car park, the review of the ground floor plan, indicates letter boxes are proposed on approach to the footpath. Typically, the height of the letter boxes is less than one metre. Section 3.2.4 of the Standard specifies the sight distance should be measure with reference to the driver's eye height and should also consider the height of the object (approaching vehicle). In this regard, the Standard recommends the sight distances should be taken as 1.1.5m above the road surface.

Thus, the proposed letter boxes are highly unlikely to obstruct/reduce the visibility of the driver and the objects (including pedestrians) approaching the driveway

However, in accordance with the requirement of the Standard in order to improve the pedestrian safety PT recommends the area specified in Figure 1 should be kept clear of any obstructions.

### Apron Width

Table 1.1 of AS2890.1 provides a classification of the off-street parking facilities based on various land uses, which is essential in determining the associated aisle width. The development is to be occupied by residential use and therefore, the parking provision has been assessed against the 'Type 1A' user class with 90-degree parking spaces (which is associated with Residential and Employee Parking). In relation to the Type 1A user class, Figure 2.2 of the AS2890.1 specifies the following parking dimensions:

Aisle width – 5.8 metres

The Standard recommends the apron width shall be equal to the aisle widths and as indicated the aisle width associated with the residential use is 5.8 metres. As part of the assessment of the car park layout, the apron width was measured to be less than the recommended width of 5.8 metres. Therefore, a vehicular accessibility assessment of the parking spaces was undertaken utilising a swept path analysis.



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The Swept Path Analysis was undertaken utilising AutoTrack vehicle tracking software and with the application of the recommended vehicle type (i.e.B85th vehicle).

Please note as part of the analysis we have enabled the turn on spot function –representing a power steering in operation (as the Standard was developed in 2004 where there were a proportion of vehicle with manual steering however, now days all the car manufactures offer this as a Standard feature).

The swept path analysis suggested that a standard B85th percentile vehicle type can access all the proposed parking spaces by within the recommended three-point turn manoeuvres.

#### **Internal Driveway**

The width of the proposed internal driveway was measured to be 5.1 metres wide which is suitable to accommodate one way flow.

As described earlier, the proposal involves construction of five (5) residential town houses. Therefore, the proposed parking provision is classified as 'Type 1A' user class with a 90 degree parking space configuration (which is associated with Residential and Employee Parking).

The RMS Guide to Traffic Generating Development (RMS Guide 2002) classifies the proposed residential development as medium density and specifies the following traffic generation rates:

*Peak hour vehicle trips = 0.5-0.65 vehicle trips per town house;*

Application of the above trip generation rates to the proposed development results in approximately 2.5-3.25 vehicle trips, during both morning and evening peak hour. The projected traffic activity associated with the proposal indicates the site is likely to generate a peak hour traffic of a maximum 3.0 vehicle trip – representing a vehicle trip approximately every 20 minutes or so. Thus, creating adequate gaps for vehicle to enter and exit the car park. Therefore, the cars undertaking multiple manoeuvres to access the proposed car spaces are unlikely to result in any congestion or safety issue associated with the delay.

Typically, during the morning peak period it is standard engineering practice to assume 80% of the total traffic generated from the residential development will exit the site and the remaining 20% arrives at the site. Application of the above to the projected traffic activity associated with the subject development will result in 2 vehicles exiting the site and 1 vehicle entering the site and vice versa during the evening peak period.

In this regard, the driveway generally operates as a one-way driveway and therefore in accordance with the Australian Standard (Section 3.2 of AS2890.1), a recommended minimum width of 3.0 metres is required to accommodate one-way driveway.



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Additionally, as part of the proposal, a passing bay will be provided near unit 2 which will allow an incoming vehicle to drive past outgoing vehicle. In this regard, the proposed access way configuration is considered adequate to service the proposed residential development.

Lastly, the majority of the users of the proposed car park will be residents who are highly likely to be familiar with the site conditions and would be expected to exercise due care while accessing the car park.

In this regard, the reduced apron width is highly unlikely to result in any potentially unsafe conditions and therefore, it is considered suitable to service the residential development.

#### **Conclusion and Recommendation**

In summary, the proposed parking spaces and access driveway arrangements are compliant with the Australian Standard for Off-Street Parking Facilities AS2890.1-2004 for User Class 1A (residential and employee parking spaces).

Sincerely,

Abdul Muneeb Mohammad

B.E. (Civil), Masters in Engineering (Transport System Engineering)

Member, Australian Institute of Traffic Planning and Management

**Senior Traffic Engineer**

**ParkTransit**

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## 4.2 Demolition of existing dwelling and construction of a 14 room boarding house and associated parking and landscaping - 1 Koala Avenue, Ingleburn

### Community Strategic Plan

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

### Referral Criteria

In accordance with Section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning's direction dated 23/02/2018, the application is to be determined by the Local Planning Panel as the proposal is both for a sensitive development and there were more than 10 unique submissions.

### Executive Summary

- Council has received a development application for the demolition of the existing dwelling and associated structures and construction of a 14 room boarding house and associated parking at 1 Koala Avenue, Ingleburn.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Within the R3 zoning a Boarding House is "Permitted with consent".
- The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP), apply to the proposed development.
- The proposal was externally referred to:
  - The Department of Primary Industries in accordance with Section 91 of the *Water Management Act 2000*.
  - Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) as the proposed development would involve works within five metres of overhead power lines.
  - The NSW Police to review the proposal from a Crime Prevention through Environmental Design perspective.
- The application was publicly notified and exhibited twice once between 30 May 2018 to 9 July 2018 and then again, after the proposal was amended, between 17 October 2019 to 21 November 2019, In total 32 submissions and a petition were received.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to conditions.

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## Officer's Recommendation

That development application 1470/2018/DA-BH for the proposed demolition of existing dwelling and associated structures and construction of a 14 room boarding house and associated parking at 1 Koala Avenue, Ingleburn be approved subject to the conditions in attachment 1.

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## Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of the EP&A Act.

<b>Property Description</b>	Lot 1 in DP 503883
<b>Application No</b>	1470/2018/DA-BH
<b>Applicant</b>	1 Koala Pty Ltd
<b>Owner</b>	1 Koala Pty Ltd
<b>Provisions</b>	Environmental Planning and Assessment Act 1979 Roads Act 1993 Water Management Act 2000 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy No. 55 – Remediation of Land Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	11 May 2018

## History

No relevant site history is applicable to this application.

## Application History

The development application was lodged on 11 May 2018 and publicly notified by mail to the local area and placed on public exhibition between 30 May 2018 and 9 July 2018, 18 submissions and one petition were received.

The application was deferred on 9 August 2018, for additional information. Amended plans and documentation were received on 5 November 2018.

Further amended plans and documentation were received on 20 September 2019 and placed on public notification and exhibition between 17 October 2019 and 21 November 2019. Fourteen submissions were received.

The application was deferred on 25 March 2020, for additional information in responding to the issues raised within the submissions received.

Amended plans and documentation were received on 11 May 2020.

### **The Land and Surrounding Locality**

The subject land is known as 1 Koala Avenue, Ingleburn and legally defined as Lot 1 DP 503883. The land is rectangular in shape with a total area of 676.6sqm.

The land holds an existing single storey dwelling which is benefited by a vehicular access off Koala Avenue.

The land is located on the corner of Koala Avenue and Cumberland Road and is situated within a residential area that is subject to ongoing redevelopment. The south western boundary of the land adjoins the Koala Walk Reserve which is a local park under the care and control of Council. The remaining boundary, to the south east, adjoins land containing a single storey dwelling.

The land is relatively flat with a cross fall towards Koala Reserve, to the south west.

The land is flood prone with the rear 18m being impacted.

The land is approximately 730m from the Ingleburn Train Station and 500m to the CBD of Ingleburn, via the existing footpath network (Figure 1 of attachment 2).

On the opposite side of Cumberland Road (North West) the zoning changes to R4 High Density Residential, with a height limit of 15m. In the R4 zoned area directly opposite the proposed development there is an existing 4 storey, 55 unit, residential flat building, that was approved in February 2013 (770/2012/DA-RA) with ridge height of 44.365m AHD. There was also a four storey, 24 unit residential flat building, proposed at 37 Cumberland Road, 2238/2017/DA-RA, with a proposed height of 17.8m (46.800m AHD), although this application was ultimately refused as the building height was considered unacceptable.

Council has commenced a planning proposal related to the land on the opposite side of Cumberland Road which seeks to increase the maximum building height to 26m. This planning proposal has received a positive gateway determination but has not yet been placed on public exhibition.

### **The Proposal**

Development consent is sought for the demolition of the existing dwelling and associated structures and the construction of a three storey, 14 room, boarding house and associated parking at 1 Koala Avenue, Ingleburn. Specifically the development proposes:

Demolition and removal of the existing single storey dwelling and associated structures.  
Construction of a 14 room boarding house, including one onsite manager's room, semi-enclosed at grade car parking, landscaping and associated site works:

**Ground Level:**

- Two boarding rooms, including one accessible room, capable of supporting two occupants, each. Both rooms are provided with private kitchen, bathroom and laundry facilities and range in size from 17.58sqm to 23.1sqm, excluding the kitchen and bathroom. Both rooms are provided with private balconies.
- Communal living room with direct access to private open space.
- Waste storage room.
- Five car parking and three motor bike parking spaces
- Associated landscaping and fencing.

**First Floor:**

- Six boarding rooms, including one manager's room (room six), capable of supporting two occupants, each. The rooms have private kitchen, bathroom and laundry facilities and range in size from 16.6sqm and 23.17sqm, excluding the kitchen and bathroom. Boarding rooms 4, 5, 6, 7 and 8 are provided with private balconies.
- Landscaping of the non-trafficable roof area of the ground floor below.

**Second Floor:**

- Six boarding rooms, capable of supporting two occupants, each. The rooms have private kitchen, bathroom and laundry facilities and range in size from 16.6sqm and 23.17sqm, excluding the kitchen and bathroom. Boarding rooms 10, 11, 12, 13 and 14 are provided with private balconies.

**Report****1. Vision****1.1 Greater Sydney Regional Plan**

The Greater Sydney Region Plan (GSRP), is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. In the transformation of Greater Sydney, the needs of a growing and changing population have been broken into three metropolis cities:

- Western Parkland City
- Central River City
- Eastern Harbour City

The GSRP identifies the need for an additional 725,000 dwellings across Greater Sydney between 2016-2036. Approximately 29 percent of this growth will come from the Western Parkland City, which the Campbelltown LGA is a part.

The proposal is consistent with the GSRP in that it seeks to deliver affordable housing to an area that is in close proximity to employment opportunities as well as public transport should residents need to travel for employment opportunities.

## **1.2 Western City District Plan**

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western City over the next 20 years.

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release areas and urban renewal of existing areas close to existing centres. The proposed development will provide an uplift in affordable accommodation for residents in an accessible area to both jobs and public transport.

## **1.3 Greater Macarthur 2040 (Draft) An interim Plan for the Greater Macarthur Growth Area**

In December 2019 State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Greater Macarthur was declared as a Growth Area. Greater Macarthur 2040 is a draft land use and infrastructure implementation plan that, when finalised, will guide precinct planning within the Growth Area. The growth area includes the precincts identified in the Glenfield to Macarthur Urban Renewal Corridor Strategy (Corridor Strategy).

From Glenfield to Macarthur is identified to provide around 45 percent of housing by 2036. This is a shift from where currently 94 percent of homes are detached, lower density. This shift is reflected in the proposed development.

The Ingleburn Precinct plan in the Corridor Strategy identifies potential for 1000 new dwellings and focuses on between four and eight storey residential buildings close to the station and town centre to maximise pedestrian activity and increase trade for local businesses. This is reinforced in the Ingleburn Precinct Plan which identifies the subject allotment as being within an area suitable for apartment buildings between three and six storeys, as indicated in Figure 2 of attachment 2. The proposed development is consistent with these requirements by proposing a three storey boarding house. These building heights are given statutory consideration under State Environmental Planning Policy (Sydney Region Growth Centres), which is discussed later in this report.

## **1.4 Local Strategic Planning Statement**

On 31 March 2020 the Campbelltown Local Strategic Planning Statement (LSPS) came into force when it was published on the NSW Department of Planning, Industry and Environment's e-planning portal.

The LSPS responds to a number of key strategic documents produced by the Federal and NSW State Governments, as well as by Council, to provide a 20 year land use vision for the Campbelltown LGA. The LSPS delivers four key themes, which are consistent with the Council's Community Strategic Plan. The themes that are most relevant to the proposed development are:



## 1. A vibrant, liveable city, and

The planning priorities, within these themes, that are applicable to the proposed development are:

- Planning Priority 2 - Creating high quality, diverse housing

The proposed development provides residents with alternative and affordable housing that is high quality and diverse.

### 1.5 Campbelltown 2017-2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome most relevant to the proposed development is Outcome 1: A vibrant liveable city.

The strategy most relevant to this application is:

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

The proposed development provides residents with alternative and affordable housing options that would support different lifestyles and deliver a vibrant and liveable city.

## 2. Planning Provisions

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

### 2.1 Water Management Act 2000

Section 91 of the *Water Management Act 2000* identifies two kinds of activity approvals:

- A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.
- An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.

The proposed development was referred to both Water NSW and the Natural Resource Access Regulator for approval as there were works that could trigger both forms of activity approval. Accordingly, the proposed development is considered integrated development within the provisions of Section 4.46 of EP&A Act

Water NSW provided general terms of approval dated 28 August 2018 (Ref: IDAS1107902) which have been included within the recommended conditions of consent. It is noted that the general terms of approval were issued at a time when there was basement car parking proposed and the amended design was referred back to Water NSW who did not request the general terms of approval be modified.

The Natural Resources Access Regulator provided a response indicating that a referral to them is not required as the works would occur more than 40m from a natural watercourse.

## 2.2 Roads Act 1993

Section 138 of the *Roads Act 1993* requires consent to carry out a work in, on or over a public road.

The proposal would utilise Koala Avenue to access the site, which is not a classified road. There is an existing connection but there would need to be additional work in and on the public road of Koala Avenue.

There would be no direct vehicular access to or from Cumberland Road.

Accordingly, a condition is recommended that requires the applicant obtain a Section 138 approval, prior to any works within the public road reserve.

## 2.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 requires the consent authority must consider any response from the electricity supply authority for works within 5m of an exposed overhead electricity line. The proposal was forwarded to Endeavour Energy for review and their response has been included in the recommended conditions.

## 2.4 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land requires the consent authority to consider whether the subject land of any development application is contaminated. As assessment of Clause 7 of SEPP 55 is provided in the table below.

Requirement	Action	Response
Clause 7(2): 1. Is the development for a change of use to a sensitive land use or for residential subdivision?  Sensitive land use include residential, educational, recreational, childcare purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.  b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	No change of use proposed, the site is currently used for residential purposes/accommodation.  The subject site was subdivided prior to 1998 and has been used for residential purposes for a number of years.
2. Is Council aware of any Previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken on 9 June 2020. No evidence was found of

		contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken on 9 June 2020. No evidence was found of contaminating land activities having occurred on the land.
Clause 7(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken on 9 June 2020. No evidence was found of approved contaminated land activities having occurred on the land.
Clause 7(1) 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 2 (b) Residential B which did not allow for potentially contaminating uses.
Clause 7(1) 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	Based on Council's site inspection, no evidence of potential contamination was found.

Based on the above assessment, the provisions of Clause 7 of SEPP 55 and the contaminated land planning guidelines have been considered and the site is considered suitable for the proposed development.

## 2.5 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

On 6 December 2019, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP) was amended by the NSW State Government to include the Greater Macarthur. As there are no savings provisions associated with the amendment, the GC SEPP applies to the subject application.

The GC SEPP was originally drafted for lands that were not already zoned urban/commercial under the applicable local environmental planning instrument. As outlined in this report, the subject allotment has been zoned for residential accommodation before the amendment to the GC SEPP which is not reflected by the instrument. Notwithstanding, the proposed development is consistent with the aims of the GC SEPP and has been designed to satisfy the statutory provisions particularly in relation to the environmental constraints.

In accordance with the provisions of Clause 16 of the GC SEPP the consent authority must consider the following:

Control	Requirement	Compliance
16 (1) (a)	whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,	The land is zoned for medium density residential development and as discussed previously the strategic documents relating to the area will only increase the density and yields within the area. The proposed development is indicative of medium density development and will continue to be consistent as the strategic documents are enacted.
16 (1) (b)	whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,	The proposed development is a strategic use of the site that is aligned with the existing and future land uses.
16 (1) (c)	whether the proposed development will result in further fragmentation of land holdings,	There is no intention to subdivide the land as part of the proposed development, additionally, the proposed development does not isolate the development potential of any surrounding allotments. The only neighbouring allotment has the potential of development with its' neighbour or in isolation.
16 (1) (d)	whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,	The proposed development is considered compatible with all existing and known draft policies and the Ingleburn Precinct Plans. As detailed above the strategic documents that are aligned to the site are encouraging higher development yields to which the proposed development is aligned.
16 (1) (e)	whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,	The proposed development is consistent with all existing and known draft policies or documents. As detailed above the strategic documents that are aligned to the site are encouraging higher development yields to which the proposed development is aligned.
16 (1) (f)	whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,	The proposed development site is already fully serviced and there are no known infrastructure projects within the strategic documents that would be hindered by the development.
16 (1) (g)	in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.	The proposed development is not within proximity of any known Aboriginal or European heritage sites. In addition there are no significant flora or fauna habitats/communities that will be impacted by the proposed development.

The proposed development is compliant with the objectives and the provisions of Clause 16, as such, can be positively considered in this regard.

The growth centre precinct was not released by the Minister under the Environmental Planning and Assessment Regulation 2000 and therefore a referral to the Director-General of the Department of Planning is not required, in accordance with Clause 17.

The proposed development is consistent with the provisions of the GCSEPP and is aligned with the future plans and strategic documents associated with the growth centre, as such, can be positively considered in this regard.

## **2.6 State Environmental Planning Policy (Affordable Rental Housing) 2009**

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). This assessment is presented below:

### **Clause 26 - Land to which Division applies** (division of ARHSEPP relating to boarding houses)

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

**Comment:** The subject site is located within the R3 Medium Density Residential zone, which is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

### **Clause 27 - Development to which Division applies**

- (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.
- (2) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.
- (3) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.

**Comment:** This application proposes the construction of a boarding house. Therefore, this section of the ARHSEPP applies to the subject development application. It is noted that as the subject site is within the R3 zone (and not the R2 zone), it is not required to be located within an 'accessible area' as defined by the ARHSEPP. Notwithstanding this, the subject site is within close proximity to bus stops and Ingleburn Station, both of which are accessible through a direct footpath connection.

**Clause 28 - Development may be carried out with consent**

Development to which this Division applies may be carried out with consent.

**Comment:** The proposed construction of a boarding house in the R3 Medium Density Residential Zone is permissible with consent.

**Clause 29 - Standards that cannot be used to refuse consent**

Clause 29 of the Affordable Rental Housing SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application. An assessment of the proposal against these standards is outlined below:

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or

**Comment:** The maximum floor space ratio for all forms of development that are permissible on the land is 0.75:1. The proposed development has a floor space ratio of 0.72:1 and therefore complies with this standard.

- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or

**Comment:** This subclause is not applicable, as residential accommodation is permitted on the land.

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:

- i. 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or  
ii. 20 percent of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

**Comment:** The land is within the R3 Medium Density Residential Zone, within which residential flat buildings are not permitted, and therefore no floor space ratio bonus is applicable.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

- (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

**Comment:** The maximum building height applicable to the site under Campbelltown Local Environmental Plan 2015 is nine metres. The proposed boarding house would have a maximum height of 9.7m and the applicant has submitted a Clause 4.6 in support of the proposed variation to the building height. This does not require the consent authority to refuse the application on the grounds of a noncompliance with Clause 29 (2) (a). The Clause 4.6 will be considered later in this report.

(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

**Comment:** The proposed landscaping within the front setback of the proposed development is considered to be compatible with the streetscape of Koala Avenue and Cumberland Road. The proposed landscaping results in significantly greater plantings than what is currently provided in the surrounding area. Additionally, the plantings are consistent with the site constraints.

(c) solar access

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter,

**Comment:** The proposed communal living room would receive greater than three hours of direct sunlight between 9am and 3pm in mid-Winter.

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3.0 metres is provided for the use of the lodgers
- (ii) if accommodation is provided on site for a boarding house manager one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,

**Comment:** An area of private open space is proposed, which would exceed the minimum requirements of 20sqm with a width of three metres.

A manager's room (Room 6) has been proposed as part of the development. The room has been provided with a 9sqm balcony that would function as POS.

(e) parking

if:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and
- (iii) (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and
- (iv) in the case of any development—not more than one parking space is provided for each person employed in connection with the development and who is resident on site,

**Comment:** The proposed development is located within an accessible area as defined by the ARHSEPP, in that, Ingleburn Station is approximately 730m and a high frequency bus route is approximately 330m (Figure 1 of attachment 2). The proposed development has not been lodged on behalf of the social housing provider, as such, the consent authority must not refuse a development which provides 0.5 parking spaces per boarding room. The proposal includes provisions for five car parking spaces, which is two less than what is required by the 0.5 parking rate per boarding room. That being said, the subject application was lodged on 28 May 2018 and at the time of lodgement the car parking provisions, of the ARHSEPP, required at least 0.2 parking spaces for each boarding room. Under such provisions the proposed five parking spaces is considered satisfactory for the proposed 14 room boarding house.

Although there are no specific savings provisions within the ARHSEPP, it is unreasonable to enforce the controls that are beyond what were applicable at the time of lodgement. In addition, the provisions of Clause 29 (2) (e) allow for flexibility in their application, in that, the consent authority must not refuse a proposal if it complies, so even if it does not comply the consent authority still has the power to consent to the development.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- i. 12 square metres in the case of a boarding room intended to be used by a single lodger, or
- ii. 16 square metres in any other case.

**Comment:** All of the proposed boarding rooms would be capable of accommodating two lodgers, and have an area of between 16.28sqm and 23.2sqm (excluding kitchens and bathrooms).

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

**Comment:** The proposed boarding house has private kitchen and bathroom facilities in each of the 14 boarding rooms.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).



**Comment:** The proposed development does not strictly comply with the provisions associated with Clause (2)(a) or (2)(e). The reasons for departure from both these requirements are believed to be satisfactory and can be supported by the consent authority.

### **Clause 30 - Standards for boarding houses**

(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

- (a) If a boarding house has five or more boarding rooms, at least one communal living room will be provided,

**Comment:** The proposed boarding house has 14 boarding rooms, and would provide a communal living room on the ground floor.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

**Comment:** None of the proposed boarding rooms have a gross floor area of more than 25sqm.

- (c) no boarding room will be occupied by more than two adult lodgers,

**Comment:** Each boarding room has been designed for two adult lodgers, and a condition of consent is recommended requiring compliance in this regard.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

**Comment:** Private bathroom and kitchen facilities would be provided within each boarding room.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,

**Comment:** The boarding house has the capacity to accommodate 28 lodgers, and therefore requires a boarding house manager. The proposed development includes provisions for Room 6 to be a manager's room.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,

**Comment:** The proposed boarding house is not on land zoned primarily for commercial purposes.

- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

**Comment:** Based on the 14 boarding rooms proposed, three motorbike spaces and three bicycle spaces are required. Three motorbike parking spaces are proposed and a bike storage area with a capacity of at least three bicycles has also been proposed.

**Clause 30AA - Boarding houses in Zone R2 Low Density Residential**

A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.

**Comment:** Not applicable, as the proposed development would not occur on land zoned R2 Low Density Residential

**Clause 30A - Character of local area**

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

**Comment:** An assessment of the proposal in terms of various aspects of its built form is outlined below:

**Building height** – The height of the proposed boarding house is 0.7m greater than what is permitted under the Height of Building Map (9m). A separate Clause 4.6 (attachment 10) has been lodged which is addressed elsewhere in this report and is considered acceptable in the context of the site.

The allotment is somewhat isolated from neighbouring residential developments with only one direct neighbour and when considered in isolation the proposed development does exceed the existing built height within the immediate area and is in keeping with the context of this neighbourhood given the completed residential flat building opposite and the desired future character indicated in the Ingleburn Precinct Plan, which has been given some assessment weight under the provisions of the GC SEPP, which facilitates buildings with a height of three to six storeys. With this in mind the proposed development is considered to be compatible with the local character that is and will continue to undergo transformation. Additionally, the proposed height does not result in the neighbouring allotments receiving less than the required amount of solar access to private open space or living areas.

**Building bulk and scale/site coverage** – The size of the building as measured by its floor space ratio is compliant with the provisions of the ARHSEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.75:1, which the proposed development would comply with an FSR of 0.72:1. The proposed building contains several protrusions and indentations, as well as a variety of building materials, which reduce the perceived bulk of the building.

Under the Campbelltown (Sustainable City) Development Control Plan 2015, there is no site coverage ratio for residential buildings, however the proposed site coverage ratio is similar to that of other multi-dwelling developments and residential flat buildings within the vicinity of the site.

In this regard, the bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and future character of the local area.

**Setbacks** – The setbacks of the proposed boarding house from front, side and rear boundaries are generally consistent with the setbacks specified under the Campbelltown (Sustainable

City) Development Control Plan 2015 for medium density development within the R3 Medium Density zone, with the exception of the encroachments along the secondary street frontage which are considered acceptable. The setback variations create visual interest and as discussed above reduce the bulk and scale of the built form.

Architectural style/materials – The proposed boarding house presents as a contemporary design that is consistent with the development potential of the site. The colours and materials chosen are consistent to what is existing within the street. The proposed flat roof is not commonly seen within the immediate neighbourhood but is what can be expected in future developments that seek to develop in line with the strategic and statutory controls.

Landscaping/Fencing – The proposed landscaping within the front and secondary street setbacks of the proposed development are considered to be compatible with the streetscape. The proposed proposal includes greater landscaping within all the setbacks to a greater extent than what is currently seen, additionally, there is landscaping above the ground floor parking that will break up the built form and create visual interest.

Accordingly, it is considered that the design of the development is compatible with the existing and future characters of the local area.

## **2.7 Campbelltown Local Environmental Plan 2015**

The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposal involves the demolition of the existing dwelling and construction of a boarding house and associated parking, all of which are permissible with consent within the R3 Medium Density Residential Zone:

A boarding house is defined by the CLEP 2015 as:

a building that –

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for three months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

### **R3 Medium Density Residential Zone**

The objectives of the R3 zone are:

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

In the subject context, the proposed development is considered to be consistent with the relevant objectives.

### **Clause 4.3 Height of Building**

Clause 4.3 provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The Height of Building Map identifies a maximum height of 9m. The proposal is not consistent with the maximum building height prescribed for the site, with a proposed maximum height of 9.7m. The 0.7m contravention in building height is a result of the topography of the allotment and the floodway that runs through the property. The flood modelling requires the underside of the building impacted by the floodway to be a minimum of 31.5m AHD which is 1.26m above the existing ground level (30.34m AHD) at the rear of the property. When viewed from the street the variation will not be noticeable as the building presents a consistent built form and the area outside the floodway is within the 9m, specified in the Height of Building Map.

That being said, a written variation request under Clause 4.6 of the CLEP 2015 has been provided to address the non-compliance with this development standard (see discussion below on Clause 4.6).

### **Clause 4.4 Floor Space Ratio**

Clause 4.4 provides that the maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR shown on the FSR map. The subject land is not identified on this map. Notwithstanding this the provisions of Clause 29(1)(a) of the ARHSEPP set the maximum FSR as the existing maximum floor space ratio for any form of residential accommodation permitted on the land. This being the case the maximum applicable FSR is 0.75:1, which is for multi dwelling housing. The proposed development would have a FSR of 0.72:1, as such, satisfying the provisions of Clause 4.4.

### **Clause 4.6 Exceptions to Development Standards**

Clause 4.6 of CLEP 2015 provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met.

The objectives of Clause 4.6 are to:

- (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

The above clause provides a degree of flexibility in the application of certain development standards where sufficient justification has been provided satisfying the provisions of Clause 4.6 and where the consent authority is satisfied of certain prescribed matters.

The development application is seeking a departure from Clause 4.3 height of buildings of the CLEP 2015.

The subject site has a maximum building height, prescribed by the CLEP, of 9m. The proposed building would have a height of 9.7m, exceeding the provisions of Clause 4.3 by 0.7m.

Clause 4.6 (3) requires:

- 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.

**Comment:** A written variation request has been submitted and seeks to justify the contravention of the development standard.

The written request provides commentary claiming compliance with the development standard is unreasonable or unnecessary in the circumstances of this case.

It is considered that the written request has demonstrated sufficient environmental planning grounds to justify contravening the development standards.

Clause 4.6 (4) requires:

- 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

**Comment:** In reviewing the written request in accordance with Clause 4.6 (4) of the CLEP 2015, it is considered that it has adequately justified that compliance with the development standard is unreasonable or unnecessary.

The written response has identified the objectives of the development standard and has clearly demonstrated that those objectives have been achieved, where relevant.

Clause 4(a)(ii) requires development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

Objectives of Clause 4.3 are as follows:

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,
- (c) to provide for built form that is compatible with the hierarchy and role of centres,
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

The proposal is consistent with all the objectives of 4.3. In particular the height of the development is consistent with the intended scale of development appropriate for the locality having regards to the existing built environment on the opposite site of Cumberland Road and having regards to the intended height of future development identified in the Ingleburn Precinct Plan in the Corridor Strategy.

It is considered that the written request adequately addresses the matters required to be demonstrated by subclause (3) of Clause 4.6. The proposal is in the public interest because the development is consistent with the objectives of Clause 4.3 and the R3 Medium Density Residential Zone. It is recommended that the Campbelltown Local Planning Panel support the request under Clause 4.6 of the Campbelltown LEP 2015.

### Clause 7.1 Earthworks

Pursuant to Clause 7.1 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

**Comment:** The proposed works would result in very minor earthworks that would centre on the footings and piers, to establish the built form. The rear portion of the site is impacted by an overland flow path, so the proposed development has been designed so that the path remains clear and the existing ground levels are maintained so as not to exacerbate any flooding concerns on neighbouring allotments.

A condition has been included within the recommended conditions to ensure that appropriate erosion and sediment control measures are in place throughout the developments lifecycle.

- (b) the effect of the development on the likely future use or redevelopment of the land,

**Comment:** The proposal would not restrict or prevent the redevelopment of land in the future.

- (c) the quality of the fill or the soil to be excavated, or both,

**Comment:** The proposed development does not require areas of excavation or fill beyond what is required to establish the piers and footings. A condition is recommended that ensures that all soils be of the residential quality and any excess material is to be removed from the site.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,

**Comment:** The proposal would likely impact on the amenity of adjoining properties, to an extent to what would be expected for residential development. Such impacts are not unreasonable and conditions are recommended to ensure the amenity of adjoining properties is reasonably maintained.

- (e) the source of any fill material and the destination of any excavated material,

**Comment:** The proposal does not include provisions to bring fill to the site.

- (f) the likelihood of disturbing relics,

**Comment:** There are no known or potential relics within the vicinity of the site.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

**Comment:** The proposal was referred to both Water NSW and Natural Resources Access Regulator. Water NSW issued GTA, which have been included in the recommended conditions. Natural Resources Access Regulator indicated that the proposed development is not within 40m of a natural waterway and does not require concurrence. That being said, conditions have also been recommended that appropriate erosion and sediment control measures are in place for the life of the development.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:** The proposal seeks to utilise existing levels, where possible, throughout the site to avoid the requirement for earthworks. A condition is recommended that ensures appropriate erosions and sediment control measures are in place for the life of the development.

## Clause 7.2 Flood Planning

Pursuant to Clause 7.2 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and

**Comment:** The proposal is compatible with the flood hazard associated with the land. Council's flood engineers have reviewed the proposal and worked with the applicant to deliver a proposal that is consistent with the flood hazard. The proposed finished floor level of 31.7m AHD and the level of the underside of the structure of 31.5m AHD Council's minimum requirements.

- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

**Comment:** The proposal has been designed so the development does not increase the flood affectation of the surrounding allotments.

- (c) incorporates appropriate measures to manage risk to life from flood, and

**Comment:** The proposal has been designed so that the proposed development sits above the flood risk. A flood management plan has also been recommended as a condition of consent to ensure that the future residents are aware of the flood risk.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

**Comment:** The proposal maintains the existing ground levels and has been designed so as not to increase the flood affectation of surrounding allotments. A condition is recommended to ensure that the appropriate erosion and sediment control measures are in place for the life of the development.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

**Comment:** The proposal is unlikely to result in unsuitable costs to the community as a consequence of flooding, particularly, given the proposed development has been designed to not increase the flood affectation of the surrounding allotments.

#### **Clause 7.4 Salinity**

Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

**Comment:** The proposed development has been designed to minimise the disturbance of the existing ground levels, which manages any environmental impacts. Additionally, a condition has been recommended that the design and construction of any structures within the ground shall be in accordance with any geotechnical provisions.

#### **Clause 7.10 Essential Services**

Pursuant to Clause 7.10 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

**Comment:** The site is located within an established residential area with essential services readily available to the site. Should the application be supported, conditions of consent are recommended to ensure compliance with this Clause.



**Clause 7.13 Design Excellence**

Pursuant to Clause 7.13 of CLEP 2015, development consent must not be granted unless the consent authority has given regard to the following matters:

- a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved

**Comment:** The proposed development has incorporated a wide variety of façade treatments and materials which are not inconsistent with what is generally expected from a similar type of development.

- b. whether the form and external appearance of the development will improve the quality and amenity of the public domain

**Comment:** The external façade is aligned with the strategic plans and visions for Ingleburn. As detailed in the Greater Macarthur Strategy the site is identified as supporting medium density three to six storey residential apartment buildings in the future. The proposed development is consistent with this requirement.

- c. whether the development detrimentally impacts on view corridors,

**Comment:** The proposed development does not impact any significant view corridors.

- d. how the development addresses the following matters

- (i) the suitability of the land for development

**Comment:** The site is flood prone land but the design of the development has been carried out in such a way to mitigate this environmental constraint.

- (ii) existing and proposed uses

**Comment:** The proposed development is consistent with the existing uses and is also aligned with the strategic documents associated with the allotment.

- (iii) heritage issues and streetscape constraints

**Comment:** There are no heritage items within the proximity of the site.

- (iv) bulk, massing and modulation of buildings

**Comment:** The design of the building is consistent with the future expectation of the area. The building design and presentation is of a scale that is reasonably expected from medium density residential development in the R3 medium density residential zone.

- (v) street frontage heights

**Comment:** The proposed development contravenes the existing height requirements detailed on the Height of Buildings Map and has been discussed previously in this report. The Koala Avenue frontage is compliant with the building height requirements, the contravention occurs along the Cumberland Road frontage as the allotment slopes away towards the Koala Reserve. The entire roof form is not above the building height and maximum contravention is

0.7m above the nine metre height contravention is not considered noticeable in the broader streetscape.

- (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity

**Comment:** The proposed development has given due consideration to the environmental impacts, the provided shadow diagrams indicate that the proposed development, despite the building height contravention, still allows the neighbouring allotments sufficient solar access. The scale and the materials proposed are not believed to create impacts associated with wind or reflectivity beyond what would be expected in an R3 medium density residential zone.

- (vii) the achievement of the principles of ecologically sustainable development

**Comment:** The proposed development has been designed with consideration to ecologically sustainable development particularly in the use of windows and balconies to take advantage of passive heating and cooling. Additionally the proposed development will need to comply with the Building Code of Australia which further encourages ecologically sustainable development.

- (viii) pedestrian, cycle, vehicular and service access, circulation and requirements

**Comment:** The proposed development would not adversely impact on the existing pedestrian networks surrounding the site and residents would be able to enjoy the benefits of access to this network. The proposed development provides car parking that is sufficient to the development requirements at the time of lodgement. Additionally, there is street parking available along Koala Avenue, although, this can get quite congested given the limited road width.

- (ix) the impact on, and any proposed improvements to, the public domain

**Comment:** The proposed development addresses the public domain to create visual interest. There are recommended conditions to protect the public domain and ensure its' restoration if it is damaged during the construction process.

- (x) the interface with the public domain,

**Comment:** The proposed development addresses the public domain to create visual interest through architectural features, changes in building materials and landscaping.

- (xi) the quality and integration of landscape design

**Comment:** The proposed landscaping enhances the streetscape and integrates well to compliment the built form. The landscaping has also given consideration to the flooding constraints on the allotment.

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

The Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) is to be considered and read in conjunction with the CLEP 2015. The SCDCP 2015 is broken down into several volumes and parts which relate to specific localities and various developments. Volume 1 relates to development controls for all types of development.

## Part 2 – Requirements Applying to All Types of Development

An assessment of Volume 1, Part 2 Requirements Applying to All Types of Development of the SCDCP 2015 is provided below.

Part	Requirement	Proposed	Compliance
2.2 Site Analysis	A Site Analysis Plan shall be lodged with the development application.	A site analysis plan was provided with the development application.	Yes
2.4.1 Rain Water Tanks	In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings. Above ground water tanks shall be located behind the primary or secondary building line	A 3000l rain water tank is proposed to service the boarding house.	Yes
2.4.3 Natural Ventilation	The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	The design of the dwellings, where practical, encourages cross flow ventilation, with the placement of windows and balconies.	Yes
2.4.5 Basix	BASIX Certificate to be provided in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	The building is considered a "large boarding house" as such BASIX does not apply, instead Section J of the BCA applies and is assessed with a construction certificate.	N/A
2.5 Landscaping	A landscape concept plan is required to be submitted with a development application for a boarding house.	An appropriate landscape plan has been provided and the species and locations of the plantings are consistent with the streetscape and the constraints of the allotment.	Yes
	Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The proposed landscaping strategy that enhances the visual character of the streetscape.	Yes
	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	A landscaping is appropriate given the constraints of the site.	Yes
2.7 Erosion and Sediment Control	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.	ESCP submitted with development application. A condition of consent has been recommended requiring the installation of erosion and sediment control measures prior to the commencement of works.	Yes
2.8 Cut, Fill and Floor Levels	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the	The allotment is a flood control lot, there are no provisions to change the existing surface	N/A

	development incorporates cut and/or fill operations.	levels and flow paths across the allotment.	
	Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The proposed development is affected by the 100-year ARI event and has been designed to be clear of such a flooding event. Council's flooding engineers have reviewed the proposed development and are satisfied that the proposed freeboard of 31.5m AHD and finished floor level of 31.7m AHD are sufficient to protect the development in a flood event. In addition, the proposal would not result in an increased risk of flooding to neighbouring and surrounding allotments.	Yes
2.9 Demolition	A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number); iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.	A demolition plan indicating what structures are to be demolished has been provided.  Demonstration of compliance with the remaining provisions prior to any demolition works commencing is recommended as a condition of development consent.	Yes, via condition.
2.10.3 Stormwater Drainage	A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications,	A concept stormwater plan has been submitted in support of the development application, indicating that the disposal of stormwater is achievable in accordance with	Yes

	involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	Council's controls. A condition is recommended to ensure compliance.	
2.12 Retaining Walls	Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	No retaining walls proposed under this DA. A condition of consent is recommended to ensure future retaining walls, (where required) are to form a separate development application.	Yes, via condition.
2.15 Waste Management	A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	WMP submitted with development application is satisfactory.	Yes
2.16 Provision of Services	Ensure that development is provided with adequate water and power supply.	The site is currently serviced and essential services are available to the site. A condition is recommended to ensure all services are appropriately connected prior to OC.	Yes, via condition.

## Part 17 – Boarding Houses

An assessment of Volume 1, Part 17 Boarding Houses of the SCDGP 2015 is provided below.

Control	Requirement	Proposed	Compliance
<b>17.2 General Requirements for Boarding Houses</b>			
<ul style="list-style-type: none"> <li>Ensure that boarding houses are of high quality design and consistent with the desired future character of the locality;</li> <li>Ensure that boarding houses do not adversely impact on the residential amenity of adjoining residents.</li> <li>Provide appropriate levels of amenity (internal and external) for residents within boarding houses.</li> <li>Ensure that boarding houses are designed to provide sufficient communal facilities for the occupants in terms of communal indoor and outdoor areas, kitchen and laundry facilities.</li> </ul>			
<b>17.2.1 Site and Size Requirements</b>			
<b>17.2.1 a)</b>	Boarding houses located within low density residential areas shall only be located on sites with a minimum area of 700sqm and a road frontage of 15 metres.	The boarding house is in a R3 Medium Density residential area.	N/A
<b>17.2.1 b)</b>	Boarding houses located within land zoned R2 Low Density Residential zone under the CELP or land zoned Zone 2(b) Residential B Zone under LEP 2002 shall have a maximum of 8 boarding rooms.	The boarding house is in a R3 Medium Density residential area.	N/A

Control	Requirement	Proposed	Compliance
17.2.1 c)	Boarding houses shall not be erected on battle-axe allotment.	The boarding house would not be on a battle-axe allotment.	Yes
17.2.1 d)	Boarding houses shall only be permitted on a site where no part of the allotment is within 50 metres of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The boarding house would not be within 50m of a cul-de-sac.	Yes
17.2.1 e)	Boarding houses shall only be allowed on streets that provide for on street parking.	There are no parking restrictions on Koala Avenue; Cumberland Avenue is "No Stopping" for the length of the site.	Yes
17.2.1 f)	Boarding houses within local, neighbourhood centres and mixed use areas are not permitted to be located at the ground floor level.	The boarding house is in a R3 Medium Density residential area.	N/A
<b>17.2.2 Streetscape</b>			
17.2.2 a)	The design of new purpose built buildings (including façade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of the surrounding development, and the desired character of the locality.	The proposed development is consistent with the future character for the area, as detailed in the relevant strategic documents. The proposed built form is complementary to the new and proposed buildings that surround the site and provides a transition from the high density residential developments on the westerns side of Cumberland Road. The proposed development is consistent with the objectives and design outcomes that are associated with medium density development and the surrounding allotments may be development in a similar fashion in the future.	Yes
17.2.2 b)	New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	The proposed development incorporates a variety of façade treatments that address both street frontages in achieving positive articulation.	Yes
17.2.2 c)	Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.	The clothes line and air conditioning facilities would not be visible from the public area.	Yes
<b>17.2.3 Setbacks - Low and Medium Density Residential Areas</b>			
17.2.3 a)	A boarding house development shall be set back a minimum of: i) 5.5 metres from the primary street boundary; ii) Three metres from the secondary street boundary; iii) 0.9 metres from any side boundary at the ground level; iv) 1.5 metres from any side boundary for all levels above the ground level; v) Five metres from the rear boundary at the ground level; and	i) 5.5m to Koala Avenue  ii) 3m to Cumberland Road for the residential component. The parking area at ground level is setback 1.8m, which is considered satisfactory, as it creates visual interest and a point of difference in the built form. Additionally, the car parking area will be semi-open so as to reduce the bulk and scale of	No Justification accepted as the variation is not considered likely to result in an unreasonable or significant adverse impact on the amenity of the local area.

Control	Requirement	Proposed	Compliance
	<p>vi) 10 metres from the rear boundary for all levels above ground level within land zoned Zone 2(b) Residential B Zone under LEP 2002 or land zoned R2 under the CLEP.</p> <p>vii) 6.5 metres from the rear boundary for all levels above ground level within land zoned R3 under the CLEP.</p>	<p>the encroachment. The proposed landscaping in front of and above the parking area, further reduces the bulk and perception of the encroachment. There are also minor balcony encroachments for Rooms 4, 5, 6, 10 &amp; 11, similarly these encroachments are considered acceptable as they create visual interest by breaking up the façade as well as improving the amenity of future residents without compromising the privacy of adjoining neighbours. These encroachments do not compromise the ability of the proposal to satisfy the relevant setback objectives.</p> <p>iii) &gt;0.9m, using the boundary opposite Cumberland Road.</p> <p>iv) 2.98m, using the boundary opposite Cumberland Road.</p> <p>v) 5m, using the boundary opposite Koala Avenue. The balconies for the ground floor are as close as 1.5m but given they front Koala Reserve and the fact that this could also be considered a side boundary these encroachments are considered acceptable.</p> <p>vi) N/A</p> <p>vii) 6.5m, using the boundary opposite Koala Avenue.</p>	
<b>17.2.3 b)</b>	Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 metres from any street boundary.	The garage to access the parking area is setback 9.28m	Yes
<b>17.2.7 Shared facilities</b>			
<b>17.2.7 a)</b>	<p>Where shared bathroom facilities are proposed, they shall be provided at the following rates:</p> <p>i) A minimum of one bath or shower for each 10 occupants or part thereof; and</p> <p>ii) in addition, one accessible toilet and one accessible shower where the number of residents exceeds five or more; and</p> <p>iii) a closet pan and a washbasin with hot and cold running water for each toilet provided; and</p>	The proposed boarding house would provide private bathroom facilities for each room.	N/A

Control	Requirement	Proposed	Compliance
17.2.7 b)	Where the number of residents is five or less, the common toilet/shower shall also be accessible for people with disabilities.	The proposed boarding house would provide private bathroom facilities for each room. Room 2 is an accessible room and is suitable for people with a disability.	N/A
17.2.7 c)	Toilets shall be able to be accessed separately from the shower, so that toilet and the shower may be used by two separate people at the same time.	The proposed boarding house would provide private bathroom facilities for each room.	N/A
17.2.7 d)	Where communal kitchen facilities are proposed, they shall be provided at the following rates: i) a minimum area of 8sqm for up to 10 occupants and 1sqm additional area for every two occupants thereof.	The proposed boarding house would provide private kitchen facilities for each room.	N/A
17.2.7 e)	Laundry and clothes drying facilities are to be provided at a rate of: i) One washing machine and washing tub for every 10 occupants or part thereof; plus ii) One clothes dryer for every 10 occupants or part thereof and; iii) One fixed clothesline of at least 30 metres for every 10 occupants or part thereof.	The proposed boarding house would provide private laundry facilities for each room.  Rooms 1 and 2 would have private clothes lines on their balconies and there would be a communal clothes line with sufficient space for the remaining residents. In addition, 10 of the remaining 12 rooms all have balconies with a northern orientation that would enable portable clothes horses to be used within the individual rooms for drying purposes. Additionally, each of the boarding rooms will be provided with a mechanical dryers.	Yes
<b>17.2.8 Indoor Communal living areas</b>			
17.2.8 a)	Indoor communal living areas shall be provided with a minimum dimension of three metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater.	With a potential 28 occupants, including the manager's room, the proposed development would require an indoor communal living area of 33.6sqm. The proposed boarding house provides 28.6sqm, although not numerically compliant, the proposed development is considered satisfactory as all the individual rooms are self-contained and as such there would be a significantly reduced demand on the communal living areas. In addition, 12 of the 14 rooms are provided with private balcony facilities.	No Justification accepted as the variation is not considered likely to result in an unreasonable or significant adverse impact on the amenity of the local area.



<b>17.2.9 Solar Access</b>			
<b>17.2.9 a)</b>	Dwellings on adjoining properties are to receive a minimum of three hours sunlight in habitable rooms and in at least 50 percent of the private open space between 9:00am and 3:00pm on 21 June.	The provided shadow diagrams indicate the neighbouring dwelling would receive sufficient solar access.	Yes
<b>17.2.9 b)</b>	Where existing adjoining development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate what can be achieved, shadow diagrams may be required with the development application.	The provided shadow diagrams indicate the neighbouring dwelling would receive sufficient solar access, as per, 17.2.9 a).	N/A
<b>17.2.10 Site Services Boarding Houses</b>			
<b>17.2.10 a)</b>	The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	The allotment is currently serviced. A condition is recommended to ensure that all services are confirmed prior to the issue of a construction certificate.	Yes, via condition.
<b>17.2.10 b)</b>	Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	The allotment is currently serviced. A condition is recommended to ensure that all services are confirmed prior to the issue of a construction certificate.	Yes, via condition.
<b>17.2.10 c)</b>	All site services shall be placed underground.	A condition is recommended to ensure that should any changes be required to the existing services, they are placed underground.	Yes, via condition.
<b>17.2.10 d)</b>	All communication dishes, antennae and the like shall be located to minimise visual prominence.	A condition is recommended to ensure that all communication dishes, antennae and the like are located in areas that reduces their visual prominence.	Yes, via condition.
<b>17.2.11 Visual Privacy</b>			
<b>17.2.11 a)</b>	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 six metres of the proposed window or balcony unless appropriately screened.	<p>The corridors facing neighbouring allotment at 3 Koala Avenue are considered a balcony, in the context of visual privacy, as such, a condition is recommended that the open external corridors on the first and second floor be provided with appropriate privacy screens. Additionally, these areas are not considered high traffic and they only provide access to three rooms on each level.</p> <p>A condition is recommended that ensures the habitable room windows of Rooms 3 and 9, fronting 3 Koala Avenue, shall be provided with either privacy screens or obscure glazing to a minimum height of 1.7m to ensure the privacy of the neighbouring residential allotment.</p>	Yes, via condition.

<b>17.2.11 b)</b>	Notwithstanding Clause 3.4.3.2 a) any window of a living room located on an upper level shall: i) be offset by two metres to limit views between windows and balconies; or ii) have a sill height 1.7 metres above the floor level; or iii) be splayed to avoid direct views between windows; or iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.	There are no habitable windows that directly overlook an adjoining privately held allotment, other than those discussed above.	N/A
<b>17.2.11 c)</b>	Notwithstanding 17.2.11 a), a balcony will only be considered where the private open space area of any adjacent dwelling is screened from view.	The manager's room balcony is considered private open space for the purpose of Clause 29(2)(d)(ii) of the ARH SEPP. The balcony is not visible from any adjacent dwelling's POS.	Yes
<b>17.2.12 Signage</b>			
<b>17.2.12 a)</b>	Signage shall be limited to a maximum of one sign per building, detailing only the name and address of the premises and contact details of the managing agent.	There is no signage proposed.	N/A
<b>17.2.12 b)</b>	Signage must be affixed to the front elevation and not to the fence.	There is no signage proposed.	N/A
<b>17.2.12 c)</b>	The sign shall have a maximum area of 0.25sqm and a maximum height of 0.5 metres.	There is no signage proposed.	N/A
<b>17.2.12 d)</b>	Signage shall be non-illuminated.	There is no signage proposed.	N/A
<b>17.2.12 Private Open Space</b>			
<b>17.2.12 a)</b>	A minimum of one private open space area of 20 square metres with a minimum dimension of three metres shall to be provided for use by lodgers.	The proposed boarding house includes provisions for 20.3sqm of private open space directly off the Communal Living Room as well as a further 60sqm of landscaped area at ground level. In addition, 12 of the 14 boarding rooms are provided with balconies.	Yes
<b>17.2.12 b)</b>	Where the boarding house is not within walking distance (400 metres) to a park it should provide 30 square metres of communal private open space.	The proposed boarding house is directly adjacent to the Koala Walk Reserve which is on land RE1 Public Recreation.	N/A
<b>17.3 Car Parking and Access</b>			
<ul style="list-style-type: none"> <li>Ensure that the location and design of driveways and parking areas, waste access and collection areas are practical easily maintained, convenient, safe and suitably landscaped.</li> <li>Ensure that the surrounding street network and intersections continue to operate safely and effectively.</li> <li>Minimise parking arising from boarding houses on local streets.</li> </ul>			
<b>17.3.1 Car Parking</b>			
<b>17.3.1 a)</b>	Car parking areas shall be setback a minimum of three metres from the front boundary and any secondary boundary.	The proposed boarding house provides at grade parking that is 5.5m from Koala Avenue and 1.8m from Cumberland Road. The car parking area is semi-enclosed and there is appropriate landscaping	No, justified.

		provided that reduces the visual impact, which is consistent with the provisions of Part 17.4(c) of the SCDP. This parking area provides articulation along the Cumberland Road frontage which ties in with the remaining built form. In addition, the proposed car parking is consistent with the setback objectives.	
<b>17.3.1 b)</b>	Off street parking and loading shall be designed in accordance with Australian standards 2890 (as amended), except as otherwise provided by this Plan.	The proposed boarding house is capable of complying.	Yes
<b>17.3.1 c)</b>	No required car parking space shall be designed in a stacked configuration.	No car parking is in a stacked configuration.	N/A
<b>17.3.1 d)</b>	A boarding house shall have a maximum of one ingress and one egress driveway.	There is a combined access and egress driveway.	Yes
<b>17.3.1 e)</b>	The minimum width of a driveway serving a boarding house shall be three metres.	The minimum width of the driveway is 3.5m.	Yes
<b>17.3.1 f)</b>	Driveways shall: i) be located a minimum distance of six metres from the tangent point of any unsignallised intersection; and ii) be sealed.	The sealed driveway is greater than 10m from the tangent point.	Yes
<b>17.3.1 g)</b>	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.	The swept paths provided in support of the proposal indicate that vehicles can leave the site in a forward direction without more than a three-point turn.	Yes
<b>17.3.1 h)</b>	All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	Capable of complying, a conditions is recommended to ensure appropriate line markings and signage is provided.	Yes, via condition.
<b>17.3.1 i)</b>	Car parking areas shall be designed and sized so that only one three-point turn is required for exiting/entering the site in a forward direction.	The swept paths provided in support of the proposal indicate that vehicles can leave the site in a forward direction without more than a three-point turn.	Yes
<b>17.3.2 Access for People with Disabilities</b>			
<b>17.3.2 a)</b>	Boarding houses shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	The supporting 'Access Report' details the proposed development is capable of complying.	Yes, via condition.
<b>17.4 Landscaping</b>			
<ul style="list-style-type: none"> <li>To encourage the planting of native and low water consumption plants and trees.</li> <li>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, while maintaining opportunities for passive surveillance.</li> </ul>			
<b>17.4 a)</b>	Landscaping shall be provided to a minimum of a: i) Three metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and	The proposed landscaping provides for appropriate landscaping along the property boundaries, where possible.	Yes

	ii) 1.5 metre wide strip along the full width of the rear setbacks.		
17.4 b)	Native mature trees on site shall be retained.	There is an existing tree in the southern corner will be maintained. A condition is recommended for tree protection measures to be installed throughout the lifecycle of the development.	Yes, via condition.
17.4 c)	Car parking areas located in the front building setbacks must be screened by appropriate hedging plant species at suitable spacing.	As discussed above the car parking area is screened by appropriate landscaping.	Yes
17.4 d)	Development applications for boarding houses shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following: i) species, location and mature height of proposed planting; ii) driveway areas; and iii) fencing height and materials.	The proposal is supported by an appropriate landscape plan and supporting documentation detailing the relevant requirements.	Yes
<b>17.5 Waste Management</b>			
<ul style="list-style-type: none"> <li>Ensure that appropriate facilities are provided for the storage and collection of waste generated by boarding houses.</li> </ul>			
<b>17.5.1 Boarding Housing and Waste Management</b>			
17.5.1 a)	Boarding houses shall make provision for waste storage, allocated behind the primary and secondary setbacks and out of public view. Provision shall be made for the following rates of waste generation: i) Garbage: one x 240-litre bin for every three boarding rooms per week if bins are to be used on a shared basis, or one x 140-litre bin for every boarding room per week if bins are to be allocated to individual boarding rooms ii) Recyclables: one x 240-litre bin for every three boarding rooms per fortnight if bins are to be used on a shared basis, or one x 240-litre bin for every boarding room per fortnight if bins are to be allocated to individual boarding rooms.	The proposed development has been assessed by Council's Waste Team and they have determined that the proposal requires 11 x 240L bins (four x waste and seven x recycling), which the proposal accommodates.	Yes
17.5.1 b)	All boarding house developments shall make provision for an appropriately sized waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors. Such storage shall: i) provide for storage of a sufficient number of bins, as outlined under Section 17.5.1 a) above; ii) be no more than 25 metres from the street;	The bin storage area is located at ground level and provides level access to the collection point.  The bin storage area is capable of having an impervious floor, hose and sewer connections, whilst being well ventilated. A condition has been recommended to enforce such design requirements.	Yes

	iii) be covered; iv) contain a hose connection; v) have an impervious floor that is connected to the sewer; and vi) incorporate design and construction (including colours, materials and finishes) that complement the development.		
<b>17.5.1 c)</b>	The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house to reach the collection point.	A communal waste/recycling bin storage area has been provided at ground level that has direct access, via the parking area, to the collection point.	Yes
<b>17.5.1 d)</b>	All bins located within waste/recycling bin storage facility shall be presented to the kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.	The onsite manager will be responsible for the putting out and returning of bins, in accordance with the Management Plan.	Yes
<b>17.5.1 e)</b>	Any development containing 20 or more bedrooms, and/or when the number of bins proposed cannot be accommodated within 50 percent of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing (for the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 metre which allows for a 300mm separation distance either side of each bin).	The proposed boarding house has 14 bedrooms.	N/A
<b>17.5.1 f)</b>	Developments shall make provision for the storage of bulky waste (kerbside clean up) materials on site including: i) a minimum area of 10sqm metres; ii) the area must be accessible to all residents; iii) the area must not be more than ten metres (10m) from the waste collection point.	The proposed development makes provisions for an appropriate storage area for bulky waste.	Yes
<b>17.6 Management Plan</b> <ul style="list-style-type: none"> <li>• Ensure that boarding houses maintain the residential amenity of adjoining neighbours.</li> <li>• Ensure that the residents of boarding houses are provided with a satisfactory level of residential amenity.</li> </ul>			
<b>17.6 a)</b>	A management plan shall be prepared and lodged with the Development Application for any proposed boarding house.	An appropriate management plan has been provided in support of the proposal, see Attachment 11.	
<b>17.6 b)</b>	The management plan shall provide the following information:	An appropriate management plan has been provided in support of the proposal, see attachment 11.	Yes, via condition.

	<ul style="list-style-type: none"> <li>i) 24 hour contact details of the manager/caretaker (including phone number and mobile phone number);</li> <li>ii) proposed staffing arrangements during the daytime and at night-time;</li> <li>iii) proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality;</li> <li>iv) proposed safety and security measures to be employed within the</li> <li>v) boarding house including prominent display boards within the building containing emergency telephone numbers and other essential telephone numbers;</li> <li>vi) proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00am.; and</li> <li>vii) professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.</li> </ul>	A condition is recommended that ensures that the provisions of the management plan are enforced at all times.	
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### 3. Planning Assessment

#### 3.1 *Environmental Planning and Assessment Act 1979* Section 4.15 (1)(b) – Likely Impacts

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority must consider the development's potential impacts on the natural and built environment, as well as, potential social and economic impacts of the development.

The key matters for consideration when considering the potential impacts on the natural and built environment are as follows:

#### **Context and Setting**

The proposed development is consistent with the zoning provisions and with the expected form and scale of construction reasonably anticipated in a medium density residential zone. The proposed allotment is semi-isolated in that there is only one neighbouring residential allotment. Despite this, the proposed development is considered to be sympathetic to what is existing and what has been proposed within the wider area. The proposed development presents as an urban renewal development and provides a transition from the high density residential development to the west of Cumberland Road to medium density residential development, to the east.

## Construction

The construction of the proposed development would see construction vehicles accessing the site via Koala Avenue. There are recommended conditions that address erosion and sediment control measures and limiting construction work hours that would alleviate any nuisance to any residents as well as the surrounding road network.

## Social and Economic Impacts

Socially, the proposal would deliver an increase of housing supply that would help to improve housing choice and affordability, which is consistent with the strategic and statutory controls. The proposal was referred to the NSW Police to review the proposal from a Crime Prevention Through Environmental Design (CPTED) perspective. The NSW Police responded indicating satisfaction with the proposal, whilst providing recommendations which have been included in the attached recommended conditions.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development, whilst providing future tenants with a form affordable housing.

### 3.2 *Environmental Planning and Assessment Act 1979 Section 4.15 (1)(c) – Suitability of the Site*

Section 4.15 (1)(c) of the EP&A Act requires that the consent authority must consider the suitability of the site when determining a development application. The site is considered suitable for the proposed boarding house development with the land being zoned for such and with the proposal being consistent with the zone objectives.

The proposed dimensions, areas and orientation of the allotment are considered adequate to facilitate the siting, design and construction of the proposed boarding house. It is noted that the allotment is a flood control lot that restricts the location and height of the built form. Council's flood engineers have assessed the development and are satisfied that the design adequately addresses the flooding constraints.

The land once developed would contribute positively to the desired future character as detailed in the relevant strategic documents.

## 4. Public Participation

Section 4.15 (1)(d) of the EP&A Act requires that the consent authority must consider any submissions made in relation to a development proposal.

The proposal was publicly notified and exhibited twice in accordance with the provisions of Section 4.44 of the EP&A Act 1979 as a controlled activity approval under the *Water Management Act 2000*, was required.

The original application was notified and publicly exhibited between 30 May 2018 and 9 July 2018. This first exhibition period received 18 individual submissions and one petition with 48 signatures.

The application was amended and again notified and publicly exhibited from 17 October 2019 to 21 November 2019; with the following changes to the originally notified and exhibited plans:

- Basement had been removed
- Lift had been removed
- Car parking reconfigured to be at ground level and includes five parking spaces all accessed via Koala Avenue
- Reduction in the number of boarding rooms to 14, including one dedicated manager's room and one accessible room at ground level
- The rooms will still be spread across three levels and will include private kitchen and bathroom facilities
- Floor levels raised to satisfy the flood implications on the site
- Building height increased to 10.181m, which is 1.181m above the 9m height limit in Council's LEP. A clause 4.6 (exception to development standards) has been lodged in support of the application
- New architectural features and finishes has been added to the building.

There were 14 submissions received during the second exhibition period.

During both exhibition periods the submissions raised very similar concerns and the following table reflects those concerns:

Theme	Issue	Response
Traffic	Lack of parking provided in the development will lead to parking on the street which is already really narrow.	The proposed development is consistent with the statutory requirements at the time of lodgement. The width of the street does not preclude existing residents and visitors from parking in the street.
	No footpath so people will walk on the road resulting in an increased likelihood of accidents.	There is an existing footpath located along the full extent of Cumberland Road. A condition has been recommended that the applicant liaise with Council to extend the footpath along Koala avenue for the full extent of the subject site.
	No stopping signs are located around the property, making parking more difficult particularly with the narrow Koala Avenue.	There are "No Stopping" signs located for the length of the property fronting Cumberland Road, as well as, at the intersection with Koala Avenue although outside the intersection area there are no parking restrictions within Koala Avenue.
Potential residents	Undesirable residents - People from low socio-economic background create issues.	The Management Plan supplied in support of the application makes the expectations of residents clear and details that tenancy will be terminated for non-compliance. The onsite manager's contact information will be made readily available for complaints. Additionally, the Police reviewed the proposal and their recommendations have been included in the recommended conditions. The socio-economic background of any potential tenant is not a matter of consideration for the purposes of the assessment of this application against the relevant provisions of the EP&A Act.
	Decrease in safety of surrounding residents.	The provided Management Plan details a strict code of conduct that the residents must satisfy as a



		condition of tenancy. Additionally, there is a complaints register as part of the Management Plan.
Noise	During demolition and construction lots of noise will be created.	The noise during construction is considered to be consistent with standard residential construction. A condition is recommended to ensure that construction only occurs in accordance with standard industry practice.
	Noise produced from potential residents.	The provided Management Plan clearly details the expectations from the residents. Visitors are only allowed onsite between 7:30am and 8:30pm and common areas can only be used between 7am and 9pm.
Fire	The proposed development would increase the fire risk to the nearby and surrounding developments	The proposed development would need to be constructed in compliance with the Building Code of Australia, which has stringent fire related controls.
Privacy	The three story building will be able to look into the backyards of many of the existing houses in the area	The proposed development has been designed to limit the potential overlooking into nearby and adjoining neighbours. The private balconies face away from the adjoining residence and a condition is recommended that the windows of rooms three and nine facing 3 Koala Avenue be provided with obscure glazing to further reduce potential overlooking.
Design	A three storey building is not compatible with the character of the local area and is not a suitable development.	The character of Ingleburn is currently in transition, additionally, the site only has one immediate residential neighbour, providing it with an opportunity to create visual interest, through contemporary design. The strategic documents, particularly the Ingleburn Precinct Plan in the Corridor Strategy is given statutory weight via the implementation of the GC SEPP and requires the consent authority to consider all draft Precinct Plans to ensure that the proposed development is compatible with the future character. In this instance the subject site is identified as supporting 3 to 6 storeys in future.
	The proposed development does not provide private open space.	The proposed development has incorporated a 20.3sqm suspended courtyard, as well as, more than 60sqm of landscaped area behind the building.
	The proposed development is of poor quality.	The proposed built form represents a contemporary finish that utilises high quality materials. All building material must meet the relevant Australian Standards and provisions of the BCA.
	The rooms are too small and sizes are less than the requirements,	Each of the boarding rooms comply with the provisions of the Affordable Rental Housing SEPP.
	Overshadowing	The provided shadow diagrams indicate that 3 Koala Avenue will continue to receive the necessary amounts of solar access.

	Communal room will not get enough sun	The orientation of the communal room on the north western side of the building enables appropriate solar access to the communal room on the ground floor.
	Flooding at the back of the property in heavy rain  Flood still a risk even when raised on stilts	The proposed development has been designed having regards to the flooding constraints on the site. The raised floor levels ensure that the built form sits above the flood risk, whilst not exacerbating the flood risk for neighbouring allotments. A condition is also recommended to ensure appropriate signage and flood planning is in place at all times.
	Laundry hanging limited	There are communal drying areas in the private open space. There are also dryers provided in each of the rooms and there is space for portable hanger to be set up within the rooms to take advantage of the cross flow ventilation created from the balconies.
	Over development - FSR too high at 74:1	The Affordable Rental Housing SEPP allows for the maximum floor space ratio for any form of residential accommodation permitted on the land and in this instance Clause 4.4 of CLEP allows for 0.75:1.
	Building is too high, 1.2/1.8 meters above the height limit for the area	The proposed development has been revised and the maximum non-compliance is now 0.7m for reasons outlined in this report the non-compliance is considered acceptable.
	Fails to meet the character of the surrounding neighbourhood	The proposed development is aligned with the future character as detailed in the strategic documents. Additionally, the proposed development provides a transition between the high density residential development on the opposite side of Cumberland Road and medium density developments.
	Waste vehicles can't access the site.	Council's Waste Team have reviewed the development and are satisfied that there is sufficient space for the storage of waste bins as well as their collection.
Safety	Potential for asbestos to be found in the existing building during demolition	This may be the case and conditions have been recommended that ensure that the relevant Australian Standards and WorkCover provisions are in place for the life of the development.
	Reduction in air quality.	The proposed development is not expected to reduce the air quality, a condition is still recommended to ensure that the relevant Australian Standards and WorkCover provisions are in place for the life of the development.
	Operating 24 hours is too long.	A boarding house is a form of residential accommodation and it is unreasonable to restrict the use of the premises as such. Visitors are only allowed onsite between 7:30am and 8:30pm and common areas can only be used between 7am and 9pm. These provisions are reflected in the plan of management and a condition reiterating such is recommended.

It is noted that following exhibition a further amendment to the proposal which reduced the bulk and scale of the development, as well as altering the façade treatments, was not exhibited as it only decreased the impacts of the development. The submissions were considered in light of the amended design and responses have been considered in light of them against the current design for transparency purposes.

## **5. Conclusion**

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act, the Campbelltown Local Environmental Plan and Campbelltown (Sustainable City) Development Control Plan 2015.

The proposed development, subject to the recommended conditions, is considered to satisfy relevant State legislation and State Environmental Planning Policies including the, *Water Management Act 2000*, Roads Act 1997, SEPP 55 Remediation of Land, SEPP (Sydney Region Growth Centres) 2006, and Affordable Rental Housing SEPP and other relevant legislation.

The proposed request under Clause 4.6 of the CLEP 2015 that the proposal be approved despite the non-compliance with the maximum height of building control is considered to be reasonable given the context of the existing built development in the neighbourhood and the desired future character of the area and the flooding constraints. The flood affection requires the underside of the building be at 31.5m AHD which meant raising the building above the existing 30.35m AHD, which is significantly more than the 0.7m variation requested. This being the case strict adherence to the Height of Building Map height of 9m, is considered unreasonable.

The variations to the current car parking controls are considered not unreasonable given the controls at the time of lodgment meant the proposed development would have complied, additionally, the proposed development is in a defined accessible area with strong public transport connections.

The setback variations result in a higher quality built form, that creates visual interest and helps break up the bulk and scale of the development, whilst continuing to be consistent the relevant objectives.

The site is considered to be suitable for the proposed development, as the land is compatible with both the statutory and strategic planning provisions.

Accordingly, the application is recommended for approval, subject to the attached conditions.

## Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Reference Figures (contained within this report)
3. Site Analysis Plan (contained within this report)
4. Erosion and Sediment Control and Demolition Plan (contained within this report)
5. Site Plan and Roof Plan (contained within this report)
6. Shadow Diagrams (contained within this report)
7. Elevations (contained within this report)
8. Schedule of Materials and Finishes (contained within this report)
9. Landscape Plan (contained within this report)
10. Variation Request (contained within this report)
11. Managment Plan (contained within this report)
12. Water NSW GTA (contained within this report)
13. Endeavour Energy (contained within this report)
14. NSW Police Recommendations (contained within this report)
15. Ground Floor Plan (for confidentiality reasons) (distributed under separate cover)
16. First Floor Plans (for confidentiality reasons) (distributed under separate cover)
17. Second Floor Plan (for confidentiality reasons) (distributed under separate cover)
18. Swept Paths (for confidentiality reasons) (distributed under separate cover)

## Reporting Officer

Executive Manager Urban Centres

## RECOMMENDED 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.

Drawing Title	Drawing No.	Issue	Author	Date
Site Analysis Plan	DA02	J	Design Link Australia Pty Ltd	08/05/20
Erosion & Sediment Control/Demolition Plan	DA03	J	Design Link Australia Pty Ltd	08/05/20
Site Plan/Roof Plan	DA04	J	Design Link Australia Pty Ltd	08/05/20
Ground Floor Plan	DA05		Design Link Australia Pty Ltd	08/05/20
First Floor Plan	DA06	J	Design Link Australia Pty Ltd	08/05/20
Second Floor Plan	DA07	J	Design Link Australia Pty Ltd	08/05/20
Shadow Diagrams	DA08	J	Design Link Australia Pty Ltd	08/05/20
Elevations	DA10	J	Design Link Australia Pty Ltd	08/05/20
Schedule of Materials and Finishes	DA13		Design Link Australia Pty Ltd	
Landscape Plan	18095 DA1	C	Vision Dynamics	08/05/20
Swept Paths – B85% Turning Paths	C04	F	Development Engineering Solutions	25/04/2020

#### Associated Documents

Document	Author	Date
Clause 4.6 Variation	GAT & Associates Pty Ltd	April 2020
Plan of Management	GAT & Associates Pty Ltd	May 2020
Access Report	Access Link Consulting	01.05.2020
Acoustic Report	Acoustic, Vibration & Noise Pty Ltd	1 May 2020
Construction & Waste Management Plan	1 Koala Pty Ltd	5 May 2020

### 2. Amended Plans

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

- The windows of Rooms 3 and 9 that face 3 Koala Avenue, shall be provided with obscure glazing or privacy screens or have a sill height to a minimum of 1.7m

**3. Water NSW**

The proposed development shall be carried out in accordance with the General Terms of Approval attached to the consent.

**4. Endeavour Energy**

The proposed development shall be carried out in accordance with Endeavour Energy's recommendations, attached to this consent.

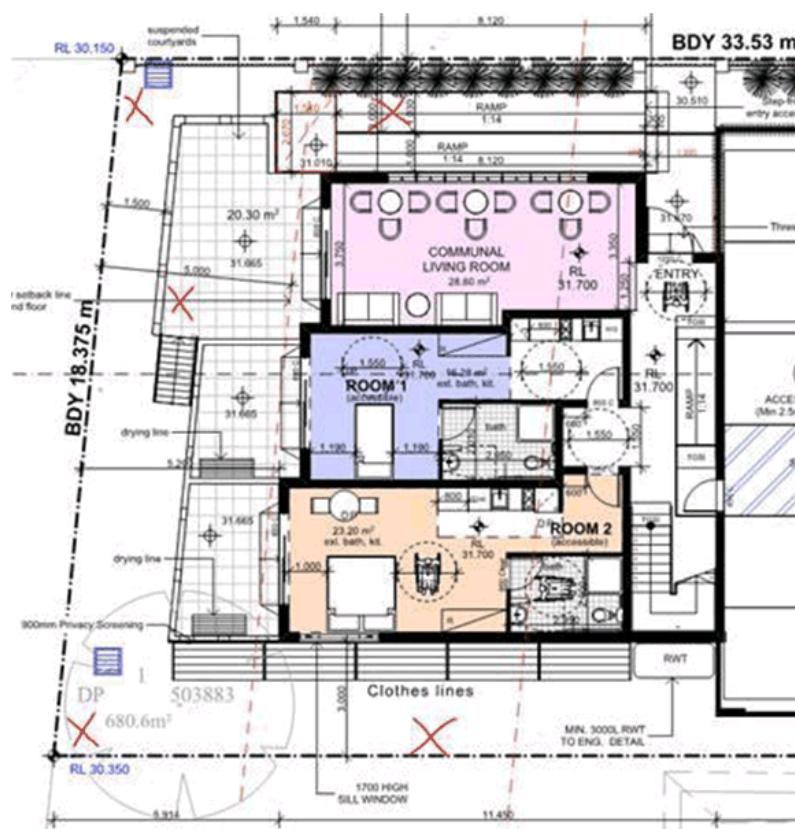
**5. NSW Police Force**

The proposed development shall be carried out in accordance with NSW Police Force's recommendations, attached to this consent.

**6. Flood Controls**

The subject land has been identified as being at risk from inundation by flood waters in the 1:100 year flood. Consequently, the appointed Principal Certifier must confirm:

- a) The proposed ground floor finished floor level of RL 31.7 m AHD and the level of underside of the floor structure of RL 31.5 m AHD as shown on the architectural plans comply with the Council's minimum requirement.
- b) The site's existing ground level in the area defined as floodway shall not be raised as this may increase flood affectation on the neighbouring properties.
- c) It is noted that building on piers are proposed so that the existing floodway is maintained. In this regard, the proposed sub-floor, stairs and ramps shall never be enclosed so that the conveyance of flood water is not obstructed.
- d) The proposed sub-floor area shall be never filled.
- e) The proposed stairs located in the floodway shall be of "open design" so that any flood water can flow through the stairs.
- f) Design of any structures proposed shall take account of the appropriate flood actions, such as: hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour.
- g) The piers and foundations shall be designed to withstand a velocity of 1.5m/s.
- h) Foundations shall be designed deep enough so that scouring is not possible.
- i) The area under the building shall be a protected (hardened non-erodible) surface.
- j) Floodway warning signs shall be installed on site at numerous access points to floodway as shown by red crosses, below, in line with Council's standard Drawing SD-S03.



- k) Floodway warning signs as mentioned in item J above shall never be removed from the site. The boarding house manager shall inform all tenants of the floodway at the rear of the property.
- l) There shall be a Flood Evacuation Plan prepared for the site showing procedures to safely manage risk associated with flooding up to PMF event. The applicant shall submit such plan for the written approval of Council's Executive Manager Infrastructure (or equivalent), prior to the release of a construction certificate. The Flood Evacuation Plan shall be explained and made available to all tenants, by the boarding house manager. The boarding house manager shall ensure that the provisions/requirements of the Flood Evacuation Plan are implemented at all times.

## 7. Plan of Management

The operator of the boarding house shall ensure that the approved Plan of Management is complied with at all times. The Plan of Management shall not be varied without the consent of Council.

A copy of the Plan of Management must be kept by the owner, the Managing Agent, Campbelltown City Council and the on-site Manager.

## 8. Boarding House Manager

The Boarding House Manager must permanently reside on-site in Room No. 6.

The 24 hour contact details of the on-site Manager (including phone number and mobile phone number) must be displayed externally at the front entrance of the boarding house and internally within the communal living area.

The Managing Agent must notify Council in writing if there is any change to the management arrangements or contact details for the manager of the boarding house within 24 hours of becoming aware of the change.

**9. 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.

**10. Landscaping**

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

**11. Noise Mitigation Measures**

The following boarding house management restrictions must be adhered to at all times:

- a) Common areas are not to be used after 9.00pm or before 7.00am;
- b) Doors and windows to the indoor communal area are to be kept closed after 09.00pm and before 7.00am;
- c) No music to be played in outdoor areas;
- d) Radios or similar are permitted in the common area when the windows to the common area are kept closed;
- e) Visitors are not permitted on site after 8:30pm or before 7:30am;
- f) Peace and quiet is to be upheld at all times. Abusive language, excessive noise, privacy, parties and other anti-social behaviour will not be tolerated; and
- g) The recommendations detailed in the Acoustic Report prepared by Acoustic, Vibration & Noise Pty Ltd, dated 1 May 2020.

**12. Waste Storage Area and Waste Management**

The waste storage area identified on the approved plans shall:

- a) include four 240 litre general waste bins, and seven 240 litre recycle;
- b) not be within vehicle parking, vehicle manoeuvring areas or landscaped areas;
- c) be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor;
- d) the floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket; and
- e) a hose chock shall be provided within the storage area.

The waste bins shall adhere to the following:

- a) the bins shall be stored within the waste storage area at all times other than for collection;
- b) all bins shall be presented to the street and returned to the waste storage room by a building manager. Boarding house residents shall not be responsible for presentation and return of bins; and
- c) all waste and recycling generated from the premises is 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.



**13. 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.

**14. Switchboards/Utilities**

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

**15. Driveway**

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

The finishes of the paving surfaces are to be non-slip.

Clear lines of sight for pedestrian safety must be provided in accordance with Figure 3.3 of AS/NZS 2890.1: 2004.

**16. 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.

**17. Lighting**

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

**18. Unreasonable Noise**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9.00pm.

**19. 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.

**20. 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).

**21. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

**22. Parking Spaces**

Five car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 6 (as amended).

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

Three bicycle racks shall be provided to securely accommodate bicycles, designed and made available to users of the site in accordance with Australian Standards 2890.3 (as amended).

**23. Parking Signage**

All vehicle entries and exits, to and from the site, shall be made in a forward direction. A sign shall be placed at the entrance to the property within the site, advising drivers of this information.

No parking sign on turning bay area shall be installed. Line marking and signage on accessible parking area, motor bike parking area and turning bay area shall be installed in accordance with Australian Standards.

**24. Acts and Regulations**

The boarding house must comply with the following Acts and Regulations:

- Public Health Act 2010
- Public Health Regulation 2012
- Boarding Houses Act 2012
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment (Noise Control) Regulation 2008.

**25. Maximum Number of Lodgers per Room**

The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum Occupancy
Room 01	Two
Room 02	Two
Room 03	Two
Room 04	Two
Room 05	Two
Room 06	Two
Room 07	Two
Room 08	Two
Room 09	Two
Room 10	Two
Room 11	Two
Room 12	Two
Room 13	Two
Room 14	Two

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

**26. Maximum Number of Lodgers in the Building**

The maximum number of lodgers in the building at any given time is twenty eight.

**27. 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:

Protect and support the adjoining premises from possible damage from the excavation, and

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.

**28. Rain Water Tank(s)**

A 3,000 litre rain water tank shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (e.g. the flushing of toilets), in accordance with the approved plans.

**29. 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 Certifier; and
- c) the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any 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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

**30. Fencing**

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall submit a detailed fencing plan for written approval of Council's Executive Manager Infrastructure (or equivalent).

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

Any fences across the floodway must be designed to allow floodwaters to pass unrestricted. In this regard, the fencing across the floodway shall comprise a pool type fence at the lower section up to the height of 1% AEP flood height plus 0.5 m freeboard. The 1% AEP flood height is RL 30.9 m AHD.

**31. Utility Servicing Provisions**

Prior to the appointed Principal 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.

**32. Soil and Water Management Plan**

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

**33. Classification of Residential Lots (Development with dwelling construction)**

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

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

**34. Geotechnical Report**

Prior to the appointed Principal Certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

**35. Stormwater Management Plan (Development)**

Prior to the appointed Principal 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.

Stormwater shall be conveyed from the site to the existing kerb inlet pit in Cumberland Road frontage and shall be generally in accordance with submitted concept stormwater plan drawn by Development Engineer Solutions titled "Ground Floor Stormwater Layout" Rev C dated 26.04.20

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

**36. Finished Ground Level**

The site's existing ground level in the area defined as floodway shall not be raised as this may increase flood affectation on the neighbouring properties.

**37. Dilapidation Report**

Prior to the appointed Principal 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.

**38. Work on Public Land**

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the appointed Principal Certifier authority issuing an occupation certificate. The stormwater drainage works within Bradbury Avenue requires the applicant to submit an application to Council made under Section 138 of the Roads Act 1993 prior to the issuing of a construction certificate.

**39. Design for Access and Mobility**

Prior to the appointed Principal Certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

**40. Telecommunications Infrastructure**

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 appointed Principal Certifier prior to the issue of a construction certificate or any works commencing, whichever occurs first; and

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

**41. Sydney Water**

Prior to the appointed Principal 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 appointed Principal Certifier prior to issuing a construction certificate.

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

**42. Section 7.12 (Previously 94A) Developer Contribution**

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

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

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

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

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

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

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

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

**43. 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.

**44. 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 appointed Principal Certifier 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.

**45. 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.

**46. 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.

**47. Vehicular Access during Construction**

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

**48. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**49. 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 the appointed Principal Certifier 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 WorkCover 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 WorkCover 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 appointed Principal Certifier 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.

**50. Fencing**

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

**51. Structural Engineer Details**

Prior to the commencement of any works, the submission to the appointed Principal Certifier of all details prepared by a practicing structural engineer.

**52. Demolition of Existing Dwelling**

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

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

**53. 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.

**54. 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



appointed Principal Certifier. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

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

**55. 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.

**56. 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.

**57. 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 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.

**58. 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 appointed Principal Certifier.

**59. Floor Level**

The proposed ground floor finished floor level shall be RL 31.7 m AHD and the level of underside of the floor structure of RL 31.5 m AHD as shown on the architectural plans comply with Council's minimum requirement.

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

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the appointed Principal Certifier 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.

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

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

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

Prior to the placement of any concrete/structural members of the ground floor slab, first floor slab, second floor slab or roof, the applicant shall submit to the appointed Principal Certifier a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

**63. Excess Material**

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

**64. 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.

**65. 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.

**66. Footpath, Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Koala Ave and Cumberland Road frontages. Additionally, that applicant

shall liaise with Council and extend the footpath in Koala Avenue for the full extent of the property frontage. 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).

**67. Medium Density Footpath Crossing and Layback**

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.

**68. 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.

**69. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown Councils Engineering Design Guide for Development (as amended).

**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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

**70. Asbestos Removal Certificate**

Prior to the appointed Principal Certifier issuing an occupation certificate, a certificate must be provided from a suitably qualified and experienced asbestos removal contractor confirming all asbestos material, if there was any identified during the demolition process, has been removed from the land in accordance with NSW WorkCover requirements and the land is suitable for residential purposes.

**71. Structural Engineering Certificate**

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

**72. Access and Mobility Sign-off**

Prior to the appointed Principal Certifier issuing an occupation certificate, sign-off from an Access Consultant with a minimum AQF4 qualification shall be provided to the appointed Principal Certifier verifying that the relevant access requirements of the Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards) including any referenced Australian Standards and the National Construction Code (NCC) have been satisfied.

**73. Landscaping**

Prior to the appointed Principal Certifier issuing an occupation certificate, sign-off from an accredited Landscape Architect shall be provided to the appointed Principal Certifier verifying that the landscaping has been provided in accordance with the approved landscape plan.

**74. Landscaping Contract**

Prior to the appointed Principal Certifier issuing an occupation certificate, an agreement with an appropriately qualified contractor for the maintenance of the landscaping shall be provided to the appointed Principal Certifier.

**75. Section 73 Certificate**

Prior to the appointed Principal Certifier issuing an occupation certificate, 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 appointed Principal Certifier prior to the issue of an occupation certificate.

**76. Completion of External Works Onsite**

Prior to the appointed Principal Certifier 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 appointed Principal Certifier.

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

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a) Floor Level Control – where applicable
- b) No Alteration to Surface Levels – subject to geotechnical advice

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

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

The appointed Principal Certifier must ensure that the access driveway and stormwater drainage system, including overland flow paths, was constructed in accordance with the design plans submitted for the construction certificate and this consent. Prior to the appointed Principal Certifier issuing an occupation certificate the applicant shall submit to Council two copies of a work-as-executed plan certified by a registered surveyor. The work-as-executed plan(s) must be accompanied by construction compliance certification to verify that the constructed

stormwater system and associated works has been carried out in accordance with the stormwater design submitted with the construction certificate(s), relevant codes and standards, and this consent. The construction compliance certification must be provided by a qualified practicing civil engineer and must refer to the work-as-executed plan(s).

**79. Restoration of Public Roads**

Prior to the appointed Principal Certifier 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.

**80. Public Utilities**

Prior to the appointed Principal Certifier 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.

**81. Council Fees and Charges**

Prior to the appointed Principal Certifier 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.

**BOARDING HOUSE CONDITIONS**

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the Boarding Houses Act 2012, Public Health Act 2010, Regulations, Local Government Act 1993 and associated technical standards.

**82. Registration**

The boarding house must be registered with The Office of Fair Trading and Campbelltown City Council.

**83. Notices**

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

**84. Cleanliness**

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

**85. Pest and Vermin**

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

**86. Lighting and Ventilation**

Adequate light and ventilation must be maintained in the premises.

**87. Long Term Residences**

If persons may board or lodge for seven days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

**88. Neighbourhood Amenity**

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products.

**ADVISORY NOTES**

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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.

Nominate a Principal Certifier authority and notify Council of that appointment prior to the commencement of any works.

Give Council at least two days' notice prior to the commencement of any works.

Have mandatory inspections of nominated stages of the construction inspected.

Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy any tree upon the subject site unless you have obtained prior written approval to do so from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length, or has a trunk diameter greater than 150mm, when measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

**Advice 3. Filling on Site**

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

**Advice 4. 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) and 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 5. Smoke Alarms**

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

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

#### **Advice 6. Covenants**

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

#### **Advice 7. Inspections – Civil Works**

Where Council is nominated as the appointed Principal Certifier for civil works, the following stages of construction shall be inspected by Council.

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

#### **Advice 8. Inspection within Public Areas**

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

#### **Advice 9. Adjustment to Public Utilities**

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

#### **Advice 10. Salinity**

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

#### **Advice 11. Asbestos Warning**

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

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

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



**Advice 12. Rain Water Tank**

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

**Advice 13. Dial 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 12. 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.

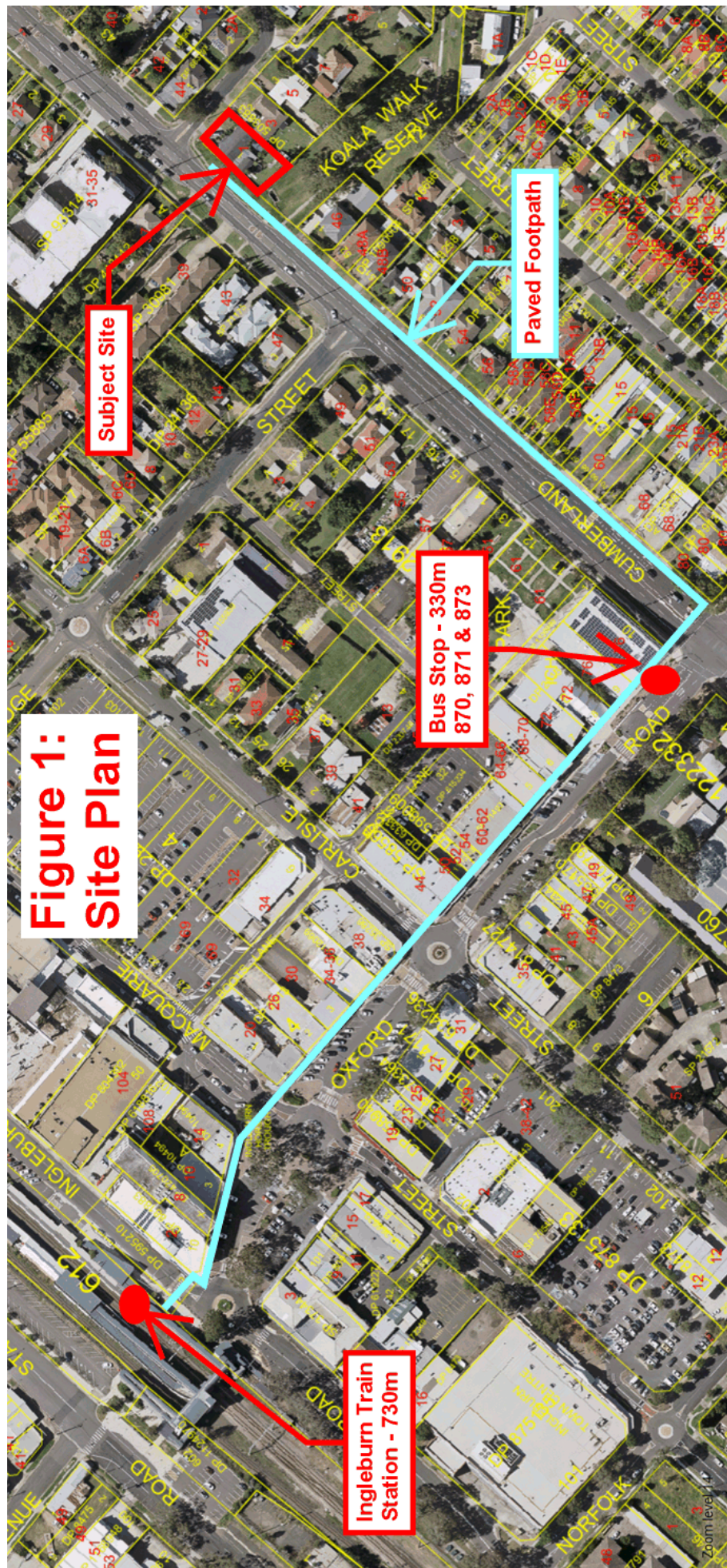
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

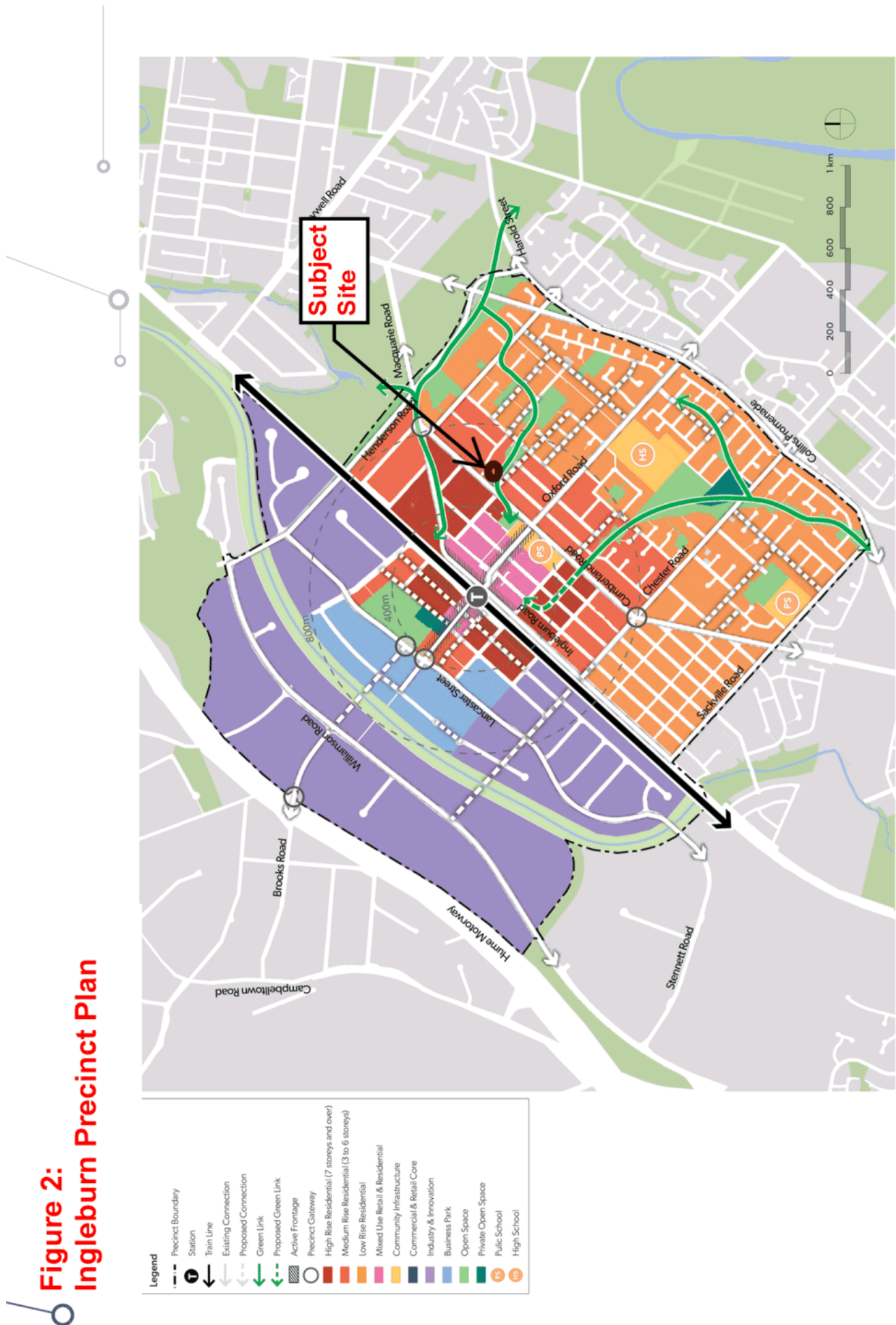
6. Building Code of Australia

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.

Amended Plans

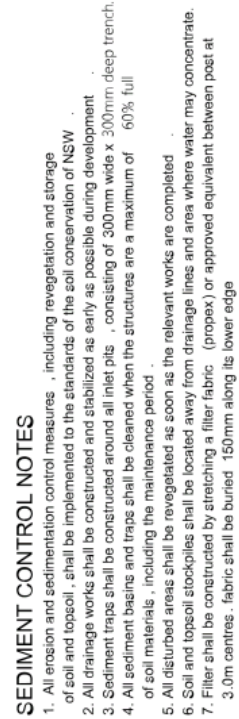












**Erosion & Sediment Control / Demolition Plan**  
1:100

[illegible]

DEVELOPMENT SUMMARY

PROJECT: PROPOSED BOARDING HOUSE DEVELOPMENT  
SITE: 1 KOALA AVE, INGLEBURN  
LOT 1 / DP 50383

SITE AREA: 685.5 m<sup>2</sup>

NUMERICAL CONTROL:

GROSS FLOOR AREA / FSR

Ground Floor GFA: 115.24m<sup>2</sup>

First Floor: 180.21m<sup>2</sup>

Second Floor GFA: 497.41m<sup>2</sup> / 1722.1

TOTAL GFA / FSR: 788.2m<sup>2</sup> / 27.6%

LANDSCAPE AREA

SETBACKS

FRONT (PRIMARY STREET): 5.4m

SIDE (SECONDARY STREET): 1.80m - 3.0m

SIDE (NORTHEASTERN): 1.00m - 3.0m

REAR (SOUTHWESTERN): 2.2m - 4.0m

PRIVATE OPEN SPACE

PARKING

(0.2 park spaces / room)

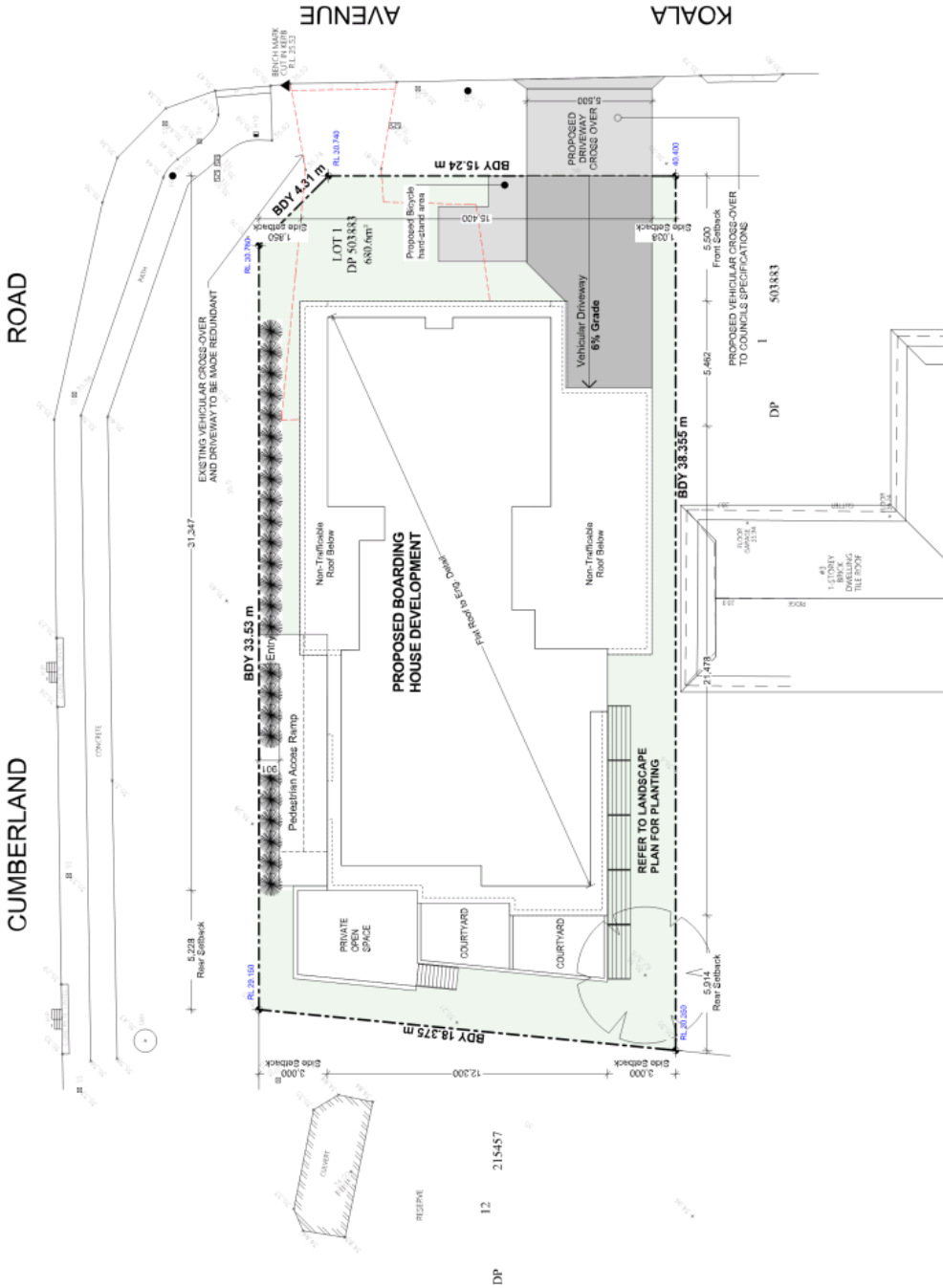
BUILDING HEIGHT

max. 3.4 storeys, proposed provides 5 spaces

Max Permissible 3m

Proposed MAX 3.7m

Refer to SSS for variations



1 Site Plan / Roof Plan  
1:100

DATE	DESCRIPTION
12/09/2020	PRELIMINARY DESIGN
15/09/2020	FINAL DESIGN
18/09/2020	FINAL DESIGN

AMENDMENTS	CHANGED TO	DATE
1	CHANGED TO	12/09/2020
2	CHANGED TO	15/09/2020
3	CHANGED TO	18/09/2020

DATE	DESCRIPTION
12/09/2020	PRELIMINARY DESIGN
15/09/2020	FINAL DESIGN
18/09/2020	FINAL DESIGN

DESIGN LINK AUSTRALIA PTY LTD  
Level 1, 100 Victoria St, North Melbourne VIC 3048  
P 03 9584 3116 • info@designlink.com.au

DRAWING TITLE  
**SITE PLAN + ROOF PLAN**  
**DA04**

BOARDING HOUSE DEVELOPMENT  
1 KOALA AVE, INGLEBURN

SCALE  
1:100g-A1  
18,000 DA

DATE  
18/09/2020

DRAWN  
1/1

CHECKED BY  
1/1

DATE  
18/09/2020

SCALE  
1:100g-A1

18,000 DA







## Schedule of External Colours & Finishes



MATERIALS AND FINISHES	DULUX 'WHISPER WHITE' OR SIMILAR	PF.1	
	VERTICAL TIMBER SCREENING TO BUILDER SELECTION	CL.1	
	DULUX 'ENDLESS DUSK' OR SIMILAR	PF.2	
	Pgh 'URBAN BLUE BRICK' OR SIMILAR	FB.1	
	AUSTRAL BRICK 'CHEST NUT' OR SIMILAR	FB.2	





## Appendix G Clause 4.6 Variation to Clause 4.3 Height of Buildings

*Amended April 2020*

### 1. INTRODUCTION

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This submission seeks a variation to Clause 4.3 of the Campbelltown Local Environmental Plan 2015 (CLEP15), which relates to the height of buildings.

This submission has been prepared in relation to a development application for residential accommodation comprising a three storey boarding house development with 14 rooms including an on-site managers room and at grade, enclosed car parking at 1 Koala Avenue, Ingleburn.

As detailed in this written request for a variation to the height of buildings control being a development standard under CLEP15, the proposed development meets the requirements prescribed under Clause 4.6 of CLEP15.

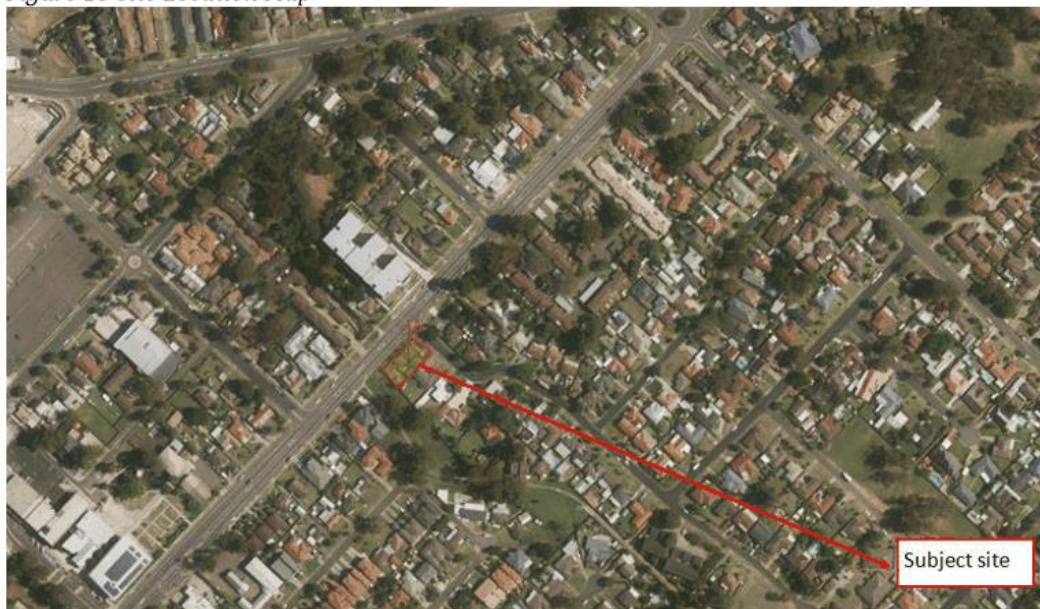
### 2. SITE BACKGROUND

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The subject site is commonly known as 1 Koala Avenue, Ingleburn and is legally referred to as Lot 1 of Deposited Plan 503883.

The subject site is located on the southern side of Koala Avenue, and the eastern side of Cumberland Road. Refer to Figure 15 below.

*Figure 15 Site Location Map*



*Source: SIX Maps*

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1 Koala Ave, Ingleburn

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The site is bound to the south by a strip of green space zoned for public recreation.

The site is a corner lot, rectangular in shape with a street frontage of 15.34m to Koala Ave and 33.53m to Cumberland Road. The site measures 680.60m<sup>2</sup> in area.

The subject site is located within a residential area, with adjacent and nearby developments providing a mix of residential densities and facilities.

To the western side of Cumberland Road is an area of R4 High Density Residential zoned land and B4 Mixed Use zoned land. An area of public recreation is immediately adjacent to the site.

The subject site itself is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.

The subject site is immediately adjoined by the garage of a single storey detached dwelling. The future scale of development in the neighbourhood is reflected in a residential flat building located on the western side of Cumberland Road.

As part of the development application process, it was determined that the subject site is flood affected. In flooding advice received from Council, it was outlined that the subject property is a flood control lot with respect to 1% Annual Exceedance Probability (AEP) flood due to local drainage reserve flow traversing the property through the rear boundary. This flow is from Koala Walk Drain.

The advice continues to state,

*“1% AEP flood depths of up to 0.5m occur in the rear yard area....*

*The area from the rear boundary of the property and extending about 12m into the property to the north east is a flood way and any construction of a secondary dwelling will be difficult. As a guide, conditions will need to be imposed to ensure that any such development does not impede flood waters and is itself safe from such flood waters...*

- a. The **underside** of any floor structure will need to be above RL 31.5m AHD.*
- b. No filling in (walls or fill) of the sub floor area will be permitted.*
- c. The piers and foundation will need to be designed to withstand a velocity of 1.5m/s.*
- d. Foundations will need to be designed deep enough that scour is not possible.*
- e. The area under the building will need to be a protected (hardened non-erodible) surface.*
- f. Design should generally take account of the appropriate flood actions, such as: hydrostatic actions, debris actions, wave actions, erosion and scour”.*

The revised plans have therefore been designed in accordance with the above and have resulted in a variation to the building height control, hence this submission.

### 3. **CLAUSE 4.6**

This submission is made under clause 4.6 of the CLEP11 – Exceptions to development standards. Clause 4.6 states the following:

#### **“4.6 Exceptions to development standards**

*(1) The objectives of this clause are as follows:*

**1 Koala Ave, Ingleburn**

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- (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.*

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

*(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.*

*(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 Director-General has been obtained.*

*(5) In deciding whether to grant concurrence, the Director-General must consider:*

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note.**

*When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone*

*RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*

*(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
- (ba) clause 4.1D, 4.2A, 4.2B OR 4.2c,*
- (c) clause 5.4,*
- (ca) clause 6.1 or 6.2.*

This submission has been prepared having regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3');*
- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

*4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.*

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

*(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*

The Environmental Planning Instrument to which these variations relate to is the CLEP15.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

- “(1) The objectives of this clause are as follows:*
- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,*
  - (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,*
  - (c) to provide for built form that is compatible with the hierarchy and role of centres,*
  - (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#)”.*

As demonstrated in Figure 16 below, the subject site is prescribed to a maximum building height of 9m.

Figure 16 Height of Buildings Map



The maximum height proposed is 9.7 metres, measured from ground level (existing) to the highest point, exceeding the maximum by 700mm.

A written justification is therefore required for the proposed variation to the maximum building height development standard, in accordance with Clause 4.6 of the CLEP11.



#### 4. EXTENT OF NON-COMPLIANCE

Under the provisions of Clause 4.3 of the CLEP 15, the subject site is limited to a maximum building height of 9m.

As demonstrated on the architectural plans the maximum height, as measured in metres, is 9.7metres. This is a proposed maximum variation of 700mm.

Reference should be made to the building height plane and section plans below.

Figure 17 Section demonstrating variation



Source: Design Link Australia

While a variation is sought, it is considered that the built form proposed is suitable for the site. The proposal is an infill development, constrained by flooding which has necessitated raising the built form above natural ground level. The breach to the height control is therefore simply due to the flood level rather than seeking additional floor area.

It is our submission that the breach to the building height control will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development, nor create a negative precedent in the streetscape given the environmental constraints and limited extent of variation.

A degree of flexibility is considered reasonable in this instance.

#### 5. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

*"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."*

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

<b>First</b>	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i>  <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i>
<b>Second</b>	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
<b>Third</b>	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
<b>Fourth</b>	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
<b>Fifth</b>	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

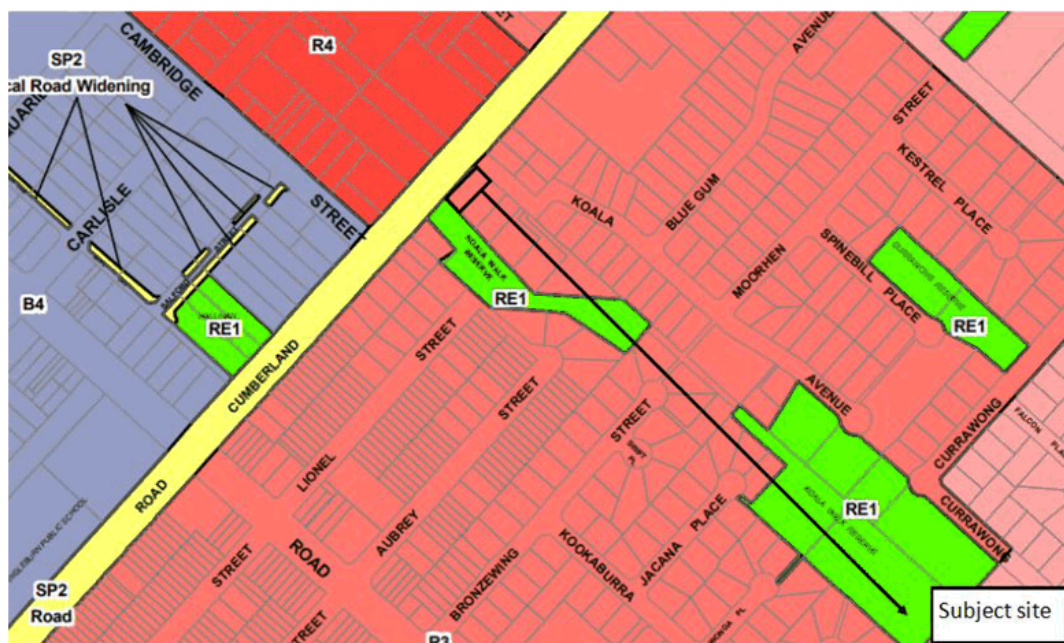
*"(1) The objectives of this clause are as follows:*

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,
- (c) to provide for built form that is compatible with the hierarchy and role of centres,
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

With respect to objective (a), the proposed development is a corner site, with a secondary street frontage to Cumberland Road, Ingleburn. The site itself is zoned R3 Medium Density Residential under the provisions of the CLEP15. Across Cumberland Road, diagonally adjacent to the development is land zoned R4 High Density Residential. Refer to the image below which demonstrates the land zoning context of the subject site.

As a corner site the subject site is positioned to allow the proposed development to facilitate a transition in built form and land use intensity between the adjacent R4 High Density Residential Zone and the R3 Medium Density Residential zone within which the site is located.

Figure 18 Land Zoning Map



Source: NSW Legislation, CLEP15, map 12A



*Figure 1933-35 Cumberland Road, Ingleburn – At its corner location, the subject site is prominent to allow transition from developments including modern residential flat buildings.*



Surrounding residential development within the R3 Medium Density Residential zone is typically between one and two-storeys with pitched roofs.

The figures below show the proposed roof form of the development and the roof form of a typical residential development adjacent to the subject site.

*Figure 20 No. 3 Koala Avenue, Ingleburn*



The proposed development has been designed with a flat roof in keeping with the character of newer developments in the area.

In light of the above, the non-compliance generated by the development will not be read out of context, noting that the development is compliant with the floor space ratio applying to site and has been well articulated to minimise bulk and scale when viewed from the streetscape. The

breach is generated by flood levels rather than additional development yields. This is indicated in that the proposed development as amended, though breaching the maximum height limit of the CLEP, provides for fewer boarding rooms and occupants than the previous designs.

Regarding objective (b), as above, the proposed development provides for appropriate transition between R4 High Density Residential and the R3 Medium Density Residential zones. Providing such transition allows the scale of the development to read as appropriate in this context.

In terms of objective (c), the proposed development is located within walking distance to the businesses along Oxford Road, Ingleburn. It is considered appropriate to provide for medium density affordable housing in this area.

Referring to objective (d), there are no significant views available in the immediate area that would be obstructed, nor would there be any significant loss of privacy to adjoining properties by the proposed development. The development has implemented measures to ensure that the amenity of adjoining properties is maintained.

The building has been designed to ensure solar access to the adjoining developments has achieved compliance with Council's controls.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard. As demonstrated, the objectives of the standard have been achieved.

#### **6. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?**

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The assessment above and shown throughout the supporting documentation demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The maximum proposed variation is 700mm metres and is limited to the upper most portion of the second floor.

The variation stems from an environmental constraint being the flood affectation of the site which has necessitated the built form to be raised above natural ground level to Koala Avenue and to Cumberland Road.

In accordance with clause 4.6(3) of the CLEP, this constitutes a sufficient environmental planning ground to justify contravening the development standard.

Flooding advice has been received in regards to the subject site. The site is identified as a flood control lot with respect to the 1% Annual Exceedance Probability (AEP). Refer to Appendix H of this SEE.

This advice indicates that the area from the rear boundary of the property to approximately 12m into the property is a flood way. The advice indicates that the underside of any floor structure in this area will need to be above RL 31.5. As part of a meeting with Council Officers on June 14, 2019 it was advised that this floor should be applied to the proposed building. As such, the proposed development has been lifted with the finished floor level of the proposed development at RL 31.7.

We respectfully submit that the flood affectation is an environmental constraint and consequently sufficient environmental planning grounds to justify the extent of the variation it causes. The proposed development is of a size, scale and bulk that is consistent with the other planning controls, noting that the development is notably compliant with the floor space ratio. It is submitted that the variation presents no environmental impacts.

In this case, strict compliance with the development standard for height of buildings development standard of the CLEP15 is unnecessary and unreasonable.

## **7. IS THE VARIATION IN THE PUBLIC INTEREST?**

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Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless 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 to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the R3 Medium Density Residential zone in relation to the development, which are as follows:

### ***Zone R3 Medium Density***

#### ***Objectives of 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.*

In response to the above the following is provided:

- The proposal includes the demolition of the existing dwelling on site and the construction of a three storey boarding house comprising of 14 rooms, including one (1) room for an on-site manager, increasing the housing density of the site.

- All of the rooms are double occupancy rooms of varying size and layout and includes one (1) accessible room.
- The proposed development adds to the variety of housing stock within the medium density context.
- There are no other land uses proposed as part of this application.
- The site is located within close proximity to high-frequency bus services along Oxford Road to the southwest of the site. The Ingleburn Train Station is also located to the west of the subject site.
- The site is located in close proximity to the Ingleburn Town Centre along Oxford Road.
- There are no other land uses proposed as part of this application.
- The proposal sees the boarding rooms oriented to the north and west to receive significant solar access.
- Any overshadowing resulting from the development is in part attributable to the orientation of the subject site. The shadow diagrams provided indicate that the principal area of private open space to the rear of the adjacent residential dwelling at No. 3 Koala Avenue, Ingleburn, receives significant solar access for a minimum of 3 hours between 9AM and 3PM, as at June 21.

In view of the above, it is submitted that the proposed development is consistent with the objectives of the zone.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard, noting the development will be in the public interest.

#### **8. PUBLIC BENEFIT OF MAINTAINING THE STANDARD**

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It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality development which as stated above meets the desired objectives of the standard.

The built form, bulk and scale is considered suitable for the site and is within the desired future character of the area.

The development is generally consistent with the planning controls as detailed within the accompanying Statement of Environmental Effects and aligns with the objectives of the standard.

Given an environmental constraint has resulted in part of the height variation, it is a fair and reasonable outcome for those elements above the height control to the extent of the flood affectation to be varied.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.



The departure from the height of buildings control within the CLEP15 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

#### **9. IS THE VARIATION WELL FOUNDED?**

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It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the CLEP15 in that:

- ☐ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- ☐ There are sufficient environmental planning grounds to justify the departure from the standards;
- ☐ The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R3 Medium Density zoning of the land;
- ☐ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ☐ The breach does not raise any matter of State of Regional Significance; and
- ☐ The development submitted aligns with the existing and future character envisioned for the locality.

Based on the above, the variation is considered to be well founded.

#### **10. GENERAL**

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Clause 4.6 also states that:

*“(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note.** *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*

*(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*



*(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*  
*(a) a development standard for complying development,*  
*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*  
*(ba) clause 4.1D, 4.2A, 4.2B or 4.2C,*  
*(c) clause 5.4,*  
*(ca) clause 6.1 or 6.2"*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate has been submitted with the application.

The development is not affected by clause 4.1D, 4.2A, 4.2B or 4.2C.

The development is not affected by clause 5.4.

The development is not affected by clauses 6.1 or 6.2.

## **11. CONCLUSION**

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The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the CLEP15. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the CLEP15 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the CLEP15 to vary this development controls appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Melissa Rodrigues  
GAT & Associates

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1 Koala Ave, Ingleburn

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## Appendix E Amended Boarding House Plan of Management

*Amended May 2020*

### 1. PURPOSE

1.1 The primary purpose of this Plan of Management (PoM) is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises. Its objectives are:

- a. to minimise disturbance to residents and neighbours.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- d. to ensure a person is readily contactable to assist in the ongoing implementation of this Management Plan.
- e. to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f. to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g. to give effect to the occupancy principles under the *Boarding House Act*.
- h. to make provision for this plan to be amended from time to time with the approval of the Council in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

### 2. SITE MANAGEMENT

- 2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan as well as all conditions of development consent DA No. \_\_\_\_\_ granted by Campbelltown Council.
- 2.2 A copy of this plan is to be retained on Council's Development Application, Construction Certificate and Property File.
- 2.3 The boarding houses shall be restricted to 1 Koala Avenue, Ingleburn, consisting of 14 resident rooms (including a manager's room), a common room and an outdoor space.

- 2.4 At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.
- 2.6 Registered boarding house residents will be provided with a security card which will provide access to the boarding House facilities and their individual room 24 hours per day, 7 days per week.
- 2.7 The Boarding House Manager or Management Agency can be contacted at any time using the contact details provided at Attachment 1.

### **3. ACCOMMODATION REGISTRATION**

- 3.1 The Boarding House Manager or Management Agency will maintain an accommodation register providing the names of all occupants, their full contact details, their agreed length of stay and payment details.
- 3.2 Each resident is to sign an Occupancy Agreement (Appendix 2), House Rules Agreement (Appendix 3), and the Plan of Management.
- 3.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to roll over the agreement at the end of this fixed term for a further agreed period [noting that an amendment may need to be made to the Standard Occupancy Agreement to provide for this].
- 3.4 Provision for 12 month Residential Tenancy Agreements (RTA) will also be offered to applicants should they wish to enter into such an agreement.
- 3.5 The Boarding House Manager or Management Agency will provide a copy of the signed Occupancy Agreement, House Rules, the Plan of Management, and a printed copy of the current version of the Fair Trading publication 'Living in a Boarding House' (Attachment 4) to each new resident.
- 3.6 Failure by residents to adhere to Occupancy Agreement, the House Rules and the Plan of Management may result in the termination of the Occupancy Agreement or RTA, subject to provisions set out in the Occupancy Agreement or RTA.

### **4. RESIDENT IDENTIFICATION**

- 4.1 The Boarding House Manager or Management Agency requires photo ID (eg: typically either passport or driver's licence) of each resident at the time of signing the Occupancy Agreement. Where the person is an Australian citizen

and does not hold a drivers licence or a passport, then alternative ID which may not hold a photo can be accepted.

## **5. BOARDING HOUSE MANAGER OR MANAGEMENT AGENCY RESPONSIBILITIES**

- 5.1 The Boarding House Manager or Management Agency shall be familiar with and aware of his or her responsibilities under such legislation as the Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001.
- 5.2 The Boarding House Manager or Management Agency shall be responsible for the implementation of management responsibilities as set out in the Plan of Management, Occupancy Agreement or RTA, and House Rules, including:
  - a. Registration of all residents
  - b. Maintenance of all records in relation to resident registration and resident meetings
  - c. Keeping all common areas in an excellent state of cleanliness
  - d. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services.
  - e. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

## **6. RESIDENT RESPONSIBILITIES**

- 6.1 All residents must comply with the Occupancy Agreement or RTA, the Plan of Management and the House Rules for the Boarding House.
- 6.2 Each resident shall permit the Boarding House Manager or Management Agency access as required to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement.
- 6.3 Residents shall advise the Boarding House Manager or Management Agency of any broken furniture or faulty services within the Boarding House.

## **7. VISITORS**

- 7.1 No more than 2 adults shall be permitted in any private room. Greater occupancy than that registered may result in termination of the occupancy agreement.

- 7.2 Residents inviting visitors to the premises must accept full responsibility for their guests behaviour.
- 7.3 Visitors to the premises are only permitted to use common areas between 7.30am and 8.30pm; and then only in the company of a resident.

## **8. FACILITIES FOR RESIDENTS**

- 8.1 Residents will be provided with a fully self-contained room fitted with a security lock on the entry door. Each room will contain private kitchen and bathroom facilities.
- 8.2 Rooms will be furnished with a bed, bedside table, a desk and chair, dining table and two dining chairs, fridge, washing machine and dryer, and suitable lighting.
- 8.3 Residents are not permitted to bring their own furniture to the premises.
- 8.4 A Notice Board will be provided in a convenient location to provide information for residents.
- 8.5 Communal lounge is provided for use by residents and their guests.
- 8.6 An on- site shared clothesline facility is provided.
- 8.7 A limited amount of parking for motor cycles and bicycles is available.

## **9. MOTOR BIKE AND BICYCLE PARKING**

- 9.1 Car parking, bicycle and motor bike parking is available.
- 9.2 All parking spaces are allocated by the Boarding House Manager or Management Agency and this allocation is noted as a Schedule attached to the Occupancy Agreement.

## **10. COMPLAINTS**

- 10.1 The boarding house encourages active participation from the community in the ongoing operation of the business. A Complaint Management System will be developed to support a positive relationship between the Boarding House and its surrounding community.
- 10.2 The Boarding House Manager or Management Agency will be available, either in person or by phone, to deal with any complaints as to the operation



and management of the premises. Phone contact details for the Boarding House Manager or Management Agency are to be displayed at the entrance to the boarding house, on a sign that can be clearly read from the adjacent footpath.

- 10.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises is shown in Appendix 1 of this Plan of Management.
- 10.4 The Boarding House Manager or Management Agency is responsible for recording all complaints, including complaints from residents, in a Complaints Register.
- 10.5 When receiving any complaints from community members the Boarding House Manager or Management Agency will provide advice that the complaint may also be reported to Campbelltown Council and the NSW Police.
- 10.6 Complaints about noise will be attended to immediately. The Boarding House Manager or Management Agency will rectify the situation immediately and take all reasonable steps to prevent future occurrences. The Boarding House Manager or Management Agency will follow up by contacting the individual who made the complaint about noise to verify that the problem has been resolved.
- 10.7 The Complaints Register will contain:
  - a. Complaint date and time
  - b. Name of person/police/council officer making the complaint
  - c. Contact details
  - d. Nature of the complaint
  - e. Action taken (by whom and when)
  - f. Outcome and/or further action required
- 10.8 The Complaint Register must be updated within 24 hours of a complaint being made.
- 10.9 All complaints will be addressed by management within 24 hours of notification.
- 10.10 The Complaints Register will be made available for inspection by the Police and/or Council upon request.
- 10.11 Management of the Boarding House will regularly review the Complaints Register and where appropriate amend the operating procedures to minimise any negative impacts of the boarding house on residents in the boarding house and members of the surrounding community.

## **11. DISPUTES**

- 11.1 The Boarding House Manager or Management Agency will convene at least quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.
- 11.2 In the event of a dispute between residents, the Boarding House Manager or Management Agency will attempt to negotiate a resolution between the involved residents. If the dispute cannot be resolved, then the Boarding House Manager or Management Agency will make an interim determination regarding the dispute, and this resolution will be binding on the residents.
- 11.3 If one or both of the residents are not satisfied with the Boarding House Manager or Management Agency's interim determination, the matter will be referred to a Community Justice Centre for mediation or arbitration. The Boarding House Manager or Management Agency will amend the interim determination in line with the recommendations of the Community Justice Centre.
- 11.4 Disputes in relation to the Occupancy Agreement will be resolved in accordance with Clause 9 of the Standard Occupancy Agreement which states that either party may apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a dispute about the Occupancy Agreement.
- 11.5 In the event of a dispute with an external party, the Boarding House Manager or Management Agency will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration.

## **12. CLEANING AND ONGOING MAINTENANCE**

- 12.1 The common areas, communal room and communal open space are to be professionally cleaned by a contractor at least once per week.
- 12.2 Common areas and circulation spaces will be kept clean and free from obstruction.
- 12.3 Cleaning of individual resident rooms is the responsibility of the respective resident.

- 12.4 A contracted gardener shall be engaged at least once every 2 months to maintain the health and appearance of all managed landscape areas.
- 12.5 Pest control by a professional contractor shall be carried out at least once a year.
- 12.6 The external presentation of the premises will be maintained to a high standard.

### **13. SAFETY AND SECURITY**

- 13.1 A security card will be issued to all registered residents. No additional cards or keys will be issued to visitors.
- 13.2 Any resident failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Boarding House Manager or Management Agency. In the event of serious misconduct the Resident Manager may require a resident, or a visitor, to leave the premises.
- 13.3 If the resident, or visitor, does not comply with a request to leave the premises the Boarding House Manager or Management Agency will call the Police.
- 13.4 Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence.
- 13.5 Residents are to advise the Boarding House Manager or Management Agency if they become aware that another resident or visitor is performing illegal acts such as drug abuse on the property. The Resident Manager shall call the Police in such instances.

### **14. WASTE MANAGEMENT**

- 14.1 All residents shall be responsible for disposing of their waste to the common garbage and recycling area located on the ground floor. This room will provide facilities to receive general waste, paper/cardboard and bottle/can recycling.
- 14.2 The Boarding House Manager or Management Agency shall be responsible for taking the bins to and from the street on collection day.



**15. FIRE SAFETY**

- 15.1 The owner is responsible to ensure that certification of Fire Safety Equipment and preparation of the Form 15a is carried out each year by a qualified fire safety consultant.
- 15.2 A copy of the annual fire safety compliance statement shall be displayed on the Notice Board in a prominent location.
- 15.3 Essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000 shall be provided.
- 15.4 Each boarding house room and each communal room will be fitted with hard wired smoke detectors.
- 15.5 An approved fire blanket will be located within 2 metres of every cooking area.
- 15.6 All mattresses, curtains and furniture provided by the Boarding House owner will be of materials that resist the spread of fire, and limit the generation of smoke and heat.
- 15.7 An evacuation plan must be clearly displayed in each boarding room and each common room. A floor plan must be permanently fixed to the inside of the door of every room to indicate the available emergency egress routes from the respective room.
- 15.8 The Boarding House Manager or Management Agency's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) as well as utility information (gas, electricity, plumbing) are to also be clearly visible in every room.

**16. ENERGY EFFICIENCY**

- 16.1 Any replacement of fixtures or appliances are to be in accordance with the energy ratings required by the approved BASIX certificate.

**17. AMENDMENT OF THE PLAN OF MANAGEMENT**

- 17.1 This plan of management, including the House Rules and Occupancy Agreement, can be amended from time to time, subject to the approval of Burwood Council.

**ATTACHMENTS****ATTACHMENT 1: CONTACT DETAILS FOR BH MANAGER OR MANAGEMENT AGENCY****ATTACHMENT 2: OCCUPANCY AGREEMENT****ATTACHMENT 3: HOUSE RULES****ATTACHMENT 4: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS****ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER****NAME OF BOARDING HOUSE:**

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**ADDRESS OF BOARDING HOUSE:**

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**CONTACT DETAILS FOR BH MANAGER OR MANAGEMENT AGENCY:**

*This information will be displayed in a sign at the entrance of the premises and also on signs available in each boarding house room.*

<b>The contact person in respect of all enquiries in relation to the operation of these premises is:</b>
--

--

<b>Name:</b> _____
--------------------

--

<b>Position:</b> _____
------------------------

--

<b>Phone Number:</b> _____
----------------------------

--

<b>After Hours Contact Number:</b> _____
--

## ATTACHMENT 2 OCCUPANCY AGREEMENT

## STANDARD OCCUPANCY AGREEMENT

For general boarding houses under the *Boarding Houses Act 2012*

Between

Proprietor	
Resident	

For

Room	Address

The resident's room is: unfurnished ☐ furnished ☐ (if furnished, an inventory can be attached)

Other areas of the premises which are available for use by the resident

Kitchen/s ☐ Bathroom/s ☐ Common room ☐ Laundry ☐

Other \_\_\_\_\_

## Term of Contract

Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$ _____ per week/month/year	

Proprietor's Contact Details	
------------------------------	--

AGREEMENT TERMS

## 1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

## 2. House Rules (refer to occupancy principle 2)

The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.

## 3. No Penalties (refer to occupancy principle 3)

The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.

## 4. Quiet Enjoyment (refer to occupancy principle 4)

The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.

## 5. Inspections and Access (refer to occupancy principle 5)

The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.

The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason For Access	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement (if different)
In an emergency, or to carry out emergency repairs or inspections	Immediate access	Immediate access*
To clean the premises	24 hours	
To carry out repairs	24 hours	
To show the room to a prospective resident	24 hours	
To carry out inspections	48 hours	

\* Immediate access is likely to be necessary in this situation for safety reasons.

#### 6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

#### 7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

#### 8. Security Deposit (refer to occupancy principle 8)

A security deposit of \$\_\_\_\_\_ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement, less any amount necessary to cover:

- the reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest;
- any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy; and
- the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

#### 9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

#### 10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

#### 11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.



Reason for Termination by Proprietor	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Violence or threats of violence towards anyone living, working or visiting the premises	<i>Immediate</i>	<i>Immediate*</i>
Wilfully causing damage to the premises, or using the premises for an illegal purpose	<i>1 day</i>	
Continued and serious breach of this Agreement or the house rules, following a written warning	<i>3 days</i>	
Continued minor breach of this Agreement or the house rules, following a written warning	<i>1 week</i>	
Non-payment of the occupation fee	<i>2 weeks</i>	
Any other reason, including vacant possession required and "no grounds" termination	<i>4 weeks</i>	

\*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Serious breach of Agreement by proprietor	<i>1 day</i>	
Minor breach of agreement by proprietor	<i>1 week</i>	
No grounds/Any other reason	<i>1 week</i>	

## 12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

Signed: \_\_\_\_\_

*(Proprietor)*

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

*(Resident)*

Date: \_\_\_\_\_

**OPTIONAL INFORMATION***The resident may provide contact details to be used in an emergency*

PERSONAL PHONE No/s: \_\_\_\_\_

**EMERGENCY CONTACT PERSON**

NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

PHONE and/or ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Annexure 1

## Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

**1. State of premises**

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

**2. Rules of registrable boarding house**

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

**3 Penalties for breaches of agreement or house rules prohibited**

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

**4 Quiet enjoyment of premises**

A resident is entitled to quiet enjoyment of the premises.

**5 Inspections and repairs**

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

**6 Notice of increase of occupancy fee**

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

**7 Utility charges**

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

**8 Payment of security deposits**

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

**9 Information about occupancy termination**

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

**10 Notice of eviction**

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

**11 Use of alternative dispute resolution**

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

**12 Provision of written receipts**

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.



## Annexure 2

## SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

## NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: \_\_\_\_\_  
*(Proprietor)*

Signed: \_\_\_\_\_  
*(Resident)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT 3: HOUSE RULES**

The House Rules are a supplement to the Occupancy Agreement and the Plan of Management for the boarding house.

The Rules provide information about the standards and procedures that all residents are required to meet. They are designed to achieve a safe and comfortable living environment in the boarding house.

Residents must read and sign the House Rules at the time of registering their occupancy.

*Boarding House Managers or Management Agencies must provide every incoming resident with a copy of these House Rules, and the House Rules must also be prominently displayed on the Notice Board.*

**1. Privacy and quiet enjoyment**

- 1.1 Residents must respect the peace and privacy of other residents at all times.
- 1.2 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents.
- 1.3 No live or amplified music is permitted in the common open space areas, nor is music to be audible beyond individual rooms or the common room.
- 1.4 No alcohol is permitted to be consumed in the common room or in the common open space.
- 1.5 The common open space area is not to be used between 9pm and 7am the following day.
- 1.6 No parties are permitted, either in the common areas or in private rooms.

**2. Health, Safety and Security**

- 2.1 The premises are non-smoking. This includes within each private room, courtyard, common open space area and common room.
- 2.2 No unauthorised drugs are permitted on the premises.
- 2.3 Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; or theft.
- 2.4 No glassware is permitted in the outdoor common open space area.
- 2.5 No visitors are permitted on the premises unless attended by a resident.

- 1.1 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
- 1.2 The Boarding House Manager or Management Agency has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.
- 1.3 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am, unless prior approval is obtained from the manager. An additional fee may be payable, and under no circumstances is the occupancy of the room to exceed 2 persons.
- 1.4 Residents must keep the front door locked at all times.
- 1.5 If a resident loses their security card it will be necessary to pay for the replacement card.

## **2. Cleanliness and good order**

- 2.1 Rubbish is to be placed in the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Recycling of all paper and cardboard materials, and all plastic/aluminium/steel/glass bottles and cans is compulsory.
- 2.2 There shall be no littering.
- 2.3 Occupants to keep their room, kitchenette and bathroom clean at all times, and make their room available for inspection by the Resident Manager every three months as per the Occupancy Agreement.
- 2.4 No clothes, washing, towels or other items are to be placed on any window or balcony.
- 2.5 Residents must remove their washing and belongings from the laundry area immediately after their washing or drying cycle has been completed.
- 2.6 No pets are permitted on the premises.
- 2.7 Residents must report any damage or maintenance requirements to the Boarding House Manager or Management Agency.
- 2.8 Residents must not remove or alter any furniture or fittings in the premises.

## **3. Fire safety**

- 3.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

3.2 Residents must not interfere with fire safety measure or equipment.

3.3 Candles and other naked flames are not to be used in the premises.

#### **4. Parking spaces**

4.1 The use of the parking spaces for cars, motorcycles and bicycles will be allocated by the Boarding House Manager or Management Agency.

#### **5. Mail boxes**

5.1 Residents are asked to clear their mail boxes at least once per week.

5.2 Residents must not interfere with fire safety measure or equipment.

5.3 Candles and other naked flames are not to be used in the premises.

#### **6. Parking spaces**

6.1 The use of the parking spaces for cars, motorcycles and bicycles will be allocated by the Boarding House Manager or Management Agency.

#### **7. Mail boxes**

7.1 Residents are asked to clear their mail boxes at least once per week.

I hereby acknowledge that I have read and understood the House Rules:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Boarding House Room Number: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT 4: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS**

**Please return this check sheet to the BH Manager or Management Agency after you have received all the documents listed below.**

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE MANAGEMENT PLAN
- CONTACT DETAILS FOR BH MANAGER OR AGENCY
- OCCUPANCY AGREEMENT
- HOUSE RULES
- PARKING SCHEDULE

Resident's Name: \_\_\_\_\_

Resident's Signature: \_\_\_\_\_

Boarding House Room Number: \_\_\_\_\_

Date: \_\_\_\_\_



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

Contact Richard Meares  
Phone 02 9865 2324  
Email [richard.meares@waternsw.com.au](mailto:richard.meares@waternsw.com.au)

Pamela Navarro  
Administration Assistant to Fletcher Rayner  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Our ref IDAS1107902  
Your ref 1470/2018/DA-BH  
Date 28 August 2018

Via email: [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au)

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Dear Pamela,

**Integrated Development referral under s.91A of the *Environmental Planning and Assessment Act 1979* for 1 Koala Avenue Ingleburn NSW**

Reference is made to your request for a response in relation to the proposed development described as Lot 1 DP503883, 1 Koala Avenue Ingleburn NSW and identified as 1470/2018/DA-BH.

WaterNSW has determined that the proposed development is likely to encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the *Water Management Act 2000* for dewatering during the construction phase. This determination is subject to appropriate construction methods to be employed to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval attached.

On the basis of limited information available, WaterNSW considers that the take of water may be required during construction. A water supply work approval under S92 of the *Water Management Act 2000*, and, subject to exemptions, a water access licence may be required to account for the water take.

For further information in regards to making an application, and information required for the Approval information licensing requirements, including the preparation of a dewatering management plan, please contact Richard Meares, Water Regulation Officer on (02) 9865 2324, or by email to [richard.meares@waternsw.com.au](mailto:richard.meares@waternsw.com.au).

Yours Sincerely,

Richard Meares  
Water Regulation Officer  
Coastal (Parramatta)  
Water NSW



## General Terms of Approval

For water supply work approval under the  
*Water Management Act 2000*

<b>DA reference</b>	1470/2018/DA-BH
<b>Proponent</b>	The Applicant
<b>Specified location</b>	Lot 1 DP503883
<b>Proposed development</b>	Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking
<b>Water sharing plan</b>	Greater Metropolitan Region Groundwater Sources WSP 2011
<b>Water source</b>	Sydney Basin Central Groundwater source
<b>Water management zone</b>	

## General Terms of Approval

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an [Application for approval for water supply works, and/or water use](#).
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for [New or amended Works and/or Use Approvals](#)). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.
4. WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an [Application for a new water access licence with a zero share component](#).





## Dewatering Checklist

Mandatory information requirements to support an application for a water supply work approval under the *Water Management Act 2000*

<b>DA reference</b>	
<b>Proponent</b>	
<b>Specified location</b>	
<b>Proposed development</b>	

**Please note:** The following information is considered essential to allow Water NSW to assess approval applications. The information must be provided along with the approval application prior to commencement of works. Your application will not be accepted until the following requirements have been satisfactorily addressed and received by this office.

- ☐ 1. Application for an Approval under the Water Management Act 2000.
- ☐ 2. Application fee | \$1,097.11 (low risk approvals); or \$2,029.63 (where details assessment required). Refer to [Application fees for water access licences, water supply work and use approvals and dealings](#) for definitions.
- ☐ 3. Written authorisation for the disposal of the extracted groundwater (obtained from Council or Sydney Water)
- ☐ 4. Copy of a valid planning consent for the project and architectural or survey drawings that show the plan and section of the subsurface excavation including relative levels (AHD) and the groundwater table
- 5. A Dewatering Management Plan which clearly and concisely sets out the following:**
  - ☐ 5.1. Current groundwater levels, preferably based on at least three repeat measurements from at least three monitoring bores and should be used to develop a water table map for the site and its near environs, be accompanied by an interpretation of the groundwater flow direction from these data, and an assessment of the likely level to which groundwater might naturally rise during the life of the building.  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.2. Predictions of total volume of groundwater to be extracted at the property – the method of calculation and the basis for parameter estimates and any assumptions used to derive the volume are to be clearly documented  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.3. Predicted duration of dewatering at the property, noting that temporary dewatering approvals are generally issued for no more than 12 months  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.4. Details of how dewatering volumes are to be measured, eg. by calibrated flow meter or other suitable method, and of the maximum depth of the proposed dewatering system  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.5. Details of any predicted impacts or particular issues, eg. proximity of groundwater dependent ecosystems springs; or water supply losses by neighbouring groundwater users potential subsidence impacts on nearby structures or infrastructure  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.6. Details of monitoring proposed during the dewatering program. These should be designed to inform and facilitate the protection of any identified potential impacts  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.7. Details of ambient groundwater quality conditions beneath the property and of any proposed treatment to be applied to pumped water prior to disposal – at a minimum, treatment must be undertaken to remove contaminants, manage pH, reduce suspended solids and turbidity to acceptable levels and ensure that dissolved oxygen levels are compatible with ambient quality requirements in receiving waters. Groundwater cannot be re-injected into an aquifer without the specific approval of, and licensing by, DPI Water  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.8. Details of how reporting will occur during and following the dewatering program, to confirm that predicted quantities and quality objectives were met  
**Relevant report & Page No:** \_\_\_\_\_
  - ☐ 5.9. Description of the method of dewatering and related construction including any proposal to use temporary piling or support walls and the relative depths thereof  
**Relevant report & Page No:** \_\_\_\_\_

**From:** Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>  
**Sent:** Tuesday, 19 May 2020 9:23 AM  
**To:** Sam Smith  
**Cc:** Council  
**Subject:** Campbelltown City Council Development Application No. 1470/2018/DA RE 1 Koala Avenue Ingleburn  
**Attachments:** SW Work near overhead power lines.pdf; ENA EMF What We Know.pdf; EE Safety Plumbing.pdf; EE Safety on the job.pdf; EE FPJ 6007 Technical Review Request Aug 2019.pdf; EE FPJ 4603 Permission to Remove Service July 2007.pdf; EE Drawing 86232 OH lines minimum clearances.pdf; SW08773 Work near underground assets.pdf

Hello Sam

I refer to your below email of 11 May 2020 regarding the amended plans for Development Application 1470/2018/DA- BH at 1 Koala Avenue INGLEBURN (Lot 1 DP 503883) for 'Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking'.

The recommendations and comments provided in Endeavour Energy's previous submission made to Council on 29 June 2018 essentially remain valid. Endeavour Energy's further recommendations and comments are as follows:

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address in detail if the electricity services are available and adequate for the proposed development.

#### Appendix B Campbelltown Local Environmental Plan 2015 Compliance Table

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 7.10 Essential Services	<ul style="list-style-type: none"> <li>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—               <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road and vehicular access,</li> <li>(f) telecommunication services,</li> <li>(g) the supply of natural gas.</li> </ul> </li> </ul>	Complies. The site is currently used for residential purposes and accordingly water, electricity and disposal/management of sewage, telecommunication services and gas are available to the property.

A customer connection point is generally for the provision of electricity supply to a single dwelling for a basic low voltage connection service where the total maximum demand calculated by the applicant's Accredited Service Provider (ASP) / electrical contractor to be no greater than 100 amperes 230 volts (single phase) or no greater than 63 amperes 400 volts (three phase). Accordingly a single dwelling within an urban residential subdivision is capable of direct connection to the existing low voltage network.

The applicant may need to seek advice on the electricity load from an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to determine if the capacity of the existing network (the amount of electricity it can safely supply) needs to be increased. The ASP scheme is

administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works> .

An extension and/or augmentation of the existing local network may be required but this will not be determined until a detailed assessment is undertaken. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

The low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW' which can be accessed via the following link to the Energy NSW website:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules> .

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Network Asset Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

## 5.11 Reticulation policy

### 5.11.1 Distribution reticulation

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed<sup>2</sup> areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

<sup>2</sup> A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

#### 5.11.1.1 Urban areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Safety Clearances

Endeavour Energy has noted the following:



### 4.3 Development Control Plans

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

##### 4.3.1.(a) Setbacks

The proposal is notably compliant with the required rear setbacks. The proposal does however seek a variation to the front and secondary street controls.

Councils DCP requires:

- 5.5m setback from the primary street boundary; and
- 3m setback from the secondary street boundary;

While the proposal is largely compliant with this control, a variation is sought with respect to the balconies which project 300mm into the required primary street setback and 400mm into the required secondary street setback (balconies to Rooms 4, 5, 10 and 11 only). The enclosed car park has also been designed with a 1.85 setback from Cumberland Road, falling 1.15m short of the required 3m setback.

Accordingly there should be no issue with the safety clearances to the completed building. However as previously advised, even if there is no issue with the safety clearances to the building, ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV (and a distance of 4.0 metres for the erection and dismantling of scaffolding). From a review of the Construction and Waste Management Plan there appears to be no mention of working in proximity of the existing overhead power lines.

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

Inadequate connection to the earth to allow a leaking / fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- Vegetation Management

The proposed planting of trees (for which the mature spread is not indicated) close to the front boundary possibly in proximity of the overhead power lines and streetlight is opposed by Endeavour Energy. Endeavour Energy's recommendation is that existing street trees which are of low ecological significance in proximity of overhead power lines be replaced and any proposed planting of new trees within in the proximity of overhead power lines be replaced by an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning.



## PROPOSED PLANT SCHEDULE

IN ACCORDANCE WITH AS 2303: 2015

CODE	BOTANICAL NAME	COMMON NAME	APPROX	POT	QUANTITY
			MATURED HEIGHT	SIZE	
TREES					
43	Elaeocarpus reticulatus 'Prima Donna'	Blueberry Ash	8	45 L	2
44	Tristania laurina 'Luscious'	Water gum	7	45 L	4

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be

accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

Subject to the foregoing Endeavour energy has no objection to the Development Application.

I appreciate that not all the foregoing issues may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

With the current COVID-19 health risk, as many as possible of Endeavour Energy staff are working from home. As a result there is only a small contingent located at the Huntingwood head office for essential operations. Although working from home, access to emails and other internal stakeholders is now somewhat limited and as a result it may take longer than usual to respond to enquiries. Thank you for your understanding during this time.

Kind regards  
Cornelis Duba  
Development Application Specialist  
Network Environment & Assessment  
M: 0455 250 981  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive,  
Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



**From:** Sam Smith <[Sam.Smith@campbelltown.nsw.gov.au](mailto:Sam.Smith@campbelltown.nsw.gov.au)>

**Sent:** Monday, 11 May 2020 10:00 AM

**To:** Cornelis Duba <[Cornelis.Duba@endeavourenergy.com.au](mailto:Cornelis.Duba@endeavourenergy.com.au)>

**Subject:** RE: Application Number 1470/2018/DA-BH, Description Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking, Location Address 1 Koala Avenue

Hi Cornelis,



I note that the subject application has been amended.

The amended plans can be viewed via the following link:

<https://www.dropbox.com/sh/t1yf0f3k5ggt9ee/AADsSwvlc5TbLmbLOIB7-1S9a?dl=0>

Can you please confirm that all previous comments are still applicable?

Cheers

Sam

**From:** Cornelis Duba <[Cornelis.Duba@endeavourenergy.com.au](mailto:Cornelis.Duba@endeavourenergy.com.au)>

**Sent:** Friday, 29 June 2018 10:11 AM

**To:** Council <[Council@campbelltown.nsw.gov.au](mailto:Council@campbelltown.nsw.gov.au)>

**Subject:** RE: Application Number 1470/2018/DA-BH, Description Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking, Location Address 1 Koala Avenue

The General Manager  
Campbelltown City Council

**ATTENTION: Sam Smith**

Dear Sir or Madam

I refer to Council's website where Development Application 1470/2018/DA- BH at 1 Koala Avenue INGLEBURN (Lot 1 DP 503883) for 'Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking' is on public exhibition until 9 July 2018.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and the extracts from Google Maps Street View and SIX Maps) there are:


- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines to the Koala Avenue road verge / roadway.

A low voltage overhead service conductor coming from the pole on the north eastern road verge to the customer connection point for the existing dwelling.

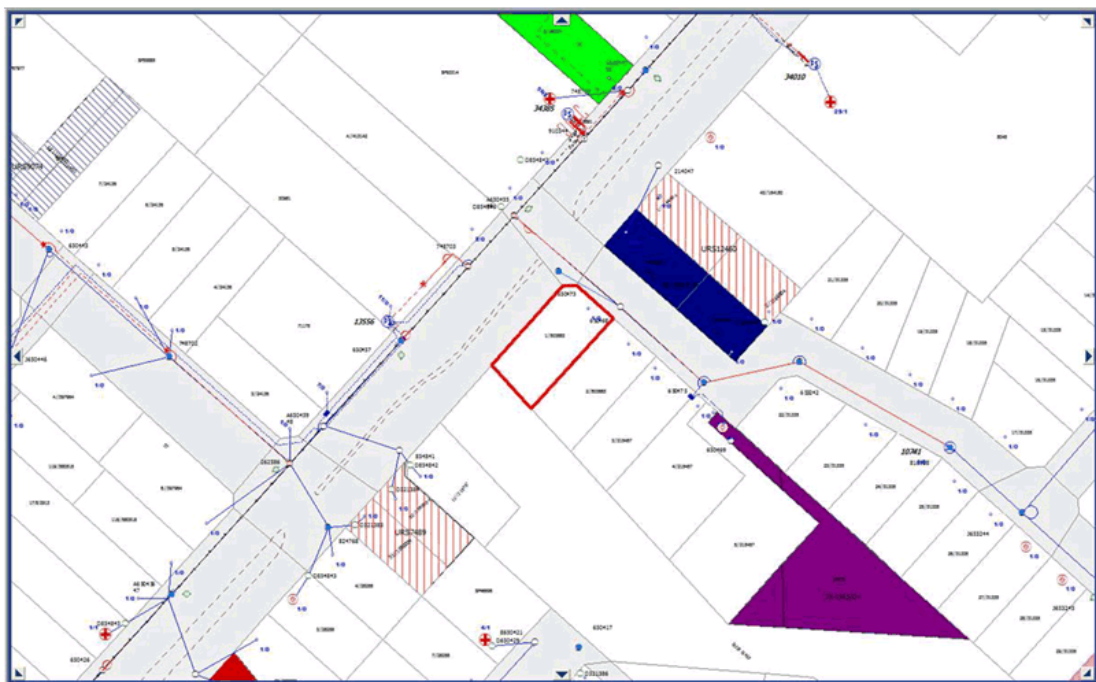
Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Although Endeavour Energy has not sited any documents related to the Development Application, its recommendations and comments are as follows:

- Network Capacity / Connection

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Older / above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA where as a newer padmount substation can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

The following site plan from Endeavour Energy's G/Net master facility model shows there are various 'Work Polygons' (shown by the coloured highlighting and/or hatching of the lot) in the vicinity of the site indicating enquiries and applications for contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply. Applicants should not automatically assume that the presence of existing low voltage service conductors or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Although the development may not be that large, with it containing 17 rooms it may generate a comparatively high peak load / demand which the existing local network may not be able to service. An extension and/or augmentation of the existing network may be required but this will not be determined for certain until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of low density urban areas continues to occur.



In due course the applicant for the future proposed development of the site will need to submit an application for connection of load for the boarding house via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Resources & Energy and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- Safety Clearances

Any future proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in:

- Australian/New Zealand Standard AS/NZS 7000 – 2016: 'Overhead line design'; and
- 'Service and Installation Rules of NSW' which can be accessed via the following link to the NSW Resources & Energy website:

<https://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>

As a guide please find attached a copy of Endeavour Energy's Drawing No. 86232 'Overhead Lines Minimum Clearances Near Structures'.

Even if there is no issue with the safety clearances to the building, the required safety clearances must also be maintained to other structures including flag poles, fencing, temporary site sheds, tower cranes used during construction etc. Ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV (and a distance of 4.0 metres for the erection and dismantling of scaffolding). For future access and maintenance of buildings and structures, in order to avoid the need to work within the safe approach distances for ordinary persons (which requires an authorised or instructed person with technical knowledge or sufficient experience to perform the work required and a safety observer for operating plant) or possibly an outage request and/or erection of a protective hoarding. The

retention of adequate building setbacks and/or suitable building design eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines, the use of durable / low maintenance finishes to reduce the need to access areas within the safe approach distances, is recommended. Alternatively, in some instances the adoption of an underground solution may be warranted ie. particularly for low voltage which can be more readily (in shorter distances) and comparatively economically be undergrounded.

- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:

*Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation



Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au).

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [Property@endeavourenergy.com.au](mailto:Property@endeavourenergy.com.au) is preferred.

Yours faithfully

Cornelis Duba

Development Application Specialist

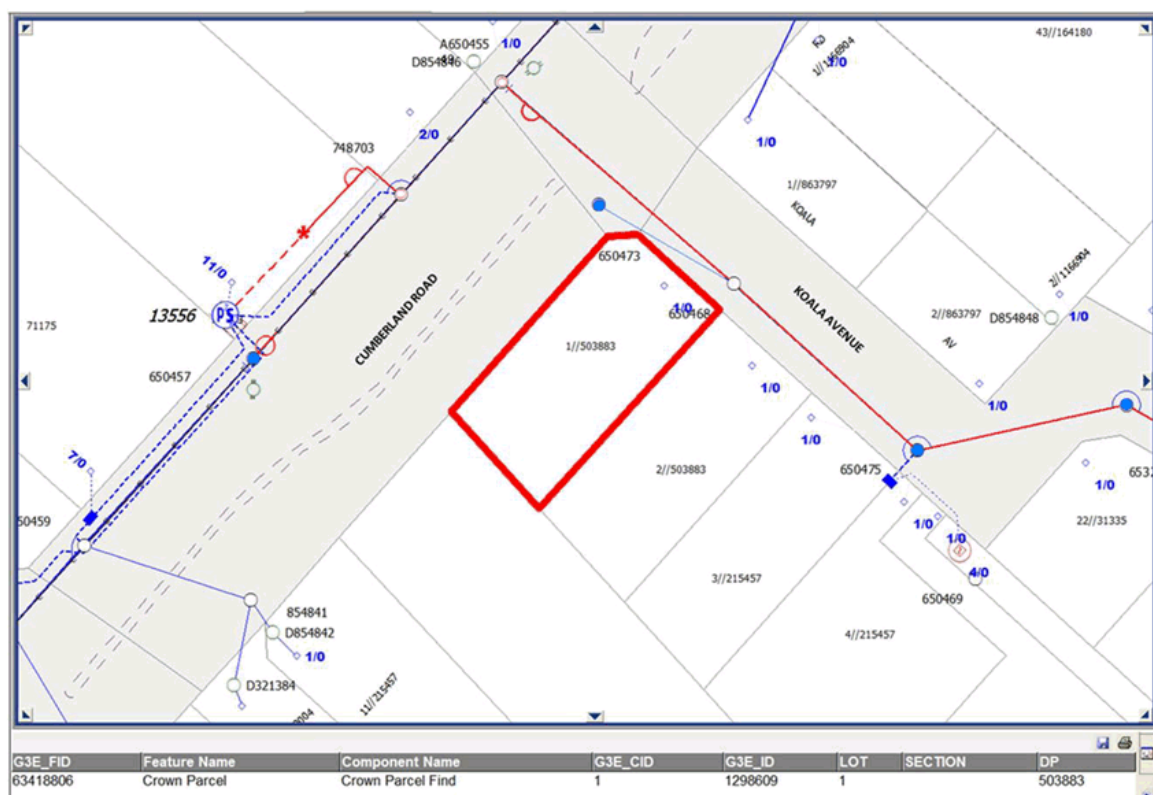
Network Environment & Assessment

T: 9853 7896

E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)

51 Huntingwood Drive, Huntingwood NSW 2148

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



**From:** Cornelis Duba

**Sent:** Wednesday, 6 June 2018 9:47 AM

**To:** 'council@campbelltown.nsw.gov.au'

**Subject:** Application Number 1470/2018/DA-BH, Description Demolition of existing dwelling and construction of a three storey boarding house consisting of 17 self serviced rooms including a manager's room and basement carparking, Location Address 1 Koala Avenue

Hello Campbelltown City Council

I've been trying to access the 'Public Exhibition Advertisement' for the above Development Application via the link but despite trying three different web browsers have had no success in viewing the document – please see the extracts below.

Although Endeavour Energy has not been notified of the Development Application in accordance with Clause 45 'Determination of development applications—other development' of State Environmental Planning Policy (Infrastructure) 2007 (NSW), the reason for my enquiry is that as shown in the below extract from Google Maps Street View there are low voltage and 11,000 volt / 11 kV high voltage overhead power lines to the road verge / roadway.

Depending on the building setbacks, there may create be an issue with safety clearances ie. presumably to fit onto the site the boarding house has a reduced building setback compared to the existing dwelling? There may be absolutely no issue but without being able to view the 'Public Exhibition Advertisement' it is not possible to determine this.

If possible could you please email the 'Public Exhibition Advertisement' to [Property@endeavourenergy.com.au](mailto:Property@endeavourenergy.com.au) .

Yours faithfully  
Cornelis Duba  
Development Application Specialist  
Network Environment & Assessment  
T: 9853 7896  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



PS I was also unable to open the link on the Council's website to Application Number 1292/2018/DA-C.





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Andrew MacGee  
 Acting Manager Development Assessment Services  
 Campbelltown City Council  
 Queen Street, Campbelltown NSW 2560

**RE: Development Application 1470/2018/DA-BH  
 Boarding House – 1 Koala Ave, Ingleburn (Amended proposal)**

In July 2018, a Safer by Design Evaluation was conducted on the application for the construction of a boarding house at 1 Koala Ave, Ingleburn. In May 2020, an updated development application was submitted to Campbelltown City Police for review.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimize crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised'.

The Guidelines contain two parts. 'Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification proposals to minimize risk'. (DUAP 2001:2).

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### ***Crime Prevention Through Environmental Design (CPTED)***

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

### **Site Description**

The subject site is commonly known as 1 Koala Avenue, Ingleburn. This application before Council seeks the approval of the demolition of existing structures and the construction of a three storey boarding house with 14 rooms including managers room, enclosed at grade car parking, landscaping and associated site works.

The subject site is located within a residential area, with adjacent and nearby developments providing a mix of residential densities and facilities.

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### Site Risk Rating

The NSW Police Safer by Design Evaluation process is based upon Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

After conducting this process the rating for this development has been identified as, **Medium Crime Risk.**

With this in mind the following Crime Prevention Through Environmental Design (CPTED) treatments should be considered for the development in order to reduce opportunities for crime.

- *Natural*
- *Technical/Mechanical (low)*
- *Organised (low)*

### Surveillance

*Natural surveillance* is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space. *Technical/mechanical Surveillance* is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. *Technical/mechanical surveillance* is commonly used as a 'patch' to supervise isolated, higher risk locations. *Formal (or Organised) Surveillance* is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

- Buildings facing 'outward' towards public and semi public areas provide natural surveillance and informal supervision (eyes on the street).
- Entry points should be designed so as to maximize surveillance opportunities to and from these areas from both inside as well as outside.
- The placement and orientation of common entry areas should maximize opportunities for natural supervision by staff and other guardians.
- Laminated glass walls and windows facilitate supervision of common entry areas.

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Recommendations:

- Surveillance equipment should be installed to enhance the physical security of the premises and assist in the identification of people involved in anti-social or criminal behaviour.
  - Cameras should be installed both within the around the premises to maximize surveillance opportunities.
  - Once installed, the Manager should be trained in the operating procedures of the equipment.
  - Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.
  - Ensure that the requirements of the Surveillance and Privacy Act are adhered to.
  - Cameras should be placed in the common area of the boarding house, the entrance/exit and also the basement where cars are parked and storage facilities exist. Ensure that the requirements of the Surveillance and Privacy Act are adhered to.

**Lighting**

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area. There is no information with the plans, which were reviewed to indicate the lighting proposals for the development.

Recommendations:

- Lighting should be designed to the Australian and New Zealand Lighting Standards.
- Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- A lighting maintenance policy should be established for the development.

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## Landscaping

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can also provide concealment or entrapment areas for people involved in criminal behaviour.

### Recommendations:

- Remove obstacles and rubbish from property boundaries, footpaths, driveways, car parks and buildings to restrict concealment of offenders.
- Any new landscaping should be designed so that it does not provide concealment or entrapment areas, and should be maintained regularly.

## Territorial Re-enforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. *Territorial Re-enforcement* uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

- The boundaries of the development are reasonably well defined.
- Effective signage and directions will provide guidance to visitors/customers in locating main areas and keep them away from restricted areas.
- Signs can also assist in controlling activities and movements throughout the premises.

### Recommendations:

- Effective signage and/or directional signs must be installed to provide guidance to visitors in locating prohibited areas. (This has been addressed in the amended Application)
- Warning Signs can assist in controlling activities and movements throughout the premises and grounds.
- Post warning signs around the perimeter of the business to warn intruders of what security treatments have been implemented to reduce opportunities for crime, such as,
- *Warning. This property is under electronic surveillance.*
- *Warning. No large amounts of cash are kept on these premises.*

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## Environmental Maintenance

All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

### Recommendations:

- As malicious damage (graffiti) is often an offence caused to such developments, strong consideration must be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.

## Space/Activity Management

Space/Activity management strategies are an important way to develop and maintain *natural* community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

### Recommendations:

- Furniture should pose no threat to being used as a weapon or used to cause malicious damage. This includes chairs and tables, planter boxes and potential inclusion of garden rocks, garden statues, etc.

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## Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. *Natural access control* includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. *Technical/Mechanical access control* includes the employment of security hardware and *Formal (or Organised) access control* includes on-site guardians such as employed security officers.

## Recommendations:

- The premises should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- Windows can also be re-enforced to restrict unauthorized access by Applying a shatter resistant film
- Emergency evacuation plans should be implemented and maintained to assist staff and emergency services in the event of an emergency. This plan should be prominently displayed.
- Staff should be suitably trained in evacuation procedures.
- It is recommended that the premise be fitted with an Intruder alarm system as this will enhance the security of the boarding house. Ensure that the system has been designed and installed to the Australian Standard (Domestic and Commercial Alarm Systems).
- Access to the boarding house and communal areas should be restricted to tenants only and therefore, entry doors should have either electronic/pin code or key access. This will enhance the security of the residents at this facility as it is known that premises of this nature can become targets for theft and break-ins. (This has been addressed in the amended Application)
- Unfortunately, offenders target this type of development in its construction phase. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.
- Mailbox facilities being installed at the location need to have Australian Standard locks fitted. These mailboxes should have good surveillance, and lighting needs to be included to illuminate them in darkness.

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## Conclusion

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSW Police absolutely safe for members of the community or their property
2. It is based upon the information provided to the NSW Police at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report please contact Senior Constable Michelle WILLS, Crime Prevention Officer, Campbelltown Local Area Command, Phone 46201133.

Yours sincerely,

M. Wills  
Senior Constable  
Crime Prevention Officer  
Campbelltown City Police Area Command

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### 4.3 Civil works and Torrens title subdivision of land to create 67 residential lots and one residue lot - Menangle Park

#### Community Strategic Plan

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

#### Executive Summary

- Council has received a development application for the civil works and subdivision of land to create 67 residential lots and one residue. The proposal represents Stage 2A of Dahua's development of the Menangle Park Urban Release Area and builds on/connects to the recent approval of Stage 1.
- The land was rezoned on 18 November 2017 from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities.
- The subject area is zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The proposed development will involve subdivision and civil works both of which are considered to be permitted with consent in accordance with CLEP 2015. The proposed development is also consistent with the zone objectives of R2 and RE1 zones.
- The application was publicly notified and exhibited from 31 July 2018 to 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received during this time, although, there was a letter of support that was submitted outside of this time.
- The proposal was externally referred to:
  - The Rural Fires Service for a Bushfire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997* as the site is identified as bushfire prone land.
  - The Department of Planning, Infrastructure and Environment in accordance with Section 90 of the *National Parks and Wildlife Act 1974* as the proposal requires an Aboriginal Impact Permit.
  - The Subsidence Advisory Board in accordance with Section 15 of the *Coal Mine Subsidence Compensation Act 2017* as the site is within Campbelltown Mines Subsidence District.
- Development of the subject land is subject to a Satisfactory Arrangement provision pursuant to Clause 6.1, of the CLEP 2015, and as such consent must not be granted for the subdivision of land unless the Secretary has certified in writing that satisfactory arrangements. Council received such notice from the Secretary, on 11 May 2020, which allows Council to determine the application.

- The developer has offered to enter into a planning agreement with Campbelltown City Council to construct works, dedicate open space and provide monetary contributions in relation to the initial stages of the Menangle Park development. The offer is consistent with contributions that would otherwise be required under Council's Menangle Park Contributions Plan, which is now an IPART approved contributions plan and in force.
- In accordance with Section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning's direction dated 23/02/2018, the application shall be determined by the Local Planning on Council's behalf.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to the recommended conditions.

---

### Officer's Recommendation

That development application 292/2018/DA-SW for the proposed civil works and subdivision of land to create 67 residential lots and one residue for future subdivision at Menangle Road, Menangle Park be approved subject to the conditions in attachment 1.

---

### Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the EP&A Act.

<b>Property Description</b>	Lot 1 in DP 598067, Lot 1 in DP 1091474 & Lot 2 in DP 554242 Lots 1 & 59 Menangle Road, Menangle Park.
<b>Application No</b>	292/2018/DA-SW
<b>Applicant</b>	Benaiah
<b>Owner</b>	Dahua/Landcom
<b>Provisions</b>	<i>Environmental Planning and Assessment Act 1979</i> <i>Roads Act 1993</i> <i>Rural Fires Act 1997</i> <i>Coal Mine Subsidence Compensation Act 2017</i> <i>National Parks and Wildlife Act 1974</i> <i>Threatened Species Conservation Act 1995 (Repealed)</i> <i>Biodiversity Conservation Act 2016</i> Biodiversity Conservation (Savings and Transitional) Regulation 2017 State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy (Infrastructure) 2007

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Campbelltown Local Environmental Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park

**Date Received** 31 January 2018

## History

Menangle Park was rezoned as part of a Planning Proposal submitted to Council on behalf of UrbanGrowth NSW in December 2011. The land was rezoned on 18 November 2017; from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities

On 31 January 2018, the subject development application (292/2018/DA-SW) was lodged with Council.

On 19 November 2018, Dahua lodged a planning proposal to amend the current planning controls for land under their control. The planning proposal seeks to:

- Amend the land use zones and principle development standards relating to minimum lot size, building height, floor space ratio, land acquisition and subdivision requirements for certain forms of development. Further detail is provided in Section 1.9 below.
- Relocate and expand the local centre from around 15,000sqm of Gross Floor Area (GFA) to permit 30,000sqm of GFA of commercial uses within the northern portion of the site with access to and from Stage 1 of the Spring Farm Parkway.
- Introduce a new neighbourhood centre (adjacent to the proposed new school and open space) to permit 3500sqm of GFA for commercial uses.
- Relocate and provide for a two-hectare primary school site adjacent to the proposed neighbourhood centre and associated open space.
- Adjust the provision of public open space consisting of sporting fields and local parks from 31.37 hectares to 43.77 hectares.

The planning proposal request seeks to deliver a more diverse range of housing types and densities in proximity to the proposed local centre, neighbourhood centre and local open spaces to facilitate approximately 4000 dwellings (an increase of 1000 dwellings on land under the control of Dahua).

At its Ordinary Meeting of 10 March 2020, Council considered a report on a draft Planning Proposal relating to the request lodged by the applicant and resolved, in part, to progress the proposal for Gateway Determination. The proposal was submitted via the NSW Planning Portal on 9 April 2020 for Gateway Determination.

The proposed development remains consistent with CLEP 2015 and there is no reliance on any of the proposed provisions within the planning proposal.

On 24 July 2019, Council approved, under delegation, development application 2807/2018/DA-CW for the construction of a four-leg roundabout at the intersection of Cummins and Menangle Roads, Menangle Park. Transport for NSW (TfNSW), formerly, Roads and Maritime Services (RMS) have required that this roundabout be constructed prior to the release of residential allotments.

On 3 December 2019, The Minister for Planning and Public Spaces executed a State Voluntary Planning Agreement (SVPA) with Dahua to facilitate the delivery of critical state infrastructure. The SVPA applies to all the land under the care and control of Dahua within the Menangle Park URA and represents the developer's obligation to satisfy Clause 6.1 of Campbelltown Local Environmental Plan 2015. A copy of the Secretary's Certificate, demonstrating satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure is provided under attachment 10.

On 14 April 2020, at the Ordinary Council, Council resolved to amend the Menangle Park Development Control Plan to include a table addressing the provisions of Clause 6.3 of the Campbelltown Local Environmental Plan.

On 27 May 2020, the Campbelltown Local Planning Panel approved development application, 3885/2017/DA-SW for the civil works and subdivision of land to create 255 residential lots and seven superlots, also known as Stage 1 of Dahua's land development in Menangle Park. The proposed development would occur on one of the superlots created under this approval.

### **The Site and Locality**

The MPURA is located within the Greater Macarthur Priority Growth Area. The area covers a total area of approximately 958 hectares and is bordered by the Nepean River to the south and west, the Hume Highway (M31) to the east and the Australian Botanic Gardens to the north. The urban centres of Macarthur and Campbelltown are situated approximately 7km and 9km to the north east, respectively. Of this area, 498 hectares is under the control of Dahua, the developer of the subject allotments.

The Site is comprised of three existing lots with a total land area of 63 hectares (as illustrated in figure 1 of attachment 2). The identification and site area of each lot is provided below:

- Lot 1 in DP 598067 (462,600sqm)
- Lot 1 in DP 1091474 (64,590sqm)
- Lot 2 in DP 554242 (101,200sqm)

The Site is bordered by Stage 1 of Dahua's holdings within the Menangle Park URA to the east and south, Cummins Road (Local Road-Council) to the west and Hawes Creek to the north.

The Site is currently accessed via Menangle and Cummins Roads, and there is no lawful access from the Hume Motorway.

Menangle Park Station is situated, approximately, 700m west of the Site

The Site is mapped as bushfire prone land and located within a Mine Subsidence District.

Lot 2 in DP 598067 (Mount Pleasant) is not included in the land, to which, the proposed development relates and is under separate ownership. Access to this site is currently via an

existing driveway and Right of Carriageway burdening Lot 1 in DP 598067. Access to Mount Pleasant will be established and maintained via the recently approved Stage 1 DA, under 3885/2017/DA-SW. No physical works are proposed on Mount Pleasant and the owners are aware of the proposed development and have provided a letter in support of the subdivision, which is attached as attachment 12.

To the west of Cummins Road is the 'Village' of Menangle Park, which also forms part of the Menangle Park URA. The Village is characterised by rural residential allotments, with a strong connection to Menangle Park Paceway on the western side of the Village. The Village is expected to undergo urban redevelopment in a more fragmented manner consistent with its smaller land holdings.

## **The Proposal**

The proposal seeks to subdivide proposed Lot 1256 (within Lot 1 DP 598067) created under development consent 3885/2017/DA-SW (Stage 1), into (attachment 4):

- 67 residential lots; and
- One residue lot

In facilitating the subdivision, the following works are included as part of the proposal:

- tree/vegetation removal
- earthworks
- erosion and sediment control
- physical infrastructure roads, stormwater drainage and utility services/connections
- landscaping of the road reserves

Access to the Site will be via approved connections and road network associated with 3885/2017/DA-SW (figure 2 attachment 2). The approval of 3885/2017/DA-SW considered the required connections for future residential development and the proposal is consistent with such.

Stormwater drainage pipes would be provided within the proposed street network and easements to drain water would be created through residential lots, where applicable. Stormwater will be discharged via the interim bio-retention basin towards the north west of the subdivision.

Utilities such as water, electricity, gas and NBN, would also be within the proposed street network and will connect to the wider network, with easements, where applicable.

## **Report**

### **1. Strategic Context**

#### **1.1 Greater Sydney Regional Plan**

The Greater Sydney Region Plan (GSRP), is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. In the transformation of Greater Sydney, the needs of a growing and changing population have been broken into three metropolis cities:



- Western Parkland City
- Central River City
- Eastern Harbour City

The GSRP identifies the need for an additional 725,000 dwellings across Greater Sydney between 2016-2036. Approximately 25 percent of this growth will come from the Western Parkland City, which the Campbelltown LGA is a part of.

The proposal is consistent with the GSRP in that it seeks to deliver some 67 residential allotments that will help contribute to the GSRP's projected needs by 2036.

## **1.2 Western City District Plan**

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western City over the next 20 years.

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release areas and urban renewal of existing areas close to existing centres. The development of Menangle Park will assist in achieving the 0-5 year housing target of 6,800 for Campbelltown as future subdivision and dwelling house applications are lodged.

## **1.3 Greater Macarthur 2040 (Draft) An interim Plan for the Greater Macarthur Growth Area**

Greater Macarthur 2040 is a draft land use and infrastructure implementation plan that, when finalised, will guide precinct planning within the Growth Area. The Plan is supported by strategies for major items of State and local infrastructure and includes an updated structure plan for the land release areas of South Campbelltown.

The Growth Area within the Campbelltown Local Government Area (LGA) would provide for approximately 39,000 dwellings in the land release precincts. Approximately 19,000 of these new dwellings is expected to be delivered in new land releases within the Campbelltown LGA, including Menangle Park.

The proposal is consistent with the draft Plan as it forms part of the wider MPURA which has potential for up to 3,500 lots. The proposal forms Stage 2A of Dahua's land holdings for the Menangle Park URA with 67 residential allotments planned.

## **1.4 Local Strategic Planning Statement**

On 31 March 2020 the Campbelltown Local Strategic Planning Statement (LSPS) came into force when it was published on the NSW Department of Planning, Industry and Environment's e-planning portal.

The LSPS responds to a number of key strategic documents produced by the Federal and NSW State Governments, as well as by Council, to provide a 20 year land use vision for the Campbelltown LGA. The LSPS delivers four key themes, which are consistent with the Council's Community Strategic Plan.

The themes that are most relevant to the proposed development are:

1. A vibrant, liveable city, and
2. A respected and protected natural environment.

The planning priorities, within these themes, that are applicable to the proposed development are:

- Planning Priority 2 - Creating high quality, diverse housing
- Planning Priority 6 - Respecting and protecting our natural assets

The proposed development facilitates a range of residential allotments that would support high quality and diverse housing, whilst, respecting the natural assets of Menangle Park.

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

Campbelltown 2027 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome most relevant to the proposed development is Outcome 1: A vibrant liveable city.

The strategy most relevant to this application is:

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

The proposed development facilitates a range of residential allotments that would support different lifestyles and deliver a vibrant and liveable city.

## **2. Planning Provisions**

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

### **2.1 Rural Fires Act 1997**

Section 100B of the *Rural Fires Act 1997* requires a bushfire safety authority for:

- (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
- (b) development of bush fire prone land for a special fire protection purpose

The site is identified as bushfire prone land and involves subdivision. Accordingly, the proposed development is considered to be integrated development within the provisions of Section 4.46 of EP&A Act.

The NSW Rural Fire Service provided a bushfire safety authority, dated 25 February 2020 (Ref:DA-2018-01694-CL55-1) which have been included within the recommended conditions of consent.

### **2.3 Coal Mine Subsidence Compensation Act 2017**

Section 22 of the *Coal Mine Compensation Act 2017* requires approval from the Chief Executive:

- to alter or erect improvements, or to subdivide land, within a mine subsidence district

The Menangle Park URA is mapped as a mine subsidence area and the proposal involves the improvements to the land by way of civil works and subdivision. Accordingly, the proposed development is considered integrated development within the provisions of Section 4.46 of EP&A Act. The applicant has applied to the Subsidence Advisory Board for approval.

The Subsidence Advisory Board provided the general terms of approval, dated 14 January 2019 (Ref: TSUB18-00456) (attachment 7) which have been included in the recommended conditions of consent. It is noted that the subdivision plans were amended slightly after the general terms of approval were issued and Subsidence Advisory NSW confirmed, via email (dated 7 November 2019), that the general terms of approval remain valid.

### **2.4 National Parks and Wildlife Act 1974**

Section 90 of the *National Parks and Wildlife Act 1974* requires an Aboriginal Heritage Impact Permit (AHIP) issued by the Chief Executive for any development:

- in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons

The Assessment of Impact on Aboriginal Cultural Heritage, prepared by Keller Nightingale, identified one archaeological site containing Aboriginal objects, within the Site. The report concludes the need for an AHIP. The applicant has commenced the AHIP process in accordance with the guide "Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011)". The application was referred to DPIE in accordance with Division 4.8 of the EP&A Act and they responded on 03 April 2020, providing general terms of approval (attachment 8), which have been included as a condition within the recommended conditions of consent.

For the sake of clarity, the GTA's apply to works that will impact Aboriginal objects and not any works, which have been included as a condition within the recommended conditions of consent.

### **2.5 Roads Act 1993**

Section 138 of the *Roads Act 1993* requires consent to carry out a work in, on or over a public road.

The proposal would utilise Cummins Road to access the Site, which is not a classified road. This connection will be established in conjunction with the works associated with recent Stage 1 approval at the May, Campbelltown Local Planning Panel under DA 3775/2017/DA-SW.

There would be no direct vehicular access to or from Menangle Road or the Hume Motorway (both classified roads).

If the roads associated with the Stage 1 approval are dedicated to Council, prior to the works commencing for this development, than a separate Section 138 approval would be required which have been included as a condition within the recommended conditions of development consent.

## **2.6     *Threatened Species Conservation Act 1995***

The Threatened Species Conservation Act 1995 was repealed in August 2017 by the Biodiversity Conservation Act 2016, although, as detailed in the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the Campbelltown LGA is subject to the transitional arrangements. Accordingly, the *Threatened Species Conservation Act 1995* continued to apply to all applications lodged before the 24 November 2019. As the proposed development was lodged in January 2018, the relevant provisions of the Threatened Species Conservation Act 1995 and former planning provisions under the EP&A Act prevail in the circumstances of this application.

Where possible, the proposed development has been designed to avoid biodiversity impacts, particularly the areas mapped as native ecological communities. Although some scattered trees and shrubs will be removed, they are within areas mapped as exotic vegetation and the Assessments of Significance within the submitted Ecological Assessment documentation advise that the proposed development will not result in a significant impact on threatened species, populations or ecological communities.

Noting, that the development will impact on aeolian sand deposits which are crucial to the reconstruction of the Critically Endangered Ecological Community Elderslie Banksia Scrub Forest (EBSF) a condition of consent requiring the collection and storage of some of these soils in accordance with the existing soil profile is recommended.

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

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) provides that the consent authority must not grant consent unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In addition, Clause 104 of SEPP Infrastructure provides for traffic generating development and requires the consent authority to:

- (a) give written notice of the application to RMS within seven days after the application is made, and
- (b) take into consideration:
  - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and
  - (ii) the accessibility of the site concerned, including:
    - (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
    - (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
  - (iii) any potential traffic safety, road congestion or parking implications of the development.

The proposed development does not trigger the threshold of traffic generating development as it would result in less than 200 allotments and site access is not within 90m of a connection with a classified road. Notwithstanding, the proposed application was referred to Transport for NSW and their responses have been included as a condition within the recommended conditions of consent.

The site does not have frontages to Menangle Road or the Hume Motorway, which are classified roads. There would be no direct vehicular access to or from the Site onto Menangle Road or the Hume Motorway, instead, access is provided via connections to Cummins Road established under 3885/2017/DA-SW.

The Traffic Impact Assessment detailed that the safety, efficiency and ongoing operation of Menangle Road and the Hume Motorway will not be adversely affected by the development. Additionally, the accessibility of the site is efficient and would not result in safety or road congestion concerns for the surrounding local or classified roads.

The proposed development is proximate to the Hume Motorway and is supported by a Noise Impact Assessment (NIA), prepared by TTM Consulting. The report finds that a section of proposed Lot 2001 will exceed the NSW Road Noise Policy day-time façade corrected criterion of 60 dB, with 10 allotments exceeding the NSW Road Noise Policy night-time criteria of 55 dB.

The report concludes that recommendations within the NIA “demonstrate the development is practical and feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community”. The recommendations provided in the NIA would be transferred onto the Title of subsequent allotments to ensure all future residents are afforded appropriate acoustic measures.

Additionally, a condition requiring a Construction Management Plan is recommended prior to works commencing.

## **2.8 State Environmental Planning Policy No.55 – Remediation of Land**

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The proposal is supported by a “Preliminary Site Investigation”, prepared by Douglas Partners. The investigation concluded that contamination levels across the site were low and would not preclude the proposed development on the site.

The Old Fireworks Factory site, known as Lot 59 DP 10718 is located to the north west of the subject site and is identified as contaminated land. While the Old Fireworks Factory Site does not form part of The Site, lead in works for the delivery of Sydney Water infrastructure are required. The assessment and determination of the lead in works, including consideration of contamination, will be considered as a part of the REF process.

In light of the findings detailed in the Douglas Partners report, Council is satisfied that the Site is capable of being used in the proposed manner. A condition is recommended for a Site Auditor and an unexpected finds protocol to be included in the determination.

## **2.9 State Environmental Planning Policy No. 44 – Koala Habitat Protection**

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) encourages the conservation and management of natural vegetation that provides habitat for koalas. The proposed development includes the removal of a small number of scattered trees. The proposed vegetation that is identified for removal is not identified as “core” or “potential koala habitat” and the presence of koalas has not been identified during the onsite surveys in preparing the supporting documentation. This being the case, further consideration of SEPP 44 is not required.

## **2.10 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River**

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20) seeks to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposed development is unlikely to have a detrimental impact on the surrounding watercourses. It is recommended that a condition be included in the determination to ensure that appropriate erosion and sediment control measures are in place for the lifecycle of the development.

In addition, consistent with the findings of the Preliminary Site Investigation, prepared by Douglas Partners, a condition is recommended for a Site Auditor and an unexpected finds protocol be included in the determination.

## **2.11 State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

On 6 December 2019, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP) was amended by the NSW State Government to include the Greater Macarthur. As there are no savings provisions associated with the amendment, the GC SEPP applies to the subject application.

The GC SEPP was originally drafted for lands that were not already zoned urban/commercial under the applicable Local Planning Instrument. As outlined in this report, the urban rezoning of Menangle Park occurred more than two years before the amendment to the GC SEPP which is not reflected by the instrument. Notwithstanding, as outlined in attachment 3, the proposal is consistent with the aims of the GC SEPP and has been designed to satisfy the statutory provisions particularly in relation to the environmental constraints.

Notwithstanding compliance with the SEPP as outlined in attachment 3, a further amendment to the SEPP dated 21 August 2020 was published on the NSW Legislation website titled State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2020. The SEPP amends, in part, Clause 7A(d) to clarify that the provisions of Campbelltown Local Environmental Plan 2015 are specified for land within the Menangle Park Precinct. Associated savings provisions means that the provisions of Council's CLEP 2015 now prevail.

The proposed development is subject to a State Infrastructure Contribution (SIC) and the applicant has entered into a Stage Voluntary Planning Agreement (SVPA) with the NSW Minister for Planning and Public Spaces. In delivering the SVPA, the proposal promotes orderly and economic use of the land.

## **2.12 Campbelltown Local Environmental Plan 2015**

The proposed development will occur on land partly zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of CLEP 2015. The proposal is considered to be consistent with the applicable objectives discussed below:

### **Zone R2 Low Density Residential**

- to provide for the housing needs of the community within a low density residential environment
- to facilitate diverse and sustainable means of access and movement

**Comment:** The proposed development would provide low density residential allotments that provide for the housing needs of the community.

The proposal would provide footpaths, shared paths and roads to facilitate a diverse, safe and sustainable means of access and movement for pedestrians and vehicles.

### **Zone RE1 Public Recreation**

- To enable land to be used for public open space or recreational purposes.

**Comment:** The proposed development would not impact the portion of the Site is zoned RE1 Public Recreation.

## **Clause 2.6 Subdivision – Consent Requirements**

Pursuant to Clause 2.6 of CLEP 2015, subdivision of land must only occur with development consent.

**Comment:** The proposed development seeks development consent for the subdivision of 67 residential allotments and one residue lots.



**Clause 4.1 Minimum Subdivision Lot Size**

Pursuant to Clause 4.1 of CLEP 2015, the size of any lot resulting from subdivision must not be less than what is shown on the Lot Size Map.

The Lot Size Map identifies two areas with differing minimum allotment sizes, being 420sqm for the land zoned R2. There are no provisions for subdivision within the land zoned RE1.

**Comment:** The proposed development provides for allotments that are not less than 420sqm on the land zoned R2.

**Clause 5.10 Heritage Conservation**

Pursuant to Clause 5.10 of the CLEP 2015, the consent authority is required to consider the impacts of the proposal on Aboriginal and European heritage within Campbelltown.

**Comment:** The proposed development would occur on land that is not burdened by any known European heritage items. The closest European heritage item is the locally listed item, "Riverview" (Lot 2 DP 589899), located to the south of the Site on the opposite side of Menangle Road. The proposed development would not have any impact on the heritage significance of the item. The Statement of Heritage Impact, prepared by Extent Heritage Advisors submitted in support of the application reinforces such.

The Assessment of Impact on Aboriginal Cultural Heritage, prepared by Kelleher Nightingale, identified one archaeological site containing Aboriginal objects. The assessment concludes that an AHIP be obtained. As discussed previously, DPIE have provided general terms of approval which are included in the recommended conditions of determination.

A condition is recommended should there be any unexpected finds in relations to heritage, works cease and Council and appropriate experts are to be consulted prior to works commencing again.

**Clause 6.1 Arrangements for designated State public infrastructure**

Pursuant to Clause 6.1 of the CLEP 2015, development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.

**Comment:** The proposed subdivision would have lots that are smaller than what was permissible before the site was zoned for urban release. The owner of the Site and the Minister for Planning and Public Spaces have executed a State Voluntary Planning Agreement (SVPA) for the Site, which provides for the payment of development contributions, special infrastructure contributions and the carrying out of works.

The SVPA has been registered against the land titles in accordance with the requirements of the Agreement. On 11 May 2020, the Secretary certified in writing, that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.

Conditions have been recommended that incorporate the provisions of the SVPA to the critical stages relating to the Dahua/Lancom Menangle Park Release Area. The SVPA does not require the delivery of works to support the approval of the development application.

### Clause 6.2 Public Utility Infrastructure

Pursuant to Clause 6.2 of the CLEP 2015, development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

**Comment:** The proposed development is capable of being appropriately serviced by reticulated sewer, potable mains water, electricity and telecommunications with connections, likely, via Cummins Road. The applicant has been liaising with Sydney Water, Endeavour Energy, Jemena and NBN Co. who have provided assurances connections would be available for the proposed development which have been included as a conditions within the draft consent, to ensure adequate arrangements for utility infrastructure are made before the release of any subdivision certificate.

### Clause 6.3 Development Control Plan

Pursuant to Clause 6.3 of the LEP 2015, development consent must not be granted for development on land in an urban release area unless a development control plan (DCP) has been prepared for the land. The DCP must include details of staging, transport movement, landscaping, recreation areas, water management, environmental hazards, urban design, higher density living, commercial uses and public facilities.

**Comment:** The site specific Menangle Park Development Control Plan and the Campbelltown (Sustainable City) Development Control Plan 2015 apply to the subject land. The Menangle Park DCP commenced at the same time the land was rezoned for urban development. An amendment to the Menangle Park DCP was adopted by Council, at the Ordinary Council meeting on 14 April 2020 that included a table addressing the provisions of Clause 6.3. In light of this amendment, the following table provides an assessment against the provisions of Clause 6.3 and their adoption within the amended Menangle Park DCP:

CLEP 2015 Clause 6.3 Requirement	Relevant Provision/Control	Comment
(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,	Development may be undertaken in a single stage (as shown in Figure 1.1A, staging plan) or in any number of sub stages provided that development reflects the progressive delivery of road, utility and local infrastructure over the land. Development may be undertaken pursuant to several development applications with an explanation of how this is compatible with the delivery of infrastructure.	The proposed development forms one of numerous applications that will occur across the Menangle Park URA. The applicant has engaged with the relevant service and utility providers and the proposed development is consistent with the provisions that are currently available and what will be made available to the individual allotments prior to the issue of a subdivision certificate.

(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	This infrastructure shall be provided in accordance with Sections 1.7 and 1.8.	The proposed development is generally consistent with Sections 1.7 and 1.8, although, the street network is more permeable and provides for greater connections throughout the site for pedestrians and cyclists.
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	All development shall be undertaken in accordance with Section 1.9 and Appendix 1.	The proposed development is generally consistent with Section 1.9 and Appendix 1. A condition is recommended for an amended landscape plan to be provided for approval from Council's Executive Manager Urban Release and Engagement (or equivalent) to ensure the species selected are appropriate for all street plantings within the proposed development.
(d) a network of active and passive recreation areas,	All development shall be undertaken in accordance with Section 1.9.	The proposed development is generally consistent with Section 1.9, the permeable street layout and the provisions for pedestrian and cycle paths represent passive recreation areas whilst providing connections to future, larger scale, recreation areas.
(e) stormwater and water quality management controls,	All development shall be undertaken in accordance with: Campbelltown City Council Engineering Design Guide for Development Clause 2.18 of Volume 1 of this DCP <i>Work on Land Adjacent to the Upper Canal Corridor Volume 1</i>	The proposed development includes one water quality basin that is capable of satisfying Council's standards and conditions have been recommended to ensure the basin is constructed to the required standard.

<p>(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</p>	<p><b>Bushfire</b> The development precincts (Figure 1.2) have been informed by the bushfire risks associated with the site. All future development is to comply with the Section 1.12 and the NSW Rural Fire Service's Planning for Bushfire Protection (PBP). This includes the provisions of suitable asset protection zones and maintenance of vegetated open space areas.</p> <p><b>Flooding</b> The development precincts (Figure 1.2) have been informed by the flooding characteristics of the site. All future development is to comply with Council's Engineering Design Guide for Development.</p> <p><b>Contamination</b> All future development is to comply with State Environmental Planning Policy No 55 – Remediation of Land.</p> <p><b>Mine Subsidence</b> All future development is to comply with the requirements of the NSW Mine Subsidence Board.</p>	<p><b>Bushfire</b> The proposed development was referred to the NSW RFS, who provided GTA's that ensure compliance with PBP.</p> <p><b>Flooding</b> The proposed development is supported by a flood model that reinforces compliance with Council's standards.</p> <p><b>Contamination</b> The proposed development is supported by a Contamination Report that satisfies the provisions of SEPP 55.</p> <p><b>Mine Subsidence</b> The proposed development was referred to the NSW Subsidence Advisory Board, who provided GTA's.</p>
<p>(g) detailed urban design controls for significant development sites,</p>	<p>This precinct does not contain any significant development sites.</p>	<p>N/A</p>
<p>(h) measures to encourage higher density living around transport, open space and service nodes,</p>	<p>All development shall comply with the Urban Structure Plan (Figure 1.2)</p>	<p>The proposed development is consistent with the Urban Structure Plan. Discussed later in the Report.</p>
<p>(i) measures to accommodate and control appropriate neighbourhood</p>	<p>All development shall comply with the Urban Structure Plan (Figure 1.2)</p>	<p>The proposed development is consistent with the Urban Structure Plan. Discussed later in the Report.</p>

commercial and retail uses,		
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	Public facilities and services are to be provided in the B2 Local Centre Zone and shall be provided in accordance with Council's Engineering Design Guide for Development.	The proposed development is capable of being consistent with Council's Engineering Design Guide for Development and conditions have been recommended to enforce such.

### Clause 7.1 Earthworks

Pursuant to Clause 7.1 of the CLEP 2015, in deciding whether to grant development consent, the consent authority must consider:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

**Comment:** The proposed works would involve the re-contouring of the site to facilitate appropriate gradients for infrastructure delivery and residential development. The creation of one interim bio-retention basin responds to changes in the natural landform and drainage patterns. Any excess flows would be directed towards the existing riparian corridors which form part of the natural system.

The works seek to balance the levels of cut and fill, although, there would be a 5,722 m<sup>3</sup> shortfall of fill that will be sourced from the neighbouring Stage 1 development that results in an excess of 7,500m<sup>3</sup> of soil. The proposed development also includes mitigation measures to prevent detrimental impacts on the drainage patterns and soil stability, including erosion and sediment control and planting of native endemic vegetation.

A condition has been included within the recommended conditions to ensure the stockpiled area is appropriately screened from the public domain and entire Site is treated in a manner that does not cause interference with the existing ecological communities.

- (b) the effect of the development on the likely future use or redevelopment of the land,

**Comment:** The proposal would facilitate the release of residential allotments.

- (c) the quality of the fill or the soil to be excavated, or both,

**Comment:** A condition is recommended that ensures quality of all soils is of a residential standard. It is noted that a separate development application would be required to deal with any contamination, in accordance with SREP 20 and SEPP 55.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,

**Comment:** During the construction phase of any development, there is likely to be some impact on the existing amenity of adjoining properties. For this reason, a number of conditions directly responding to this issue have been included within the draft consent, in order to reduce the potential day-to-day impact on the amenity of the local area.

- (e) the source of any fill material and the destination of any excavated material,

**Comment:** The proposal seeks to balance the cut and fill across the site with the shortfall being sourced from the 7,500m<sup>3</sup> residual material from the Stage 1 earthworks. A condition is recommended to ensure that appropriate erosion and sediment control is provided around any disturbed areas.

- (f) the likelihood of disturbing relics,

**Comment:** The applicant has begun the process of obtaining an AHIP, which may not be issued until development consent is issued for the application. The DPIE has reviewed the proposal and issued General Terms of Approval, as detailed above which have been included in the recommended conditions.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

**Comment:** The proposal includes provisions for erosion and sediment control measures to mitigate any adverse impacts, additionally, conditions have been recommended that ensure appropriate erosion and sediment controls measures are maintained for the life of the development.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:** The proposal seeks to utilise existing levels, where possible, throughout the site to avoid the requirement for earthworks. A condition is recommended that ensures appropriate erosions and sediment control measures are in place for the life of the development.

### Clause 7.2 Flood Planning

Pursuant to Clause 7.2 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and

**Comment:** The proposal is compatible with the flood hazard associated with the land. The Engineering Design Report, prepared by SMEC, indicates that the subdivision is compatible flooding hazard across Menangle Park.

- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

**Comment:** The proposal has incorporated an interim bio-retention basin to deal with water quality and the modelling indicates that the proposed allotments or the surrounding properties will not be impacted by flooding as a result of the proposed development.

- (c) incorporates appropriate measures to manage risk to life from flood, and

**Comment:** The proposal has been designed so that no residential allotments are impacted by the 100 year ARI flood level.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

**Comment:** The proposal includes appropriate mitigation measures to ensure the existing natural environment is not adversely affected. The use of an interim bio-retention basin and erosion and sediment control measures will assist in significantly reducing the environmental implications of the development.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

**Comment:** The proposal is unlikely to result in unsuitable costs to the community as a consequence of flooding, particularly, given the modelling provided and the implementation of the interim bio-retention basin.

### Clause 7.3 Riparian Land and Watercourses

Pursuant to Clause 7.3 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
  - (i) the water quality and flows within the watercourse,
  - (ii) the aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
  - (v) any future rehabilitation of the watercourse and its riparian areas,
  - (vi) the underlying and surrounding groundwater resources and groundwater dependent ecosystems, and

**Comment:** The proposal would unlikely have any adverse impact on the riparian land and watercourse of Howes Creek. Subsequently, it is also unlikely to have an adverse impact on aquatic species, ecosystems and their habitats, free fish passage or the stability of the bed and banks of the watercourse.

A preliminary assessment has been undertaken to investigate impacts on groundwater resources and groundwater dependent ecosystems (GDEs) the outcomes of which, indicate that impacts are unlikely in association with the proposed development. The majority of the site is underlain with Bringelly Shale which has a low infiltration rate. While development of these areas will increase the impervious surfaces across the site, due to the already low infiltration rate, it will have little impact on groundwater. As such, more detailed groundwater and GDE investigations are not deemed warranted for the proposed development.

- (b) whether or not the development is likely to increase water extraction from the watercourse, and

**Comment:** The proposed development would not increase water extraction.

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.



**Comment:** The proposal has been designed around the existing riparian land and watercourses, with appropriate buffers and measures put in place to mitigate any impacts.

#### **Clause 7.4 Salinity**

Pursuant to Clause 7.3 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether the development is likely to have any adverse impact on salinity processes on the land,

**Comment:** The proposal is supported by a Salinity Investigation and Management Plan, prepared by Douglas Partners (Ref: 76744.03). The site contains soils that range from non-saline to moderately saline, with the majority of the soils also being sodic. The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development. A condition is recommended that the mitigation measures are implemented throughout the development.

- (b) whether salinity is likely to have an impact on the development,

**Comment:** Salinity would have an impact on the proposed development. The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:** The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

Pursuant to Clause 7.4(4) of the CLEP 2015, development consent must not be granted unless the consent authority is satisfied that:

- (a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) If that impact cannot be minimised—the development will be managed to mitigate that impact

**Comment:** The measures contained within the Salinity Investigation and Management Plan, are considered to ensure the proposed development will be designed and managed to minimise any significant adverse environmental impact.

A condition has been recommended requiring all residential lots to be classified in accordance the Australian Standard AS2870 - Residential Slabs and Footings, prior to the issue of a subdivision certificate.

**Clause 7.5 Preservation of the natural environment**

Pursuant to Clause 7.5 of the CLEP 2015, development consent must not be granted for the removal of soil from any land zoned RE1.

**Comment:** The proposal involves cut through the land zoned RE1, although, the provisions of Clause 7.5 (4) allows the soil to be relocated within the Site. The cut material will be used throughout the Site, as fill, to facilitate the finished levels.

**Clause 7.10 Essential services**

Pursuant to Clause 7.5 of CLEP 2015, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road and vehicular access,
- (f) telecommunication services,
- (g) the supply of natural gas.

**Comment:** The proposal includes provisions for the future connections to all essential services. It is recommended that conditions form part of the determination that ensures adequate arrangements for essential services are made before the release of a subdivision certificate. The applicant has already been provided with assurances from Sydney Water, Endeavour Energy, Jemena and NBN Co. that their services would be available for a connection.

The proposed development does not seek approval for works associated with the delivery of essential services. The applicant will bring the essential services to the Site via a Review of Environmental Factors (REF) under Part 5 of the EP&A Act 1979. The Old Fireworks Factory site is located to the north but as part of the REF and assessment as part of remediation works for that site, the works will not be required to go through any contaminated land.

**Clause 7.17 Development in Zone RE1**

Pursuant to Clause 7.17 of the CLEP 2015, development consent must not be granted on land zoned RE1 Public Recreation that will be owned or controlled by Council unless the consent authority has considered the following:

- (a) the need for the development of the land,
- (b) the impact of the development on the existing or likely future use of the land, and prevailing natural systems,
- (c) the need to retain the land for its existing or likely future use.

**Comment:** The proposal would partly occur on land that is zoned RE1. The proposal would provide contouring across the land zoned RE1 to facilitate the delivery of infrastructure as well as setting appropriate levels for the future use of the land as a public recreation area. The further embellishment of the land zoned RE1 would be subject to a future application.

**Clause 7.20 Terrestrial Biodiversity**

Clause 7.20 of CLEP 2015 requires the consent authority to consider the proposal's ability to maintain terrestrial biodiversity through:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats, and
- (d) maximising connectivity and minimising habitat fragmentation.

Pursuant to Clause 7.20(4) of CLEP 2015, development consent must not be granted to development on land to which this clause applies unless the consent authority:

- (a) has taken into account the objectives of this clause, and is satisfied that the development is sited, designed, constructed and managed to void adverse impacts on native biodiversity or, if an adverse impact cannot be avoided:
  - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
  - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
  - (iii) the development includes measures to offset the loss of biodiversity values.

**Comment:** The proposed development footprint avoids mapped areas of native ecological communities. In addition, no vegetation to which Clause 7.20 applies will be removed or detrimentally impacted.

Impacts to the Tree Protection Zones (TPZ's) of trees that form part of threatened ecological communities (to which Clause 7.20 applies) in proximity to the development footprint, have also been avoided or effectively managed. Any overlaps with the TPZ's comprise solely of vegetation management works associated with Asset Protection Zones, with no disturbance or excavation of soils within such areas. In addition, no soil penetrating structures associated with erosion and sediment control will be within any TPZ's. Due to the nature of these works and the way in which they will be conducted, they are not anticipated to have a detrimental impact on the long-term health of these trees.

A range of mitigation measures will also be implemented to reduce impacts to vegetation to which clause 7.20 applies as detailed in other sections of this report. As such it is considered that the development application addresses the requirements of Clause 7.20.

**2.13 Campbelltown (Sustainable City) Development Control Plan 2015**

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

The following considerations from the SCDCP are relevant:

**Part 2.5 Landscaping**

The proposal is supported by a landscape plan, although, the subdivision plan has changed slightly during the assessment. A condition is recommended that requires a landscape plan be submitted to Council's Executive Manager – Urban Release and Engagement (or equivalent) for approval prior to work commencing.

**Part 2.7 Erosion and Sediment Control**

The proposal involves earthworks and is supported by appropriate erosion and sediment control measures. A condition is recommended that ensures that appropriate erosion and sediment control measures are in place throughout the lifecycle of the development.

**Part 2.10 Water Cycle Management**

The proposal is supported by an Engineering Design Report, prepared by SMEC. The report concludes the proposal's stormwater quality and quantity are feasible and achieve compliance with the regulatory requirements. The civil works results in a design that collects and discharges stormwater in a controlled manner that is similar to pre-development levels. Council's City Delivery team have reviewed the design and believe that it is capable of containing the stormwater and disposing of it appropriately. There is a condition recommended that requires Council's Executive Manager – Urban Release and Engagement (or equivalent) approve a final design prior to the issue of a subdivision works certificate.

**Part 2.11 Heritage**

The proposal would have no impact on any known European Heritage items.

The proposal has identified that there will be potential harm to an Aboriginal object. The proposal was referred to DPIE in accordance with National Parks and Wildlife Act 1974 and GTA were received on the 03/04/2020 which have been included as recommended conditions.

**Part 2.12 Retaining Walls**

The proposal includes provisions for retaining walls between the proposed residential allotments in order to provide a level building platform. The retaining walls would be masonry and have a maximum height of 1.2m. A condition is recommended that appropriate restrictions/easements be placed on the title to ensure that the proposed walls are maintained and protected, prior to the release of a subdivision certificate.

**Part 2.14 Risk Management**

The site is identified as being affected by Mines Subsidence. The Subsidence Advisory Board has provided GTA, as previously discussed within this report.

The site is mapped as bushfire prone land. The NSW Rural Fire Service has provided GTA, as previously discussed within this report.

The site has a low likelihood of contamination, as detailed in the contamination assessment prepared by Douglas Partners. The recommendations indicate site is capable of being used for residential purposes through the inclusion of appropriate conditions.

The proposal is supported by a Salinity Investigation and Management Plan, prepared by Douglas Partners. The recommendations indicate the site is capable of residential development and they should be incorporated in the determination.

### **Part 2.15 Waste Management**

A waste management plan has been provided in support of the application and a condition is recommended that ensures appropriate waste provisions are provided throughout the lifecycle of the development.

### **Part 2.16 Provision of Services**

The proposal would facilitate provisions to extend services so that the works integrate seamlessly into the existing service network. It is recommended that a condition be included in the determination that ensures that the appropriate service authorities are involved throughout the development to ensure that the services are not disrupted. The applicant has already had discussions with the relevant service authorities and there has been agreements/provisions put in place to ensure that all proposed allotments would be fully serviced.

### **Part 2.19 Development Near or on Electricity Easements**

Overhead electrical easements are located within the Menangle Park area, however none of the easements are located within the area of the development.

### **Part 2.20 Development on Land Adjacent to, or Affected by a Gas Easement**

Gas easements associated within the coal seam gas wells are located within the Menangle Park area, however none of the easements are located within the area of the development.

### **Part 3.8 Residential Subdivision**

Part 3.8 of SCDGP 2015 contains requirements that apply to residential subdivision. Compliance with the relevant controls is outlined in the table below:

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
3.8.1 (a)  Residential Subdivision	Subdivision shall have appropriate regard to orientation, slope, aspect and solar access.	Subdivision has appropriate regard to orientation, slope, aspect and solar access.	Yes
3.8.1 (b)  Residential Subdivision	Subdivision design shall comply with the requirements specified in Council's Engineering Design Guide for Development	Condition of consent is recommended to ensure compliance.	Yes
3.8.1 (c)	Where relevant, roads shall be designed to provide	Road design allows evacuation in the event of emergency.	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Residential Subdivision	satisfactory level of services for the evacuation of occupants in the event of emergency.		
3.8.1 (d) Residential Subdivision	Subdivision shall promote through street access and minimise the number of cul-de-sacs.	Subdivision pattern promotes through street access. Temporary turning heads provided, that will be removed once future subdivisions are delivered.	Yes
3.8.1 (e) Residential Subdivision	Roads/access handles shall be provided to separate allotments from any park, reserve, waterway and the like.	Roads provided to separate allotments from riparian corridors and parks.	Yes
3.8.1 (f) Residential Subdivision	All allotments within a subdivision that are located adjacent to the intersection of local public roads (existing or proposed) shall provide a splay in accordance with Council's Engineering Design Guide for Development to ensure adequate sight distances and maintain footpath widths.	All residential allotments within the subdivision that are located adjacent to an intersection are provided with a splay.	Yes
3.8.1 (g) Residential Subdivision	Residential subdivision shall be designed to address the public domain.	Residential subdivision designed to address the public domain.	Yes
3.8.1 (h) Residential Subdivision	Wherever possible, subdivision design shall avoid the creation of allotments that have rear boundaries (and fencing) that adjoin the public domain.	The subdivision design has provided an appropriate regard to the adjoining public domain.	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
3.8.1 (i)  Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is part of an environmental corridor as specified by the Office of Environment and Heritage or any other government agency shall not be included within the calculated area of land unless the relevant public agency is satisfied that that part of the allotment is capable of being developed.	All residential lots satisfy the minimum lot size and are capable of being developed. No land forms part of an environmental corridor as specified by the Office of Environment and Heritage.	Yes
3.8.1 (j)  Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is subject to bushfire, flooding or other risk (excluding mine subsidence) shall not be included within the calculated area of land unless it is demonstrated to Council's satisfaction that the site can be appropriately managed in a manner that retains the ability to be developed for the purpose to which it is intended under the zone.	The land is bushfire prone and the NSW Rural Fire Service has issued General Terms of Approval. Council is satisfied the site can be developed for residential purposes. Further, the applicant has submitted a bushfire report indicating the BAL levels of each allotment.	Yes
3.8.1 (k)	Access to residential subdivisions shall not be permitted to	Access to subdivision is via a non-classified road.	Yes



<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Residential Subdivision	any classified road where alternative access can be made available via the non-classified road network.		
3.8.1 (l) Residential Subdivision	Extensive use of battle-axe configuration in the subdivision of new areas shall be avoided, where possible.	No battle-axe lots.	Yes
3.8.2 (a) Torrens Title Subdivision	Any residential allotment created by Torrens Title subdivision for the purpose of a dwelling house development in areas zoned R2 and R3 shall satisfy the following standards:  i) a minimum width of 15 metres measured along the side boundaries at a distance of 5.5 metres from the front property boundary;  ii) a minimum width of seven metres measured between the extended property side boundaries where they intersect with the kerb line; and  iii) a minimum depth of 25 metres.	The proposal includes allotments less than 15m.  All lots have a minimum width of seven metres measured between the side boundaries at the kerb line.  All lots have a minimum depth of 25m (excluding corner splays)	No, justified below.  Yes  Yes
3.8.9 (a) Subdivision and Waste Management	Subdivision shall be designed and constructed so that upon completion:		

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	i) kerbside waste collection vehicles are able to access bins from the kerbside at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin;	Waste collection vehicles capable of accessing bins from the kerbside.	Yes
	ii) adequate space behind the kerb is provided for the occupant of each premises to present one x 140 litre bin and one x 240 litre bin side-by-side, a minimum 300mm apart;	Adequate space available for presentation of bins to kerb.	Yes
	iii) where it is not possible to provide bin collection points immediately in front of each allotment, a concrete pad shall be constructed at the closest practical location to the allotment for garbage collection;	Collection points available in front of each lot.	Yes
	iv) the location for kerbside presentation provides a minimum 4 metres overhead clearance for the operation of the collection vehicle (eg. no trees or transmission lines overhanging the bins).	Adequate overhead clearance space for collection vehicle.	Yes
	v) waste collection vehicles are not	Reserve movement not required to service bins.	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	required to make a reverse movement to service bins.		

### **Justification - Minimum Allotment Width**

Part 3.8.2 (a) (i) of the SCDCP requires that residential subdivision facilitate allotments that have a minimum lot width of 15m, measured at the building line. The proposed development includes numerous allotments that would be less than the prescribed 15m. In maintaining consistency with other urban release areas, the assessing officers have conveyed to applicants that a frontage of 12.5m is acceptable. Despite this, there is still one allotment that would have a frontage of less than 12.5m. The allotment with a reduced frontage widens towards the rear with arear boundary in excess of 24m, additionally the allotment exceeds the numerical controls relating to allotment depth and size. The reduction in frontages is the result of the environmental site constraints, provision of a permeable street layout and public open space whilst remaining economically viable. This lot encourages variation in the built form, whilst maintaining a streetscape where garages are not a dominant feature.

Notwithstanding the numerical non-compliance, the reduced allotment width would not result in a negative impact on the desired visual character of the streetscape or the overall amenity of the area, and as such, the proposed variations are considered capable of being supported in this circumstance.

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

As the proposed development site contains native vegetation and fauna habitat, the provisions of Volume 1, Section 11.2 of the Campbelltown (Sustainable City) DCP 2015 apply.

The objectives of Section 11.2 are:

- Protect and conserve the City's biodiversity through the retention of native vegetation.
- Maintain, enhance and/or establish corridors, which enable existing plant and animal communities to survive and range in their natural habitat.
- Protect habitat resources including hollow-bearing trees and hollow logs within Campbelltown LGA.
- Provide appropriate measures to compensate for the loss of hollow-bearing trees within the LGA.

In summary, to achieve the above objectives, Section 11.2 requires:

- development to be sited, designed, managed and constructed in a manner that seeks to avoid and minimise impacts on biodiversity as much as practicable (11.2.1 a.)
- appropriate ecological assessment to be undertaken (11.2.2 b.) and
- the loss of tree hollows to be offset (11.2.1 c.)

As previously indicated, the proposed development footprint has avoided existing areas of native ecological communities. Although, a number of scattered trees and shrubs will be removed which are mapped as exotic vegetation, there will be no significant impact on threatened species, populations or ecological communities. In addition, the removal of these scattered trees result in the delivery of an orderly development.

A range of mitigation measures are recommended to reduce impacts to terrestrial fauna, particularly threatened species. In this regard, the following have been incorporated into the recommended conditions of consent:

- Delineation of the clearing area
- Fencing all existing remnants of native ecological communities that are to be retained
- Undertaking appropriate preclearance and clearance surveys;
- The development and implementation of a Construction Environmental Management Plan and ongoing monitoring of environmental controls
- Weed control measures
- Erosion, sedimentation and pollution controls
- Protection measures for adjoining trees that are to be retained as detailed in the Tree Assessment prepared by Plateau Tree dated 31 August 2020
- Protection and Monitoring of nearby areas of the critically endangered ecological community Elderslie Banksia Scrub Forest
- Collection and Storage of Elderslie Banksia Scrub Forest Soils for use in future reconstruction works.

The proposed development addresses and satisfies the requirements of part 11.

#### **2.14 Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park**

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park (MPDCP) is to:

- Identify the planning, design and environmental objectives and controls against which Campbelltown City Council will assess future development applications in Menangle Park.
- Promote high quality urban design outcomes for the release area within the context of environmental, social and economic sustainability.

Menangle Park will provide for a mix of housing types, ranging from mixed use, medium density and small lot housing in and around the town centre through to medium and large lot dwellings elsewhere. Particular care will be taken with the lot layout and siting of dwellings in areas of high visual and environmental sensitivity.

The following considerations from the MPDCP are considered relevant:

##### **Part 1.5 Urban Structure**

The proposed development works are generally consistent with the Urban Structure Plan (USP) identified in Figure 1.2 of the MPDCP. The proposed development generally follows a grid-like pattern that results in an interconnected street network, which would integrate into the previously approved and future releases of residential land within Menangle Park. The proposed layout results in a development that is sensitive to the existing features within and adjoining the Site.

##### **Part 1.6 Residential Dwelling Targets**

Menangle Park URA seeks to release 3,500 dwellings under the current zoning provisions. In facilitating this yield the proposed development is generally consistent with the current

provisions of the MPURA and would result in 67 residential allotments and one residue lot that would be subject to future subdivision, under a separate development application. The allotment sizes of the 67 residential allotments is between 420sqm and 726sqm, which is consistent with the "Standard" and "Traditional" lot dwelling targets.

### **Part 1.7 Street Network and Design**

The proposed development generally complies with the Street Network and Design provisions detailed in Part 1.7 and Figure 1.3. There are some minor differences that increase pedestrian and cycle connections as well as providing wider road verges to facilitate streetscape planting.

The Site would connect to the approved street network associated with Stage 1 (3885/2017/DA-SW), which is accessed via Cummins Road, which links to Menangle Road, via a roundabout, and the wider vehicular network. The roundabout was approved under development consent 2870/2018/DA-CW and works have commenced on-site. As part of the requirements from TfNSW, a subdivision certificate cannot be issued until the construction of the roundabout is complete.

The proposed development would continue 5 of the previously approved roads that service Stage 1 and one new road. The extended roads, being Roads 05, 07B, 10, 16 and 17 are all consistent with those approved in Stage 1. The one new road, Road 13, would be a 14.8m road reserve and is consistent with the cross-sections associated with Part 1.7. All roads that are not through roads are provide with temporary cul-de-sac heads that allow for waste vehicles to turn around without the need to reverse. These temporary heads will be removed once these roads are connected to future stages.

There is no agreed public transport route established for the MPURA, although the proposed and previously approved road network would allow for bus movements throughout the Site, when/if bus connections are required. The higher order roads that connect through Stage 1 are all capable of meeting the minimum provisions associated with the NSW Bus Infrastructure Guide.

Although, not strictly aligning with the network set out in Part 1.7, the proposed development is considered an improvement over the existing DCP street network and would create more permeable and functional connections throughout the Menangle Park URA. In addition, the proposed street network is consistent with a proposed new structure plan submitted in support of the planning proposal that has recently been submitted for Gateway Determination.

### **Part 1.8 Pedestrian and Cycle Network**

The proposed development provides due consideration for the pedestrian and cycle networks. As discussed above, the network does not strictly comply with the CSCDCP but the proposed network allows for more shared path connections, which link directly to future schools, shops, local community and recreation facilities. The proposed networks are supported and would encourage future residents to walk and/or cycle throughout the Menangle Park URA.

### **Part 1.9 Public Domain, Landscape and Open Space**

The proposed development would facilitate linkages and connections to future public open space areas within Menangle Park. Although not specifically developing any public open space, the subject application makes allowances to ensure that the future residents would all be provided with appropriate linkages within the public domain to appropriate public open space once it comes online.

**Part 1.10 Heritage****Part 1.10.1 Aboriginal Heritage**

The proposed development is supported by an "Assessment of Impact on Aboriginal Cultural Heritage", which was referred to DPIE in accordance with Division 4.8 of the EP&A Act and general terms of approval were provided as outlined above. A condition has been included to ensure compliance with the general terms of approval.

**Part 1.10.2 Non-Indigenous Heritage**

The proposed development is not believed to have a detrimental impact on any known non-indigenous heritage items.

**Part 1.11 Environmental Management****Part 1.11.1 Riparian Corridors**

The proposed development has considered and mitigated against impacts on the nearby riparian corridors. As addressed above, in Clause 7.3 of CLEP 2015, the application gives appropriate regard to riparian corridors and the recommended conditions reinforce the protection. It is noted that the proposed works do not result in the removal of any riparian corridors.

**Part 1.11.2 Flora and Fauna Conservation**

The proposed development has avoided the mapped areas of native ecological communities and will impact on a small number of trees and shrubs that are mapped as exotic vegetation. In addition, as outlined above, a range of actions are recommended to be included into the recommended conditions of consent to ensure the conservation of native flora and fauna outside the development footprint.

With this in mind the proposed development addresses and satisfies Part 1.11.2.

**Part 1.12 Bushfire Management**

The site is mapped as being bushfire prone land, as discussed above. The proposed development was referred to the NSW RFS in accordance with 100B of the Rural Fires Act 1997 and a Bushfire Safety Authority has been provided, dated 25 February 2020 (Ref:DA-2018-01694-CL55-1).

**Part 1.13 Air Quality**

Throughout Menangle Park there are coal seam gas wells, as well as, sand quarrying activities. There is at least 200m between the nearest coal seam gas well and sand extraction activity which, is more than sufficient. Accordingly, there is no need for specific mitigation measures.

A condition is recommended for appropriate erosion and sediment control measures throughout the subdivision works to ensure that air quality is maintained to the surrounding residents.

**Part 1.14 Noise Management**

Menangle Park is boarded by the Southern Railway to the west and the Hume Motorway to the east, meaning, environmental noise levels must be considered as part of any development.

The proposed development will occur within proximity of the Hume Motorway and is supported by a Noise Impact Assessment (NIA), prepared by TTM Consulting. The NIA looked at the inclusion of a 6m acoustic wall along the residential interface with the Hume Motorway, the results concluded that the inclusion of such a wall would only reduce the impact on the future residences by 4dB. In accordance with the NSW Road Noise Policy, an acoustic barrier should be able to reduce the noise levels by at least 5dB. This being the case, the report concludes that barrier is not considered feasible and/or reasonable and has included recommendations that should be included in the design of future residential dwellings.

The report finds that, only a section of proposed lot 2001 will exceed the NSW Road Noise Policy day-time façade corrected criterion of 60 dB, with 10 allotments exceeding the NSW Road Noise Policy night-time criteria of 55 dB. The conclusion is that the recommendations within the NIA “demonstrate the development is practical and feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community”.

The recommendations provided in the NIA would be transferred onto the Title of subsequent allotments to ensure all future residents are afforded the appropriate acoustic measures. It is noted that Council is currently assessing a development application for a park that includes tree plantings between the Hume Motorway and the residential allotments which would also reduce noise impact on future residences.

**Part 1.15 Night Sky Protection**

Menangle Park is currently afforded good night sky visibility, Council shall ensure that development gives due regard to maintaining the quality of the night sky.

The proposed subdivision would have a minimal impact on the existing night sky afforded to Menangle Park. A condition is recommended that the street lighting be designed in a manner that projects light downwards and do not cause nuisance to future residents and maintains the existing night sky visibility.

**Part 1.16 Residential Subdivision**

The proposed subdivision creates a permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles. The layout will encourage a range dwelling types, whilst promoting pedestrian movement throughout the Menangle Park URA.

**Part 1.17 Residential Development**

Although there are no dwellings proposed as part of the subject application, the subdivision layout will enable future dwellings to make a positive contribution to the streetscape and wider neighbourhood.



### **3. Planning Assessment**

#### **3.1 *Environmental Planning and Assessment Act 4.15 (1)(b)* – Likely Impacts**

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority must consider the development's potential impacts on the natural and built environment, as well as, potential social and economic impacts of the development.

The key matters for consideration when considering the potential impacts on the natural and built environment are as follows:

##### **Context and Setting**

The proposed development is consistent with the zoning provisions and what one would expect of an URA that is transitioning from rural lands to urban/residential. The proposed development forms Stage 2A of Dahua's holdings and will link with several other similar style developments, throughout the Menangle Park URA. The proposed networks promote efficient movements throughout the area whilst been economically and environmentally conscious.

##### **Construction**

The construction of the development will see construction vehicles accessing the Site via the connections that are associated with the Stage 1 approval. The approved roads in Stage 1 have been aligned with future stages as they come on line with capacity to facilitate connections to the wider area. The works will be carried out several hundred metres from existing residential dwellings with the exception of one allotment. The owners of Mt Pleasant (Lot 2 in DP 598067) have been constantly engaged by the developer, throughout the proposal, and they have issued a letter in support of the proposed development. The developer has committed to continue this communication throughout the works and has incorporated provisions, for such, within the contracts tendered to the contractors.

The proposal includes several erosion and sediment control measures that will seek to alleviate any nuisance to any residents as well as the surrounding road network.

A condition is recommended that the applicant develop a Community Information Plan to ensure that the residents and general public are keep abreast of the status of the development.

##### **Social and Economic Impacts**

The proposed subdivision would facilitate the future residential development of the land to provide for the housing needs of the community, which would provide tangible social and economic benefits.

Socially, the proposal would deliver vacant residential allotments that would facilitate an increase of housing supply that would help to improve housing choice and affordability. The proposed development will also facilitate active and passive recreation areas that would promote social interactions and passive surveillance.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development and future residents spending in the local economy once the allotments contain dwelling houses.

### **3.2 Environmental Planning and Assessment Act 4.15 (1)(c) – Suitability of the Site**

Section 4.15 (1)(c) of the EP&A Act requires that the consent authority must consider the suitability of the site when determining a development application. The site is considered suitable for the proposed residential subdivision. The land is mapped as an urban release area and has been zoned to provide for future residential development.

The proposed dimensions, areas and orientation of the allotments are considered adequate to facilitate the siting, design and construction of future residential development.

The land once subdivided would contribute positively to the desired future character of the locality by enabling the construction of future dwellings within the residential zone.

### **3.3 Local Voluntary Planning Agreement**

The Menangle Park Contributions Plan (the Plan) commenced on 24 April 2018 with a capped rate levy of 20,000 per dwelling or lot pursuant to the Minister's Direction under the EP&A Act (September 2010). Since this time, the Plan has been reviewed by the Independent Pricing and Regulatory Tribunal (December 2018) and advice has been received from the Minister for Planning and Public Space (March 2020), enabling Council to undertake final amendments to achieve the status of an IPART reviewed contributions plan, which have occurred and now in force.

Noting the timeframe and uncertainty of the above process, in July 2018, the applicant submitted a Letter of Offer (the Offer) to enter into a Voluntary Planning Agreement (VPA). The offer was updated on 7 May 2020 (attachment 11) to reference the outcome of the IPART and Minister's advice which has been reviewed by Council's legal representative who advises the Offer satisfies Clause 7.7(3) of the EP&A Act and has been included as a condition within the recommended conditions of consent.

In summary, the irrevocable offer proposes to:

- pay money, construct works and dedicate land for public purposes in relation to the initial stages of Dahua's Menangle Park development
- enable Council to receive a development contribution that has a value that reflects the full residential contributions rates included in the Menangle Park Contributions Plan (CP) dated 2020, which is an IPART approved, uncapped contributions plan.

Should the Panel support the recommendation of approval, the next step would involve finalisation of the draft Voluntary Planning Agreement, public exhibition and adoption by Council. Satisfaction of the proposed conditions of development consent would only be met upon execution and registration of a VPA on the title of the land pursuant to Section 7.6 of the EP&A Act prior to the issue of a subdivision certificate.

## **4. Public Participation**

Section 4.15 (1)(d) of the EP&A Act requires that the consent authority must consider any submissions made in relation to a development proposal.

The application was publicly notified and exhibited from the 31 July 2018 to the 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification

policies. No submissions were received, during this time, although, letter of support was provided outside of this period.

The submission in support of the proposed development, from the owner of Mt Pleasant, indicates that the developer, Dahua, has been in regular correspondence about the proposal and any concerns have been alleviated and they “look forward to the subdivision progressing”.

## **5. Conclusion**

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act, the Campbelltown Local Environmental Plan, Campbelltown (Sustainable City) Development Control Plan 2015, site specific Menangle Park Development Control Plan and Menangle Park Contributions Plan.

The proposed development, subject to the recommended conditions, is considered to satisfy relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, Coal Mine Subsidence Compensation Act 2017, National Park and Wildlife Act 1974, SEPP 55 Remediation of Land, Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, SEPP (Sydney Region Growth Centres) 2006, and SEPP (Infrastructure) 2007 and other relevant legislation.

As the State VPA has been executed and registered against the land titles in accordance with the requirements of the agreement, the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.

The proposed variations to the minimum lot widths and subdivision design are considered to be of minimal environmental impact and capable of being supported in this instance.

The site is considered to be suitable for the proposed development, as the land is located within an urban release area and has been zoned to provide for future residential development. The proposed allotments are adequate in size to support the construction of future dwellings that would contribute positively to the desired future character of the residential estate.

Dahua, the owners/developer, has provided Council with a Letter of Offer to enter into a Planning Agreement. Under the terms of the Letter of Offer, development contributions will be made that reflect the full residential contributions required by the Menangle Park Contributions Plan.

Accordingly, the application is recommended for approval, subject to the attached conditions.

**Attachments**

1. Recommended Conditions of Consent (contained within this report)
2. Referenced Figures (contained within this report)
3. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (contained within this report)
4. Subdivision Plan (contained within this report)
5. Civil Plans (contained within this report)
6. Rural Fire Service GTA's (contained within this report)
7. Subsidence Advisory Notice of Determination (contained within this report)
8. Aboriginal Impact Permit GTA's (contained within this report)
9. Transport for NSW Approval (contained within this report)
10. Satisfactory Arrangements Letter (contained within this report)
11. Dahua Letter of Offer Council VPA (contained within this report)
12. Letter of Support (contained within this report)

**Reporting Officer**

Executive Manager Urban Release and Engagement

## RECOMMENDED CONDITIONS OF CONSENT

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 Reference	Drawing No.	Rev	Prepared by	Date
Plan of Subdivision	1786G L03 [05] - Plan	5	Craig & Rhodes	29/11/2019
Cover Sheet & Locality Plan	300178115.2A.DA001	5	SMEC	11/11/2019
Sheet Schedule & Notes	300178115.2A.DA002	5	SMEC	11/11/2019
General Arrangement Plan	300178115.2A.DA031	5	SMEC	11/11/2019
Typical Cross Section Sheet 1	300178115.2A.DA041	5	SMEC	11/11/2019
Cut and Fill Plan	300178115.2A.DA051	5	SMEC	11/11/2019
Civil Works Plan Sheet 1	300178115.2A.DA101	5	SMEC	11/11/2019
Civil Works Plan Sheet 2	300178115.2A.DA102	5	SMEC	11/11/2019
Civil Works Plan Sheet 3	300178115.2A.DA103	5	SMEC	11/11/2019
Longitudinal Road Section Road 05	300178115.2A.DA201	5	SMEC	11/11/2019
Longitudinal Road Section Road 07B	300178115.2A.DA202	5	SMEC	11/11/2019
Longitudinal Road Section Road 10	300178115.2A.DA203	5	SMEC	11/11/2019
Longitudinal Road Section Road 13	300178115.2A.DA204	5	SMEC	11/11/2019
Longitudinal Road Section Road 16	300178115.2A.DA205	5	SMEC	11/11/2019

Longitudinal Road Section Road 17	300178115.2A.DA206	5	SMEC	11/11/2019
Catchment Plan	300178115.2A.DA501	5	SMEC	11/11/2019
Water Quality Basin Plan	300178115.2A.DA551	5	SMEC	11/11/2019
Water Quality Basin Sections	300178115.2A.DA556	5	SMEC	11/11/2019
Retaining Wall Plan	300178115.2A.DA601	5	SMEC	11/11/2019
Retaining Wall Details	300178115.2A.DA651	5	SMEC	11/11/2019
Retaining Wall Notes	300178115.2A.DA652	5	SMEC	11/11/2019
Sign & Line Marking Plan	300178115.2A.DA801	5	SMEC	11/11/2019
Soil and Water Management	300178115.2A.DA851	5	SMEC	11/11/2019
Soil and Water Management Details Sheet 1	300178115.2A.DA861	5	SMEC	11/11/2019
Soil and Water Management Details Sheet 2	300178115.2A.DA862	5	SMEC	11/11/2019

#### Associated Documentation

Document	Author	Date
DA-2018-01694-CL55-1	NSW Rural Fire Service	25 February 2020
TSUB18-00456	Subsidence Advisory Board	14 January 2019
Aboriginal Heritage Impact Permit	Department of Planning, Infrastructure and Environment	03 April 2020
RMS General Terms of Approval	Roads and Maritime Services	16 December 2019
Assessment of Proposed Impacts on Groundwater Dependent Ecosystems on Land Owned by Dahua Group	Cumberland Ecology	6 June 2019
Transport Impact Assessment	GTA Consultants	16/01/2018
Urban Design Report	Roberts Day	January 2018
Bushfire Protection Assessment and Addendum	Eco Logical	January 2018; addendum 7 November 2019
Geotechnical Investigation	Douglas Partners	April 2017
Preliminary Report in Geotechnical and Salinity Assessments	Geotechnique	07 February 2019
Statement of Heritage Impact	Extent	January 2018
Assessment of Impact on Aboriginal Cultural Heritage	Keller Nightingale	17 January 2018

Aboriginal Cultural Heritage Assessment Report	Keller Nightingale	November 2019
Preliminary Site Investigation	Douglas Partners	April 2017
Salinity Investigation and Management Plan	Douglas Partners	April 2017
Waste Management Plan	APP Corporation	
Engineering Design Report	SMEC	29.01.2018; amended 4 December 2019
Noise Impact Assessment	TTM	29/01/2018
Tree Assessment & Tree Protection Plan	Plateau Tree Service	31 August 2020
Flora and Fauna Assessment	Cumberland Ecology	22 May 2020
Flora and Fauna Assessment - Updated	Cumberland Ecology	28 August 2020

## 2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the appointed Principal Certifier, for approval, prior to the issuing of a subdivision works certificate:

- Driveway Location Plan showing the location of the driveway crossovers. There shall be no conflict with any services, drainage infrastructure, street lighting, electrical infrastructure, telecommunications infrastructure and street plantings.
- Landscape Plan that reflects the current subdivision layout. The Landscape Plan shall maximises the use of locally endemic species as the first preference and Australian Native species as the second preference (within the constraints of the approved Menangle Park Streetscape Master Plan) and does not propose the use of Chinese Tallowood (*Triadica sebifera*). The revised Landscape Plan must be approved by Council's Executive Manager Urban Release and Engagement (or equivalent) in writing prior to the issuing of any subdivision works certificate or the commencement of physical development works (whichever occurs first).
- The civil plan set, prepared by SMEC, shall be updated so that the stormwater basin and lead in are moved to the west in accordance with the Flora and Fauna Assessment, dated 28 August 2020.

## 3. Voluntary Planning Agreement SVPA – 2017-8774

- a) A copy of the Secretary's Certificate (Satisfactory Arrangements for designated State public infrastructure) dated 11 May 2020 forms Attachments A to this development consent.
- b) Prior to the release of a Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works and/or contributions the subject of the Secretary's Certificate and SVPA- 2017-8774 have been undertaken and/or paid in full

## 4. Voluntary Planning Agreement – Council

In accordance with the Letter of Offer dated 7 May 2020 made by the developer to prepare a Planning Agreement in connection with this development application, a



Planning Agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979 shall be prepared by the applicant and submitted to Council for public exhibition.

The Planning Agreement shall articulate a commitment by the developer to complete all Development and Infrastructure Works, Dedications of Land and the provision of all necessary monetary contributions required in relation to development of the land.

Prior to the Council or the appointed Principal Certifier issuing a subdivision certificate, the Planning Agreement shall be executed to the satisfaction of the consent authority (Council) and all Development and Infrastructure Works, Dedications of Land and Monetary Contributions listed within the executed agreement are to be finalised, or otherwise guaranteed, to the satisfaction of the consent authority (Council).

**5. Electrical Substations**

Substations are not permitted to be installed on land to be dedicated to Council as a part of this determination. If the applicant is to pursue the installation of substations on land to be dedicated to Council, the applicant is required to obtain separate approval and relevant licence from Council's Executive Manager Property (or equivalent).

**6. 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 subdivision works certificate is made.

**7. 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.

**8. Vegetation Clearance Methodology and Preclearance /Clearance Surveys**

**a) Preclearance Surveys**

Prior to the commencement of any works:

- i). Trees identified for removal are to be clearly identified on site by the project arborist and made apparent to the suitably qualified ecologist undertaking preclearance surveys as well as the arborists undertaking tree removal works.
- ii). Preclearance surveys are to be undertaken by a suitably qualified ecologist.

Preclearance surveys must be undertaken that will:

- Be carried out within two weeks prior to any trees being cleared (ideally surveys should be undertaken as close to clearing as possible);
- Detect threatened and non-threatened fauna;

- Include demarcation of key habitat features such as burrows, logs/log piles along with any other key habitat features.
  - Safely relocate fauna to nearby woodlands before trees are removed. Any threatened fauna encountered are to be relocated in accordance with the Threatened Species Relocation Plan approved for Stage 1 Menangle Park (DA: 3885/2017/DA-SW).
  - Identify priority weed species and environmental weed infestations and control/treat in line with the requirements of the Greater Sydney Strategic Weed Management Plan to prevent spread. Areas of dense priority and environmental weeds are to be removed and disposed of in line with the requirements of the Greater Sydney Strategic Weed Management Plan or where consistent with these requirements in accordance with Section 5.1.4 of the Flora and Fauna Assessment Report.
- iii). As part of the preclearance survey work, and following clearing, an appropriately qualified ecologist must identify any trees and logs or parts thereof that would be appropriate for use as fauna habitat within the proposed conservation areas in the Menangle Park Urban Release Area. Where relevant, specifications for felling/removal (to enable retention of features for fauna habitat) must also be specified.
- b) Clearance Surveys
- i). During tree clearing, no tree is to be felled without the attending ecologist providing approval.
- ii). All fallen trees should be investigated by the attending project ecologist for the presence of hollows not detected prior to clearing. Inspections should be undertaken of these hollows for native fauna.
- iii). Provisions to protect any native fauna encountered during clearing activities are to include:
- Briefing all people involved in the clearing works about the possibility of fauna being present;
  - Any animals disturbed or dislodged during clearance but not injured should be assisted to move into the adjacent bushland or other specified locations; and
  - If any animals are injured during vegetation clearance, appropriate steps must be taken to humanely treat the animal under the advice of the attending ecologist (either taken to the nearest veterinary clinic for treatment, or if the animal is unlikely to survive taken to the vet to be humanely euthanized).
- c) Preclearance and Clearance Reporting Requirements
- i). Upon the completion of both the preclearance and clearance surveys a report outlining the preclearance and clearance surveys carried out, including survey effort, results and outcomes must be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent). This report must be submitted prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate. This could be linked to prior to CC as an alternative

d) Reuse of Felled Trees

- i). Salvaged material suitable for use in proposed conservation areas as per a) ii) above must be stockpiled in an appropriate place with appropriate signage, to ensure it can be reused at a later date. A report outlining how salvaged material has been/will be reused must be prepared and submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate.

**9. Protection of Retained Vegetation and Trees**

- a) Prior to appointed Principal Certifier issuing a subdivision works certificate or the commencement of any works (whichever occurs first):

- i). All native ecological communities that are to be retained and/or not removed in association with the Stage 2A development (or the previously approved Stage 1 Menangle Park DA 3885/2017/DA-SW) as well as all areas earmarked for revegetation works on the proponent's holdings to the North of Menangle Road must be fenced. The location of the proposed fences must be mapped in consultation with the project ecologists and the location improved in writing by Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the installation of fencing. Fences must be installed in a manner that does not cause harm to native ecological communities in the approved location. Following installation the location of the fencing must be signed off by the project ecologist and arborist. Appropriate signage identifying fenced areas as vegetation protection areas must also be installed.
- ii). The area of Stage 2A works must be clearly demarcated. All works must be undertaken within the approved development footprint with the exception of works to remove Trees 389, 390, 430 as identified within the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020. These trees are located at the limits of the Stage 2A boundary and require removal due to major incursions on their Tree Protection Zones.
- iii). An arborist with a minimum qualification of AQF 5 and at least five years' experience in tree management on development sites must be engaged. This arborist is to advise on, monitor, inspect and ensure compliance with the requirements of the Tree Assessment and Tree Protection Plan to protect retained trees and vegetation adjacent to the development site.

- b) Prior to the commencement of construction works:

- i). All staff and contractors who will be working on the site must be briefed as part of site inductions about the vegetation protection areas/ no access areas, the penalties and fines associated with damaging such areas, as

well as tree protection requirements and environmental controls detailed in the approved Construction Environmental Management Plan (CEMP).

- ii). Any tree protection fencing that is required in addition to fencing installed under Condition 9 a) i) at the limits of Tree Protection Zones is to be installed under the supervision of the project arborist.

c) During works:

- i). No vegetation clearance or tree removal is permitted to occur outside of the Stage 2A boundary as identified on the approved plans referenced in Condition 1, prepared by SMEC, with the exception of works to remove Trees 389, 390, 430 as identified within the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020. These trees are located at the limits of the Stage 2A boundary and require removal due to major incursions on their Tree Protection Zones.
- ii). All access to and from Stage 2A must occur within the identified boundaries of Stage 2A and/or Stage 1 approved under DA 3885/2017/DA-SW.
- iii). Any works adjacent to existing trees/vegetation that is to be retained and/or not removed in association with Stage 2A works must be supervised by an appropriately qualified ecologist and arborist.
- iv). Tree removal is to be undertaken in a manner that does not cause harm to any retained trees or vegetation as per the requirements of subsection 3.3.5 of the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020.
- v). The Project Arborist must supervise and advise on all works within Tree Protection Zones.
- vi). Tree Protection Zones are to be protected in accordance with the requirements of Sections 3.0 and 4.0 and associated subsections of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020. In addition, all works within Tree Protection Zones must be undertaken in accordance with the requirements of Sections 3.0 and 4.0 and associated subsections of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020.
- vii). All works within Tree Protection Zones must be undertaken by hand and not result in damage to trees or their root systems as per the requirements of the of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020. This includes but is not limited to vegetation management works and environmental controls within identified Asset Protection Zones.
- viii). Retained trees must be protected in accordance with *Australian Standard 4970-2009: Protection of Trees on Development sites* and the requirements of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020.

- ix). Regular inspections and ongoing maintenance of vegetation/tree protection zone fencing during the construction phase of the development must be undertaken. Records of the frequency of these inspections, inspection findings, required maintenance works and when maintenance was undertaken must be held onsite with the CEMP documentation.
- x). The health and condition of trees retained on or immediately adjacent to the development footprint are to be monitored on a monthly basis throughout the duration of the construction works by the project arborist. The outcomes of these monitoring events is to be reported to the Project Manager or Site Supervisor. The outcomes of these inspections are to be held with the CEMP documentation.
- xi). The requirements and recommendations detailed in the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020 must be implemented.
- xii). Any discernible change to the characteristics of any retained tree, throughout the construction period, is to be referred to the project arborist and an inspection undertaken. These changes can include, but are limited to:
  - A change in foliage colour or density;
  - Dieback or death of branches or areas of the tree canopy;
  - An increase in the presence of dead branches; and
  - Occurrence of branch failure.
- xiii). All staff and contractors who will be working on the site must be briefed as part of any site inductions and daily toolbox meetings about the vegetation protection areas/ no access areas as well as penalties and fines associated with damaging such areas as well as Tree Protection requirements and environmental controls detailed in the approved Construction Environmental Management Plan (CEMP)
- xiv). Ancillary facilities such as stockpile sites, site compounds, amenities, car parking storage containers and construction zones must be located in existing cleared areas outside of Tree Protection Zones. In addition, there is to be no stockpiling within Tree Protection Zones.
- xv). All of the environmental controls outlined in the CEMP including relevant are to be implemented and ongoing monitoring of controls undertaken as per the requirements of the approved CEMP
- xvi). The control and disposal of priority and environmental weeds is required to be completed in line with state and regional objectives (outcomes to demonstrate compliance with general biosecurity duty), as they have been identified within the Greater Sydney Strategic Weed Management Plan and its appendices or where consistent with these requirements in accordance with Section 5.1.4 of the Flora and Fauna Assessment Report.

d) Following the completion of construction works:

- i). A report must be prepared by a suitably qualified ecologist and arborist detailing the success of vegetation and tree protection measures, any breaches and how such breaches will be rectified. This report must be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate.

**10. Elderslie Banksia Scrub Forest Monitoring Plan**

An Elderslie Banksia Scrub Forest Monitoring Plan must be developed to the written satisfaction of Council's Executive Manager Urban Release and Engagement (or equivalent) as per Section 5.2.3 of the Ecological Assessment Report prepared by Cumberland Ecology dated 28 August 2020.

**11. Weed Control Measures**

Weed dispersion must be minimised and weed infestations must be managed at all stages of the development. Any priority or environmentally invasive weed infestations that occur during or after works must be fully suppressed and destroyed by appropriate means. New infestations of priority weeds listed for the Greater Sydney must be reported to Council.

Pursuant to the Biosecurity Act 2015 and the Biosecurity Regulation 2017, the applicant must at all times ensure that machinery, vehicles and other equipment entering or leaving the site are clean and free of priority weed material to prevent the spread of these weeds to and from the subject site.

**12. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

**13. Existing Easements**

Changes to existing easements and their physical infrastructure shall not occur without the written approval of the authority benefitting from such.

**14. RFS Requirements**

The proposed development shall be carried out in accordance with the Bush Fire Safety Authority (DA-2018-01694-CL55-1), dated 25 February 2020.

**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. 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 the applicable *Development Control Plan*.

**17. Subdivision Works Certificate**

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

- a) the applicant shall obtain a subdivision works certificate for the particular works;
- b) the applicant shall appoint a Principal Certifier; and
- c) the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

**PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a subdivision works certificate by either Campbelltown City Council or an appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision works certificate.

**18. Construction Environmental Plan of Management**

Prior to the commencement of works / issue of a subdivision works certificate (whichever occurs first) A site-specific Construction Environmental Management Plan (CEMP) must be prepared addressing prescriptions for the mitigation of environmental impacts and associated monitoring requirements. The CEMP must be approved in writing by Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the issuing of any subdivision works certificate or the commencement of physical development works whichever comes first.

At a minimum the CEMP must include/address in detail:



- Required Sediment and Erosion Control Measures/stockpile management as per Managing Urban Stormwater: Soils and Construction (Landcom, 2004) – The Blue Book.
- Noise control measures and hours of operation.
- Air quality control measures (including dust management).
- Measures to reduce impacts of light pollution
- Water management (including maintaining/monitoring water quality in nearby dams/waterways).
- Measures to mitigate impacts to areas of retained native vegetation.
- Measures to prevent the spread of priority and environmental weeds including African Love Grass and other weed species, including spread via machinery movements both within the development site and offsite via the relocation of fill material including top soil. Measures to prevent the spread of phytophthora are also to be implemented (ie. machinery is to be cleaned prior to entering the site, and must not move off the site and back on again from elsewhere to avoid the risk of contamination).
- The requirements and recommendations of relevant documentation submitted with the subject development proposal.
- Details of required preclearance and clearance surveys.
- Hazardous material management protocols (ie. fuel etc.) addressing storage, use, refuelling etc.
- Details of how fill will be stored on site (i.e. proposed number of piles, proposed location of piles, sedimentation and erosion control treatment measures, and an estimate of how long the fill will be stockpiled, inspection and monitoring requirements).
- Specific details of how the temporary drainage line will be constructed to ensure that areas outside of the approved development footprint are not impacted.
- Requirements of the EBSF Soil Translocation Plan
- Incident and emergency response protocols.
- Competence, training and awareness procedures (i.e. Environmental inductions, Toolbox talks, training and awareness).
- Roles and responsibilities for implementing, monitoring and reviewing CEMP requirements.
- An overview of relevant environmental management documentation.

- Waste Management Procedures in accordance with the submitted Waste Management Plan.
- Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective.
- Community Consultation and Liaison.

The environmental controls outlined in the CEMP are to form part of the site induction process and daily toolbox meetings.

#### **19. Elderslie Banksia Scrub Forest Trial Soil Translocation Plan**

Prior to the commencement of any works or the issuing of a subdivision works certificate (whichever occurs first) a Elderslie Banksia Scrub Forest Trial Soil Translocation Plan must be prepared to the written satisfaction of Council's Executive Manager Urban Release and Engagement (or equivalent). This plan must:

- Address the collection and storage of soil material impacted by the temporary drainage line being constructed by Stage 2A Menangle Park.
- Include an investigation of the existing soil profile prior to soil excavations commencing as part of construction works.
- Outline how soil material will be excavated and stored in a manner that will enable that will enable the existing soil profile to be recreated at a future reconstruction site. This process is to ensure that each layer of soil that is removed is removed and stored separately so that they're not mixed, and so they can be replaced in the correct order.
- Specify how soil will be fenced, signed and preserved during the storage process. The soil stockpile is to be temporary fenced and signposted that it is to be used for EBSF restoration purposes.
- Outline required sedimentation and erosion control measures. All stockpiles of EBSF soil are to be suitability stabilised/covered to prevent dispersal.
- Outline where the soil is to be stored. Consideration should be given to avoiding multiple movements of the stored soils.
- Outlines any required weed treatment of stored soils.
- Require the excavation and stockpiling of the EBSF soil to be supervised by a suitability qualified ecologist to maintain the required soil substrate for future use.

#### **20. Deposited Plan and 88B Instrument - Rights and Interests**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant must obtain written consent from the benefited lot(s), roads(s) bodies or Prescribed Authorities regarding any easements, profit à prendre, restriction or positive covenants registered on the land with respect to the approved development.

**21. Utility Servicing Provisions**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall obtain correspondence from Sydney Water, Endeavour Energy, Jemena and the relevant telecommunications authority stating that the relevant services can be made available to service the development.

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

**22. NBN Co**

Prior to the issue of a subdivision works certificate, the appointed Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**23. Geotechnical Report**

Prior to the appointed Principal Certifier issuing a subdivision works 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.

**24. Soil and Water Management Plan**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, a detailed soil and water management plan shall be submitted for approval.

**25. Road Construction (New)**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for approval of the proposed road construction.

The categories and traffic loadings to be adopted for the design of the road pavements shall be as follows;

Road No.	Category	Traffic Loading
05, 07B, 10, 13, 16, 17	D	3 x 10 <sup>5</sup>

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

All inspections are to be undertaken by Council and the appointed Principal Certifier shall not issue the subdivision certificate until all works have been satisfactorily completed.

## **26. Temporary Residential Cul-de-sac Heads**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for the temporary residential cul-de-sac heads proposed at the western ends of Road No.s 05, 10, 13, 16 and 17 to the certifying authority for approval. The pavement compositions shall be the same as that constructed for the respective roads.

Construction of the cu-de-sac heads shall be undertaken in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

All inspections are to be undertaken by Council and the appointed Principal Certifier shall not issue the subdivision certificate until all works have been satisfactorily completed.

## **27. Road Safety Audit**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, a detailed road safety audit (RSA) is to be undertaken for the design of the proposed roadworks and traffic facilities by an independent road safety auditor

## **28. Vehicle turning movements**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking and provided to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

In this regard the Vehicle Tracking files and associated development proposal shall be submitted in .dwg/ .dxf format and the speed environment used in the assessment must be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

Garbage collection vehicles with three axles and up to 10.4 metres in length shall be considered as part of the above assessment.

## **29. Construction Traffic Management Plan**

Prior to the commencement of works / issue of a subdivision works certificate (whichever comes first), a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access

arrangements and traffic control, shall be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

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

**30. Signage and Line Marking Concept Plan**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit a Concept Plan detailing the installation of regulatory/advisory sign posting and line marking for Council records.

**31. Traffic Device Approval**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposal that includes the construction of prescribed traffic control devices and traffic control facilities.

**32. Street Lighting**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, street lighting design plans shall be prepared by an Endeavour Energy Accredited Service Provider (ASP) and comply with the following:

- a) All street lighting is to be LED "Smart" lighting to Council's specification. The lighting of residential roads and public places must comply with AS/NZS1158 Residential Street Lighting Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements 2005, using the appropriate categories.
- b) The design and installation of the street lighting is to be such that Council can take ownership of the street lighting in this subdivision (i.e. separate circuit to residential supply).
- c) /The power supply to the street lighting shall meet the load requirements of Endeavour Energy plus 30% loading for the future requirements of Council.
- d) The location of meters to service the street lighting network.
- e) The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- f) Details of the number of electrical turrets and switchboards to be installed within the network.
- g) The street lighting and associated infrastructure in this subdivision is to be dedicated to Council and not be handed over to the energy supplier.

Note: Electrical Turrets to be situated no less than 3.6 meters from kerb centre point. Multiple Switch Board doors must be oriented toward the street for ease of access.

A copy of the street lighting design plans are to form part of the subdivision works certificate documents and provided to Council for our records.

**33. Retaining Structures**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified structural and geotechnical engineer to design all proposed retaining structures exceeding 800mm in height.

All retaining structures shall be constructed of a masonry material and shall be constructed wholly within the property boundary, including footings and agricultural drainage lines.

**34. Stormwater Management Plan (Green Field Subdivision)**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site and adjacent catchments, shall be submitted for approval. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

All proposals shall comply with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*, *Australian Rainfall and Runoff (current version)* and the *NSW Floodplain Development Manual*.

**35. Water Quality**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to the water quality treatment of stormwater from the site and adjacent catchment, shall be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval.

Maintenance details for the water quality devices in the form of an *Operation and Maintenance Manual* and *Maintenance Schedule*, must be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval prior to the issue of a subdivision works certificate. The Manual and Schedule are to be updated and discussed with Infrastructure Section prior to handover of these assets to Council.

All proposals shall comply with the relevant guidelines of the Office of Environment and Heritage – NSW (OEH), Council's *Engineering Design for Development (as amended)* guide and the applicable *Development Control Plan*.

**36. Sediment/water Quality Basin Design & Certification**

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified geotechnical engineer to prepare the structural and geotechnical design for the water quality basins.

The design documentation must include, but not limited to, the following:

- a) Design of keying into natural soil.
- b) Certification on batter stability.
- c) Specification of soil/fill material.

- d) Construction method.
- e) Construction hold points.

A copy of all documentation shall be submitted to Council for its records.

### **37. Landscape Requirements**

Prior to the appointed Principal Certifier issuing a subdivision works certificate for civil works, the applicant shall submit detailed landscape plans for approval by Council's Executive Manager Urban Release and Engagement (or equivalent). The landscape design shall incorporate a significant portion of native, low water demand plants. The landscape design shall incorporate a significant portion of native, low water demand plants and avoid the use of invasive species and Chinese Tallowood (*Triadica sebifera*). The project ecologist is to be consulted in the development of the Landscape Plan to assist in the identification of species indigenous to the area.

Landscaping of the development site shall be undertaken in accordance with the approved plans incorporating the following requirements where necessary:

- a. Street tree installation shall comply with the following requirements:
  - i). Root boxes or barriers are required for all street trees which are being placed within 1m of infrastructure. Such infrastructure shall include footpaths, share ways road ways, kerb and gutter, underground pipes.
  - ii). Unless specified otherwise the minimum size for root control boxes shall be 800mm x 800mm by 500mm deep. Trees are to be installed centrally within the root control box.
  - iii). Alternatively, root barrier is to be placed on the road and footpath side of all street trees. Vertical ribbed root barrier a minimum of 600mm deep and 0.75mm thick is to be used in all instances.
  - iv). Root boxes or barriers must be placed:
    - a minimum of 100mm behind the back of kerb so that it does not compromise the road pavement (i.e. the trunk of the tree shall be a minimum of 700mm from the back of kerb)
    - flush with or marginally below the ground surface
    - flush with or marginally below the adjoining top of footpath
    - for a 3m extent along the footpath/share way and kerb with the tree centrally placed
    - such that it extends a minimum of 100mm below the adjoining road pavement
    - such that is not a trip hazard.

### **38. 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 appointed Principal Certifier prior to



the issue of a subdivision works 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.

### 39. Section 138 Roads Act

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall lodge a S138 Roads Act application for any proposed civil works proposed on public land.

The application shall be accompanied with detailed engineering plans designed in accordance with the requirements detailed in *Austroads Guides* and Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

The application shall include payment for plan assessment and inspection fees.

All works shall be carried out in accordance with the Roads Act approval, the approved stamped plans and Council specifications.

Inspection of this work shall be undertaken by Council at the applicant's expense.

### 40. Unexpected Finds Protocol

Prior to the commencement of works / issue of a subdivision works certificate (whichever comes first) an expected finds protocol must be prepared by a suitably qualified person and submitted for the approval of Council's Executive Manager Urban Release and Engagement (or equivalent).

### 41. Aboriginal Heritage Impact Permit

Prior to the commencement of any works that will impact known Aboriginal objects, an Aboriginal Heritage Impact Permit is required to be sought and granted by the NSW Department of Planning, Infrastructure and Environment.

If during the course of any works an Aboriginal object is discovered, works must cease immediately and Council and the NSW Department of Planning, Infrastructure and Environment, must be informed. Works can not commence again until written approval is granted from Council and the NSW Department of Planning, Infrastructure and Environment.

### 42. Fill Material

All fill material imported to the site shall meet one of the characterisations detailed the table below:

Defining Instrument	Definition
Protection of the Environment Operations Act, 1997	Virgin Excavated Natural Material
Protection of the Environment Operations (Waste) Regulation 2014	The following resource recovery exemptions: <ul style="list-style-type: none"> <li>Excavated natural material</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Foundry sand</li> <li>▪ Recovered fines (provided no samples have a benzo(a)pyrene concentration exceeding 3 mg/kg 'dry weight')</li> </ul>
N/A	Non-waste engineered construction materials

### **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.

#### **43. 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.

#### **44. 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:

- 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
- Stating that unauthorised entry to the work site is prohibited
- Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- Stating the approved construction hours in which all works can occur
- Showing the name, address and telephone number of the appointed Principal Certifier 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.

#### **45. 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 public sewer, or
- 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.

**46. 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.

**47. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single/multiple vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system.

**48. 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. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**49. 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.

**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.

**50. Compliance with Relevant Specifications**

All design and construction work shall be in accordance with:

- a) Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*.
- b) Council's *Engineering Design for Development (as amended)*.
- c) Council's relevant Development Control Plan.
- d) *Soils and Construction (2004) (Bluebook)*.

- e) *Australian Standard AS 1742 various (Manual for traffic control devices).*
- f) *RMS "Guide to Traffic Control at Work Sites" 1998ed.*
- g) Relevant Endeavour Energy Specification and Australian Standards in delivering the private lighting network.
- h) Other relevant Australian Standards, Austroads Guides and State Government publications.

**51. Mud/Soil**

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

**52. 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.

**53. 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 appointed Principal Certifier. 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 \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.***

**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 appointed Principal Certifier.

**55. Excess Material**

All excess material is to be in accordance with the proposed stockpile locations or removed from the site. The spreading of excess material or stockpiling on site in locations differing from that shown on the plans will not be permitted without prior written approval from Council.

**56. Earth Works/Filling Works**

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

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

**57. Revegetation**

Revegetation in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of the earthworks, and shall be fully established prior to release of the maintenance security bond.

**58. Public Safety**

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

**59. Footpaths/Cycleways**

The footpath/cycleway construction shall be to the satisfaction of Council and 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 *Menangle Park DCP (as amended)*.

A 1 metre wide turf strip shall be laid immediately behind the kerb.

**60. Pavement Thickness Determination**

A road pavement design and pavement thickness report prepared by a N.A.T.A. registered laboratory appointed by the applicant, shall be submitted to the appointed Principal Certifier for approval, a minimum of 2 working days prior to the inspection of the exposed sub grade.

The pavement design shall be prepared in accordance with the requirements detailed in Council's *Engineering Design for Development (as amended)*.

**61. Residential Driveway and Layback Crossing**

The applicant shall provide a layback in the kerb and gutter at the entrance to all residential lots that have a frontage to barrier kerb. Construction shall be in accordance with Council's *Residential Vehicle Crossing Specification* and *Engineering Design Guide for Development (as amended)*.

Laybacks are to be constructed in accordance with the endorsed driveway location plan submitted with the subdivision works certificate.

**62. 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.

**63. National Metering Identifier**

Prior to the submission of an application to Endeavour Energy for National Metering Identifier, written confirmation is to be obtained from Council's Executive Manager Infrastructure (or equivalent) regarding the location of electricity connections/ meters required in the delivery of the private lighting network.

**64. Asset Number Allocation**

The developer shall submit street lighting design plans to Council's Executive Manager Infrastructure (or equivalent) to obtain Asset Numbers for Street Lighting Poles. Asset numbers to be provided by Council will need to be marked on the assets being installed.

**65. Commissioning of Private Lighting Network**

Commissioning of the private lighting network to be dedicated to Council shall be undertaken in the presence of Council's nominated Certifier.

Note: Council's City Delivery Team is to be contacted three (3) months prior to the commissioning of the private lighting network to determine the Council nominated Certifier.

**66. Inspections – Civil Works**

Where Council is nominated as the appointed Principal Certifier for civil works, the following stages of construction shall be inspected by Council:

- a) EROSION AND SEDIMENT CONTROL –
  - Direction/confirmation of required measures.
  - After installation and prior to commencement of earthworks.
  - As necessary until completion of work.
- b) STORMWATER PIPES – Laid, jointed and prior to backfill.
- c) SUBSOIL DRAINS – After:
  - The trench is excavated.
  - The pipes are laid.
- d) SUBGRADE – Joint inspection with a NATA Registered Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- e) SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.
- f) CONDUITS – Laid and jointed prior to backfilling, including the delivery of the private lighting network to be dedicated to Council.

- g) PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- h) SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- i) BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- j) OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- k) CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- l) ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- m) FINAL INSPECTION – All outstanding work.

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

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

#### **67. Voluntary Planning Agreement SVOA – 2017-8774**

- a) A copy of the Secretary's Certificate (Satisfactory Arrangements for designated State public infrastructure) dated 11 May 2020 forms Attachments A to this development consent.
- b) Prior to the release of a Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works and/or contributions the subject of the Secretary's Certificate and SVPA- 2017-8774 have been undertaken and/or paid in full

#### **68. Voluntary Planning Agreement – Council**

In accordance with the Letter of Offer dated 7 May 2020 made by the developer to prepare a Planning Agreement in connection with this development application, a Planning Agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979 shall be prepared by the applicant and submitted to Council for public exhibition.

The Planning Agreement shall articulate a commitment by the developer to complete all Development and Infrastructure Works, Dedications of Land and the provision of all necessary monetary contributions required in relation to development of the land.

Prior to the appointed Principal Certifier issuing a subdivision certificate, the Planning Agreement shall be executed to the satisfaction of the consent authority (Council) and all Development and Infrastructure Works, Dedications of Land and Monetary Contributions listed within the executed agreement are to be finalised, or otherwise guaranteed, to the satisfaction of the consent authority (Council).



**69. Section 73 Certificate – Subdivision Only**

Prior to the appointed Principal Certifier issuing a subdivision certificate, 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 Council prior to the release of the subdivision certificate.

**70. Bush Fire Certification**

Prior to the issue of a subdivision certificate, a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment shall be submitted to Council and the appointed Principal Certifier stating that the development conforms to the relevant specifications and requirements as specified in the relevant condition from the NSW Rural Fire Service forming part of this consent.

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

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a) Acoustic report specifying acoustic treatments for residential lots;
- b) Bush fire report specifying APZ and/or BAL levels for residential lots;
- c) Driveway location plan;
- d) Floor Level Control – where applicable;
- e) No Alteration to Surface Levels – subject to geotechnical advice;
- f) Lots Filled – where applicable;
- g) Access Denied – where applicable;
- h) Set Back from Access Denied Roads – where applicable;
- i) Right of Carriageway – where applicable;
- j) Uncontrolled Fill – where applicable;
- k) Drainage Floor Level Control Easements - (100yr flow, depressed) – where applicable;
- l) No Cut or Fill - (Geotech Report Required) – where applicable; and
- m) Lots with any other restrictions eg. Refuse Collection.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

**72. Bond (Outstanding Work)**

Prior to the appointed Principal Certifier issuing a subdivision certificate and to facilitate the release of the subdivision certificate, Council may accept bonding for outstanding asphaltic concrete work, footpath paving, vehicle crossings/driveways or other minor works. Following a written request from the applicant, Council will determine the bond requirements.

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

**73. Maintenance Security Bond**

Prior to the appointed Principal Certifier issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

**74. Classification of Residential Lots (Development without dwelling construction)**

Prior to the appointed Principal Certifier issuing a subdivision certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard AS 2870-1996 *Residential Slabs and Footings (as amended)*.

**75. Remediation of Land**

Prior to the release of a Subdivision Certificate, a Section A1 Site Audit Statement issued under the Contamination Land Management Act 1997 and demonstrating that the site is suitable for day care centres, preschools, primary schools and residential, with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry, shall be provided to the appointed Principal Certifier. This shall include an audit of all fill imported to the site.

**76. Splay Corner (Residential)**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall dedicate 4m x 4m splay corners in the property boundaries of all lots located adjacent to road intersections, at no cost to Council.

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

Prior to the appointed Principal Certifier issuing a Subdivision Certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works prior to Linen release. 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; and
- 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.

**78. Works as Executed Plans**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans 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)*.

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

**Survey Information**

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.

- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

#### **Format**

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

#### *AutoCAD Option*

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts Include textures from materials Include files from data links Include photometric web files Bind external references The drawing is <b><u>not</u></b> to be password protected.

#### *MapInfo Option*

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

### **79. Engineering Documentation**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council the following documents:

- a) Two copies of geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
- b) Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.
- c) Two copies of work as executed plans for the line marking / sign posting in relation to the subdivision. 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.
- d) Two digital copies of all requested information.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*, and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be collated and suitably bound.

**80. Certification of Retaining Structures**

Prior to the appointed Principal Certifier issuing a subdivision certificate, all retaining structures shall be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design. An electronic copy of all documentation shall be submitted to Council for its records.

**81. Restoration of Public Roads**

Prior to the appointed Principal Certifier issuing a subdivision certificate, any restoration of the public road pavement required as a result of the development, shall be carried out by the developer to the satisfaction of Council. All costs shall be borne by the developer.

**82. Public Utilities**

Prior to the appointed Principal Certifier issuing a subdivision 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.

**83. Service Authorities**

Prior to the appointed Principal Certifier issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

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

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

**84. Works as Executed – Electrical Network**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council the following documents in relation to the private lighting network:

- a) A complete set of works as executed plans of the private lighting network in CAD files .DWG format and .PDF format.

- b) Appropriate certificates, manufacturer's brochures and technical data of all materials used during construction of the private lighting network.
- c) Warranty documentation for all street lighting assets (24 months minimum from the time of commissioning the network).
- d) Location of assets and the corresponding asset numbers provided by Council.

**85. Asset Number Implementation**

Prior to the appointed Principal Certifier issuing a subdivision certificate, all asset delivered in the private lighting network are to be marked in accordance with the asset allocation numbers provided by Council.

Asset numbers to be marked on the street lighting poles at a height of 2 meters in black cast vinyl lettering with Class 2 Reflective white backing, numbers to be 50mm by 50mm in size and to be adhered to pole on a vertical axis.

All poles to be marked "private lighting" in black cast vinyl lettering with Class 2 Reflective white backing below asset number, at a total size of 40mm x 40mm, adhered on a horizontal axis.

The surface of poles are to be cleaned with vinyl prep prior to adhering the numbering.

**86. House Numbers**

Prior to the appointed Principal Certifier issuing a subdivision certificate, all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using an approved pavement marking paint.

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

**87. Traffic Committee**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit the Final Signage and Line Marking plans for approval by Council's Local Traffic Committee.

Note: Approval by the Local Traffic may take a minimum of three (3) months.

**88. Line Marking / Sign Posting Documentation (subdivision)**

Prior to the appointed Principal Certifier issuing a subdivision 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 in relation to the subdivision. 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.

**99. Road Safety Audit - Post Construction**

Prior to the dedication of the roads to Council, a Road Safety Audit of the completed works is to be undertaken by a suitably qualified person to identify any potential safety

risks for the users of roads and pedestrian facilities (day to day usage and maintenance activities).

The objective of the audit is to identify potential risks to the users of roads and pedestrian facilities and to ensure compliance with the approved plans and that the measures to eliminate or reduce identified risks as suggested in the report have been implemented prior to the dedication of the roads to Council.

**90. Site Audit Statement for Land being Dedicated to Council**

Prior to the endorsement of a subdivision certificate that has the effect of dedicating land to Council, the applicant shall provide a Site Audit Statement in respect of the land to be dedicated to Council. The Site Audit Statement must outline the conclusions of a site audit and must contain an accompanying Site Audit Report that summarises the information reviewed by the auditor and provides the basis for the conclusions contained in the Site Audit Statement. The Site Auditor shall be accredited under Section 49 of the Contaminated Land Management Act 1997.

Council will not accept dedication of the land unless the Site Audit Statement demonstrates that the site is suitable for the uses listed in the Residential "A" Health Investigation Level in the National Environmental Protection (Assessment of Site Contamination) Measure.

**91. Residential Inter-Allotment Drainage**

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided for all residential lots that cannot be drained to the kerb and gutter. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

**92. Retaining**

Prior to the appointed Principal Certifier issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

**93. Council Fees and Charges**

Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.



**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 subdivision works certificate prior to the commencement of any works. Enquiries regarding the issue of a subdivision works certificate can be made to Council's Customer Service Centre on 4645 4000.
- b) Nominate an appointed Principal Certifier 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. Covenants**

The land upon which the development is proposed 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 3. Subdivision Certificate Application and Plan Copies**

As part of a subdivision certificate application, the following documents shall be submitted electronically for Council's assessment:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed;
- A copy of each required service authority certificate;
- A draft plan administration sheet (including subdivision certificate);
- A draft deposited plan drawing; and
- A Section 88B instrument (where required).

Upon Council's direction, the applicant must supply seven final hard copy documents for affixing of signatures and stamps.

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

**Advice 4. Linen Plan Checking Fee**

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

**Advice 5. 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 subdivision works 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 6. Bonds and Bank Guarantees**

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

**Advice 7. 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 8. 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.

**Advice 9. Electrical Turrets & Multiple Switch Boards**

Turrets and Multiple Switch Boards must be installed with Campbelltown City Council E Key – E lock cylinders. Locking systems are to be purchased from Campbelltown City Council and installed at the developers cost. The information provided within the street lighting design

plans will determine the number of locking devices required for the delivery of the private lighting network.

**Advice 10. Small Market Connection Greenfield Form**

The developer is required to complete a Small Market Connection Greenfield Form prior to the commissioning of the private lighting network. Contact Council's City Delivery Team to obtain the relevant form.

**Advice 11. Accredited Service Providers**

An Accredited Service Provider (ASP) is defined as:

An individual or single entity accredited in accordance with part 10 of the *NSW Electricity Supply (General) Regulation 2001*. Level 1 is Network Constructor, Level 2 is Service Mains Constructor, Level 3 is Designer (refer Clause 1.3.4 - Pre-Qualification of Accredited Service Providers).

**Note:** In addition to accreditation from the NSW Office of Fair Trading, an ASP must hold authorisation from Endeavour Energy for work on or near its network.

**Advice 12. Lead in Infrastructure**

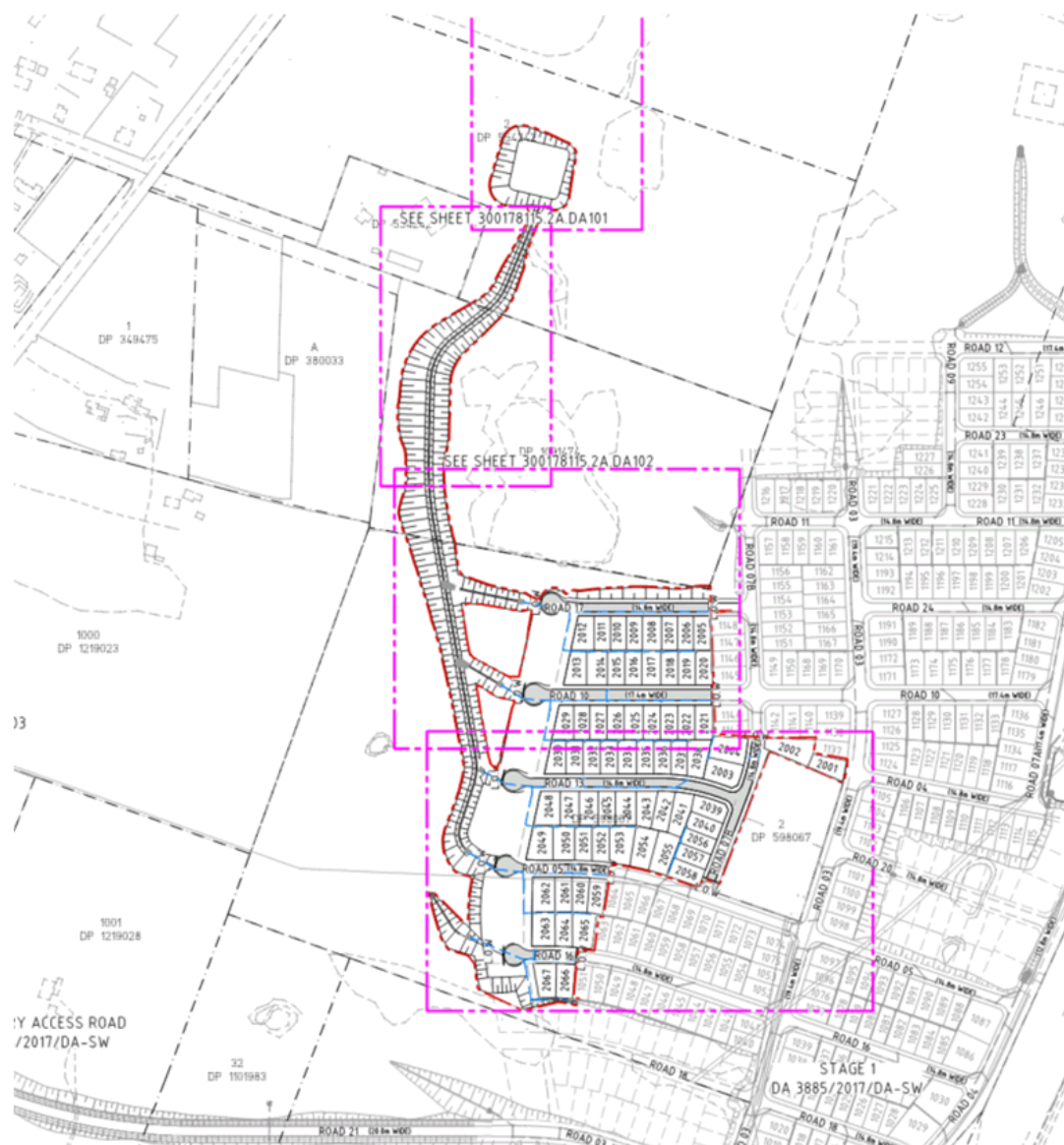
The lead in infrastructure shall not be brought through land that is contaminated. Separate approval must be obtained and remediation must be completed prior to any works commencing on contaminated land.

**END OF CONDITIONS**

## Referenced Figures



**Figure 1:** Ariel photo showing subject site outlined in red



**Figure 2: Proposed Subdivision Plan**



State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
CLAUSE	PROVISION	COMMENT	COMPLIANCE
<b>Part 1 Preliminary</b>			
<b>1 Name of Policy</b>	This Policy is State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	The site is identified in the Greater Macarthur Growth Area, as such, the SEPP applies.	Yes
<b>2 Aims of Policy</b>	<p>The aims of this Policy are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows—</p> <p>(a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area,</p> <p>(b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,</p> <p>(c) to provide for comprehensive planning for growth centres,</p> <p>(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,</p> <p>(e) to provide controls for the sustainability of land in growth centres that has conservation value,</p> <p>(f) to provide for the orderly and economic provision of infrastructure in and to growth centres,</p> <p>(g) to provide development controls in order to protect the health of the waterways in growth centres,</p> <p>(h) to protect and enhance land with natural and cultural heritage value,</p> <p>(i) to provide land use and development controls that will contribute to the conservation of biodiversity.</p>	<p>(a) The site was rezoned, under an amendment to the CLEP 2015, on 18 November 2017 to facilitate land for residential, employment and other urban development.</p> <p>(b) The Minister designated the area as a growth centre on 6 December 2019, through the inclusion of the Greater Macarthur Growth Area within the GC SEPP.</p> <p>(c) The proposed development is consistent with planning provisions of the GC SEPP.</p> <p>(d) The proposed development establishes vibrant, sustainable and liveable neighbourhoods, through the promotion of community well-being and a high quality amenity.</p> <p>(e) The proposed development is consistent with the sustainability provisions of the GC SEPP, whilst avoiding, as much as possible, all areas of conservation value.</p> <p>(f) The proposed development encourages orderly and economic development through the State Voluntary Planning Agreement with The Minister for Planning and Public Spaces, as well as, the letter of offer for contributions payable to Council.</p> <p>(g) The proposed development will not adversely impact the surrounding waterways, as detailed in the Engineering Design Report, supporting this application.</p>	Yes

		<p>(h) The proposed development has been designed to avoid, protect and enhance areas of natural and cultural heritage value.</p> <p>(i) The proposed development complies with the biodiversity conservation provisions detailed in the GC SEPP.</p> <p>The proposed development is consistent with the aims of the GC SEPP, as outline above.</p> <p>The subject site is on land that is identified within the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).</p>	Yes
<b>3 Interpretation</b>	<p>(1) In this Policy—</p> <p>(a) the North West Growth Centre with boundaries as shown on the North West Growth Centre Precinct Boundary Map,</p> <p>(b) the South West Growth Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map,</p> <p>(c) the Wilton Growth Area with boundaries as shown on the Wilton Growth Area Precinct Boundary Map (the Wilton Growth Area),</p> <p>(d) the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).</p> <p>Note.</p> <p>The areas of land referred to in paragraphs (a) and (b) were, but are no longer, growth centres under the Growth Centres (Development Corporations) Act 1974.</p> <p>growth centre precinct means a precinct shown on the North West Growth Centre Precinct Boundary Map, the South West Growth Centre Precinct Boundary Map, the Wilton Growth Area Precinct Boundary Map or the Greater Macarthur Growth Area Precinct Boundary Map.</p> <p>growth centre structure plan means—</p> <p>(a) in relation to the North West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and</p>		



	<p>(b) in relation to the South West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and</p> <p>(c) in relation to the Wilton Growth Area, the NSW Government's Wilton 2040: A Plan for the Wilton Growth Area dated 28 September 2018 and published on the Department's website, and</p> <p>(d) in relation to the Greater Macarthur Growth Area, the NSW Government's Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area published on the Department's website in November 2018.</p> <p>transitional land means land in a growth centre precinct shown as transitional land and hatched pink on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.</p> <p>(2) The Dictionary at the end of this Policy defines words and expressions for the purposes of this Policy.</p> <p>(3) A reference in this Policy to a growth centre structure plan is a reference to a plan deposited in the Department.</p> <p>(4) Notes in this Policy are provided for guidance and do not form part of this Policy.</p> <p>(1) Except as provided by a Precinct Plan, the consent authority for the purposes of this Policy is (subject to the Act) the council of the area in which the land concerned is situated.</p> <p>Note.</p> <p>The Act enables an environmental planning instrument to specify a Minister or another public authority to be the consent authority for all or any particular kind of development in that zoned land.</p> <p>(2) Despite subclause (1), the consent authority for the purposes of this Policy for land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies is the consent authority stated in clause 10 of that Policy.</p>			
<b>4 Consent authority</b>			Campbelltown City Council is the consent authority for the subject application, although, the application will be determined by the Campbelltown Local Planning Panel, in accordance with Section 4.8 of EP&A Act and the Minister for Planning's direction, dated 23/02/2018.	Yes
<b>5 Land to which Policy applies</b>			As detailed above the subject site is within land identified as a growth centre.	Yes

<b>6 Relationship with other environmental planning instruments</b>	(1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency. (2) (Repealed)	The proposed development is consistent with the provisions of the GC SEPP.	Yes
<b>6A Maps</b>	(1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name— (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the instruments when the instruments are made. (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map. (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister. (3A) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both. (4) A map referred to in this Policy, immediately before the commencement of this clause, is taken to be a map approved by the Minister under this clause.	As detailed above, in Clause 3, the subject site is mapped within the adopted maps.	Yes
<b>Part 2 Land use and other development controls resulting from precinct planning</b>			
<b>7 Controls applying to precincts after finalisation of precinct planning process</b>	The provisions applying to the carrying out of development in a precinct are those specified in the Appendix listed in Column 2 of the Table to this clause opposite the precinct listed in Column 1 of that Table.	There is no Precinct Schedule for the subject site, as such, Parts 1-7 apply.	Yes
<b>7A Controls applying to Colebee, Edmondson Park</b>	For the purposes of this Policy, the provisions applying to the carrying out of development in the following precincts are those specified below for the precincts—	This Clause does not apply to the subject application as the site is not within the Colebee Precinct, the Edmondson Park Precinct or the Bingara Gorge Precinct.	N/A

<b>and Bingara Gorge Precincts</b>	(a) the provisions of Blacktown Local Environmental Plan 1988 are specified for the Colebee precinct within the North West Growth Centre. (b) the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002, Liverpool Local Environmental Plan 2008 and Schedule 3 to State Environmental Planning Policy (Major Development) 2005 are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those instruments, or parts of instruments, apply. (c) the provisions of Wollondilly Local Environmental Plan 2011 are specified for the land within the Bingara Gorge Precinct within the Wilton Growth Area.		
<b>7B Development in growth centres under other environmental planning instruments</b>	Development carried out under any other environmental planning instrument on land that is the subject land within the meaning of Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 is taken, for the purposes of this Policy, to be development carried out under this Policy.  Note. The subject land does not include land in the Wilton Growth Area or the Greater Macarthur Growth Area.	The subject site is specifically excluded from this Clause.	N/A
<b>Part 3 Land Use—Environment Conservation and Recreation Zones</b>			
<b>8 Application of Part and of other planning instruments</b>	(1) This Part applies to land within a growth centre precinct that is zoned under this Part. (2) Land that is zoned under this Part is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan) applying to the land concerned, except to the extent that this Policy otherwise provides. (3) This Part does not apply to land to which a Precinct Plan applies or land referred to in clause 7A. The land use zones under this Part are as follows— Environment Conservation Public Recreation—Regional Public Recreation—Local	The subject site is zoned under the Campbelltown Local Environmental Plan (CLEP) and does not rely on a zoning under this Part, as such, this Clause does not apply.	N/A
<b>9 Land use zones</b>		As detailed above, the subject site is not zoned under a growth centres precinct. That being said, part of the site is zoned RE1 under the CLEP.	N/A
<b>10 Objectives for development in land use</b>	(1) The objectives for development in each land use reservation zone are set out in the Table to this clause.	The subject application includes provisions for some minor earthworks within land zoned RE1 under the CLEP.	N/A

<p><b>reservation zones</b></p>	<p>(2) The consent authority must have regard to the objectives for development in any such zone when determining a development application in respect of land within the zone.</p> <p>Table</p> <p>Environment Conservation Zone</p> <p>(a) to protect and restore areas of special ecological, scientific or aesthetic values,</p> <p>(b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.</p> <p>Public Recreation—Regional Zone</p> <p>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</p> <p>(b) to enable the land to be used for regional open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.</p> <p>Public Recreation—Local Zone</p> <p>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</p> <p>(b) to enable the land to be used for public open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.</p>	<p>The minor earth works will set the levels for the delivery of infrastructure and future embellishment and regeneration works.</p> <p>The minor earthworks will facilitate a public recreation area that will enhance and restore the natural and cultural heritage values of Menangle Park, as this is considered under another DA, this Clause does not apply.</p>	
<p><b>11 Zoning of land to which Part applies</b></p>	<p>For the purposes of this Part, land is within the land use zones shown on the land zoning map.</p>	<p>The subject site does not form part of a zone map for the GC SEPP and is zoned under the CLEP, as such, this Clause does not apply.</p>	<p>N/A</p>
<p><b>12 Land use table for zones to which Part applies</b></p>	<p>(1) The land use table set out at the end of this clause specifies the following for each land use zone—</p> <p>(a) development that may be carried out without consent,</p> <p>(b) development that may be carried out only with consent,</p> <p>(c) development that is prohibited.</p> <p>(2) This clause is subject to the other provisions of this Policy.</p> <p>Land use table</p> <p>Environment Conservation Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p>	<p>The subject site is not zoned under the SEPP, although, the minor earthworks are listed as a permissible land use. That being said, this Clause does not apply.</p>	<p>N/A</p>

	<p>(2) Permitted with consent Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.</p> <p>(3) Prohibited Any other development.</p> <p>Public Recreation—Regional Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p> <p>(2) Permitted with consent Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks, public entertainment, recreation areas, recreation facilities (outdoor), temporary structures.</p> <p>(3) Prohibited Any other development.</p> <p>Public Recreation—Local Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p> <p>(2) Permitted with consent Development for advertisements, advertising structures, drainage, earthworks, entertainment facilities, environmental protection works, flood mitigation works, kiosks associated with environmental facilities, public entertainment, recreation areas, recreation facilities, telecommunication facilities, telecommunication networks or temporary structures.</p> <p>(3) Prohibited Any other development.</p>		
<b>13 Additional permitted uses</b>	<p>(1) Despite anything to the contrary in this Part, development described or referred to in the Table to this clause may be carried out on land zoned under this Part—</p> <p>(a) with consent, or</p> <p>(b) if the Table so provides—without consent.</p>	The subject site is not identified as having an additional permitted use, as such, this Clause does not apply.	N/A

	(2) The consent authority must have regard to the objectives for development in the zone concerned when determining a development application in respect of any such development. Table of additional permitted uses (not included in this report).		
<b>14 Development for previously permitted uses of land</b>	<p>(1) Despite anything to the contrary in this Part, the consent authority may grant consent to the carrying out of development on land zoned under this Part that is not otherwise permitted by this Part if—</p> <p>(a) the development is of a kind that could be carried out on the land under an applicable environmental planning instrument immediately before the commencement of this Policy, and</p> <p>(b) the relevant public authority referred to in clause 15 that may be required to acquire the land grants concurrence to the proposed development, and</p> <p>(c) the development is consistent with the aims of this Policy.</p> <p>(2) In deciding whether to grant concurrence to proposed development under this clause, the relevant public authority must take the following matters into consideration—</p> <p>(a) the need to carry out development on the land for the purposes for which the land is zoned under this Part,</p> <p>(b) the imminence of acquisition of the land by the public authority,</p> <p>(c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.</p>	The subject site is not zoned under the SEPP, instead being zoned under the CLEP, as such, this Clause does not apply. As an aside, the proposed development is generally consistent with the provisions of the CLEP.	N/A
<b>15 Acquisition of land zoned under this Part</b>	<p>The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, is—</p> <p>(a) in the case of land within the Environment Conservation Zone or the Public Recreation—Regional Zone—the corporation constituted under section 2.5 (1) of the Act, or</p> <p>(b) (Repealed)</p> <p>(c) in the case of land within the Public Recreation—Local Zone—the council of the area in which the land is situated.</p>	The subject site is not zoned under the SEPP, instead being zoned under the CLEP, as such, this Clause does not apply.	N/A
<b>Part 4 Development controls—general</b>			

<p><b>16 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land</b></p>	<p>(1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—</p> <p>(a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,</p> <p>(b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,</p> <p>(c) whether the proposed development will result in further fragmentation of land holdings,</p> <p>(d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,</p> <p>(e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,</p> <p>(f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,</p> <p>(g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.</p> <p>(2) This clause does not apply to land zoned under Part 3.</p>	<p>The subject site is not benefited by a Precinct Plan, although the consent authority (Local Planning Panel) can consent as it can be satisfied of the following:</p> <p>(a) The proposed development will not preclude any future urban and employment land uses, in fact the proposed development will encourage such uses.</p> <p>(b) The proposed development will not result in the alienation of land for future urban and employment lands.</p> <p>(c) The proposed development will result in residential allotments, which would be sold off but will not result in a fragmented ownership as the proposed development is consistent with the structure plan for Menangle Park.</p> <p>(d) The proposed development is not inconsistent with any draft EPI.</p> <p>(e) The proposed development is not inconsistent with any exhibited document relevant to the site.</p> <p>(f) The proposed development is generally consistent with the provisions of the Menangle Park structure plan, with all essential infrastructure being provided as each stage of Menangle Park comes online. Additionally, the applicant has entered into a State VPA for the delivery of the Spring Farm Parkway, a piece of State Infrastructure.</p> <p>(g) The proposed development has considered and satisfied the provisions of the relevant environmental and cultural legislation (as detailed in the Report attached to this document).</p>	Yes
<p><b>17 Referral to Department of Planning after</b></p>	<p>(1) This clause applies to land within a growth centres precinct that has been released by the Minister under the Environmental Planning and Assessment Regulation 2000 for urban development, and so applies until provisions</p>	<p>The Department of Planning, Infrastructure and Environment have detailed that this Clause does not apply to Menangle Park, as the site is not within a growth centres precinct that has been released by</p>	N/A



<p><b>release of precinct</b></p>	<p>have been specified in a Precinct Plan or in clause 7A with respect to the development of the land.</p> <p>(2) The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling)—</p> <p>(a) with a capital investment value of more than \$500,000, or</p> <p>(b) in respect of land that has an area of more than 2 hectares, or</p> <p>(c) that is a subdivision of land (being a subdivision that creates 2 or more lots),</p> <p>refer the application to the Director-General of the Department of Planning for comment.</p> <p>Note.</p> <p>The Environmental Planning and Assessment Regulation 2000 (clause 275) provides that a development application referred to in this subclause cannot be made unless it is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.</p> <p>(3) The consent authority must take any comments received from the Director-General of the Department of Planning (within 21 days after the development application was referred to the Director-General for comment) into consideration when determining whether to grant consent to any such development.</p> <p>(4) In this clause, capital investment value of development has the same meaning as in the Environmental Planning and Assessment Regulation 2000.</p> <p>(5) Despite subclause (1), this clause does not apply to land within the Alex Avenue and Riverstone Precincts that is not land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies.</p> <p>Note.</p> <p>The Alex Avenue and Riverstone Precinct Plan 2010 applies to land in the Alex Avenue and Riverstone Precincts (as shown on the Land Application Map). The Land Application Map differs from the Precinct Boundary Map, and, as such, the Alex Avenue and</p>	<p>the Minister under the <i>Environmental Planning and Assessment Regulation 2000</i>. Instead, the site was released under the <i>Environmental Planning and Assessment Act 1979</i>. This being the case there is no need to refer the application.</p>
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	Riverstone Precinct Plan 2010 does not apply to all the land in the Alex Avenue and Riverstone Precincts (as shown on the Precinct Boundary Map).		
<b>18 Water recycling and conservation</b>	<p>(6) Despite subclause (5), this clause does apply to Lot 2, DP 563818.</p> <p>(1) This clause applies to land within a growth centre—  (a) that is serviced by a water recycling plant, or  (b) that will be serviced by a water recycling plant as soon as the plant becomes operational.  (2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling plant will be provided to the development.  (3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this clause.  (4) Despite subclause (1), this clause does not apply to land in the Wilton Growth Area.  Table of approved systems</p> <p>Note.</p>	The subject site is not currently, nor proposed, to be serviced by a waste water recycling plant, as such, this Clause does not apply.	N/A
<b>18A Public utility undertakings and clearing of native vegetation</b>	<p>On the commencement of this Policy, the Table was blank.</p> <p>(1) Development for public utility undertakings (other than electricity generating works or water recycling facilities) may be carried out without consent on land to which this Policy applies (subject to subclause (3)).  (2) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003) on land that is not subject land (within the meaning of clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995) unless the authority or person has—</p>	The proposed development does not seek to consent for <i>public utility undertakings</i> , as such, this Clause does not apply.	N/A

	(a) given written notice of the intention to carry out the development to the Department of Planning and Infrastructure, and (b) taken into consideration any response to the notice that is received from that Department within 21 days after the notice is given. (3) (Repealed)		
<b>18B Electricity generating works and water recycling facilities</b>	(1) The consent authority must not grant consent to development for the purpose of electricity generating works or water recycling facilities unless it is satisfied that the development— (a) will be of a small scale, and (b) is likely to have only a minor environmental impact, and (c) is consistent with the principles of ecologically sustainable development; (2) (Repealed)	The proposed development does not seek consent for electricity generating works or water recycling facilities, as such, this Clause does not apply.	N/A
<b>Part 5 Development controls—flood prone and major creeks land</b>			
<b>19 Development on flood prone and major creeks land—additional heads of consideration</b>	(1) This clause applies to development requiring consent that is carried out on flood prone and major creeks land (other than any such land to which clause 20 applies). (2) Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken the following into consideration— (a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, (b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, (c) whether the development will enable safe occupation of the flood prone and major creeks land, (d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, (e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding.	The proposed development will not take place on flood prone or major creeks land. Despite this Clause not being applicable, the Engineering Plans and Engineering Design Report, prepared by SMEC, accompanying the proposed development, demonstrate the proposal will not have a detrimental impact on the surrounding natural and built environments, in relation to flood prone and major creeks land.	Yes

	<p>(f) whether or not the development is compatible with the flow conveyance function of the floodway,</p> <p>(g) whether or not the development is compatible with the flood hazard,</p> <p>(h) in the case of development consisting of the excavation or filling of land, whether or not the development—</p> <p>(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and</p> <p>(ii) will significantly impact on the likely future use or redevelopment of the land, and</p> <p>(iii) will adversely impact on the existing and likely amenity of adjoining properties, and</p> <p>(iv) will minimise the disturbance of relics, and</p> <p>(v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note.</p> <p>Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in an Appendix to this Policy.</p>		
<p><b>20 Development on and near certain land at Riverstone West</b></p>	<p>(1) This clause applies to the land shown outlined in red on the North West Growth Centre Development Control Map.</p> <p>(2) Despite any other provision of this Policy (including any Precinct Plan), the consent authority must not grant consent for development on land to which this clause applies unless it is satisfied that the proposed development—</p> <p>(a) will be undertaken in a manner that is consistent with the Floodplain Management Strategy (being part of the Riverstone West Precinct Development Control Plan), and</p> <p>(b) does not increase flood levels on adjoining properties in events up to the design 100 year recurrence flood, and</p> <p>(c) limits any increases in flood velocities on adjoining properties in events up to the design 100 year recurrence flood to minor increases only, and</p>	<p>The subject site is not identified in the referenced map, as such, this Clause does not apply.</p>	N/A

	(d) is not likely to result in adverse flood impacts on adjoining properties (including during any construction stage of the proposed development). (3) This clause does not apply to development that the consent authority is satisfied is minor and will not result in unacceptable adverse flood impacts on adjoining properties.		
<b>Part 6 Development controls—vegetation</b>			
<b>21 Land to which Part applies</b>	<p>(1) This Part applies to the following land—</p> <p>(a) land zoned under Part 3,</p> <p>(b) flood prone and major creeks land,</p> <p>(c) transitional land,</p> <p>(d) land that is—</p> <p>(i) under State Environmental Planning Policy (Western Sydney Parklands) 2009, in an environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and</p> <p>(ii) in a growth centre.</p> <p>(2) This Part does not apply to land reserved under the National Parks and Wildlife Act 1974, unless the land is land mentioned in subclause (1) (d).</p> <p>(3) In relation to land in the Oran Park and Turner Road Precincts, this Part applies to land within the Riparian Protection Area shown on the Riparian Protection Area Map.</p> <p>(4) Despite subclause (1), this Part does not apply to the following—</p> <p>(a) the North Kellyville Precinct,</p> <p>(b) the Riverstone West Precinct,</p> <p>(c) land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies,</p> <p>(d) the Marsden Park Industrial Precinct,</p> <p>(e) land to which the Area 20 Precinct Plan 2011 (as referred to in Appendix 6) applies,</p> <p>(f) the Schofields Precinct,</p> <p>(g) land to which the Liverpool Growth Centres Precinct Plan 2013 (as referred to in Appendix 8) applies,</p> <p>(h) land to which the Camden Growth Centres Precinct Plan 2013 (as referred to in Appendix 9) applies.</p>	The subject site is identified within the Greater Macarthur Growth Area, as such, this Clause applies.	Yes

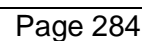
	(i) land to which the Campbelltown Growth Centres Precinct Plan 2013 (as referred to in Appendix 10) applies, (j) the Box Hill and Box Hill Industrial Precincts, (k) land to which the Blacktown Growth Centres Precinct Plan 2013 (as referred to in Appendix 12) applies, (l) land to which the Hawkesbury Growth Centres Precinct Plan 2017 (as referred to in Appendix 13) applies, (m) land to which the South East Wilton Precinct Plan 2018 (as referred to in Appendix 14) applies, (n) land to which the North Wilton Precinct Plan 2018 (as referred to in Appendix 15) applies.		
<b>22 Vegetation to which Part applies</b>	(1) This Part applies to native vegetation within the meaning of the Native Vegetation Act 2003. (2) This Part does not apply to any particular native vegetation that the council of the area concerned is satisfied— (a) is dying or dead and is not required as the habitat of native fauna, or (b) is a risk to human life or property. (3) This Part does not apply to any native vegetation— (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or (b) declared to be noxious weeds under the Noxious Weeds Act 1993.	The proposed development involves the removal of native vegetation as defined by the Native Vegetation Act 2003, as such, this Clause applies.	Yes
<b>23 Consent for clearing native vegetation</b>	(1) A person must not clear native vegetation on land to which this Part applies without— (a) approval under Part 3A of the Act, or (b) development consent. For the purposes of this clause, clearing native vegetation has the same meaning as it has in the Native Vegetation Act 2003. Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Natural Resources under the Native Vegetation Act 2003 in respect of that clearing.	The proposed development is seeking development consent for the removal of some scattered native and exotic vegetation, as such this Clause applies.  (2) The consent authority can be satisfied with this Clause in light of the following justification: (a) The proposed development facilitates orderly and economic development, with the upmost consideration of the environmental constraints. Avoiding all bushland would result in an inefficient development with heavily fragmented bushland, that would be unsustainable. The proposed development would allow for the retention of higher quality bushland and	Yes

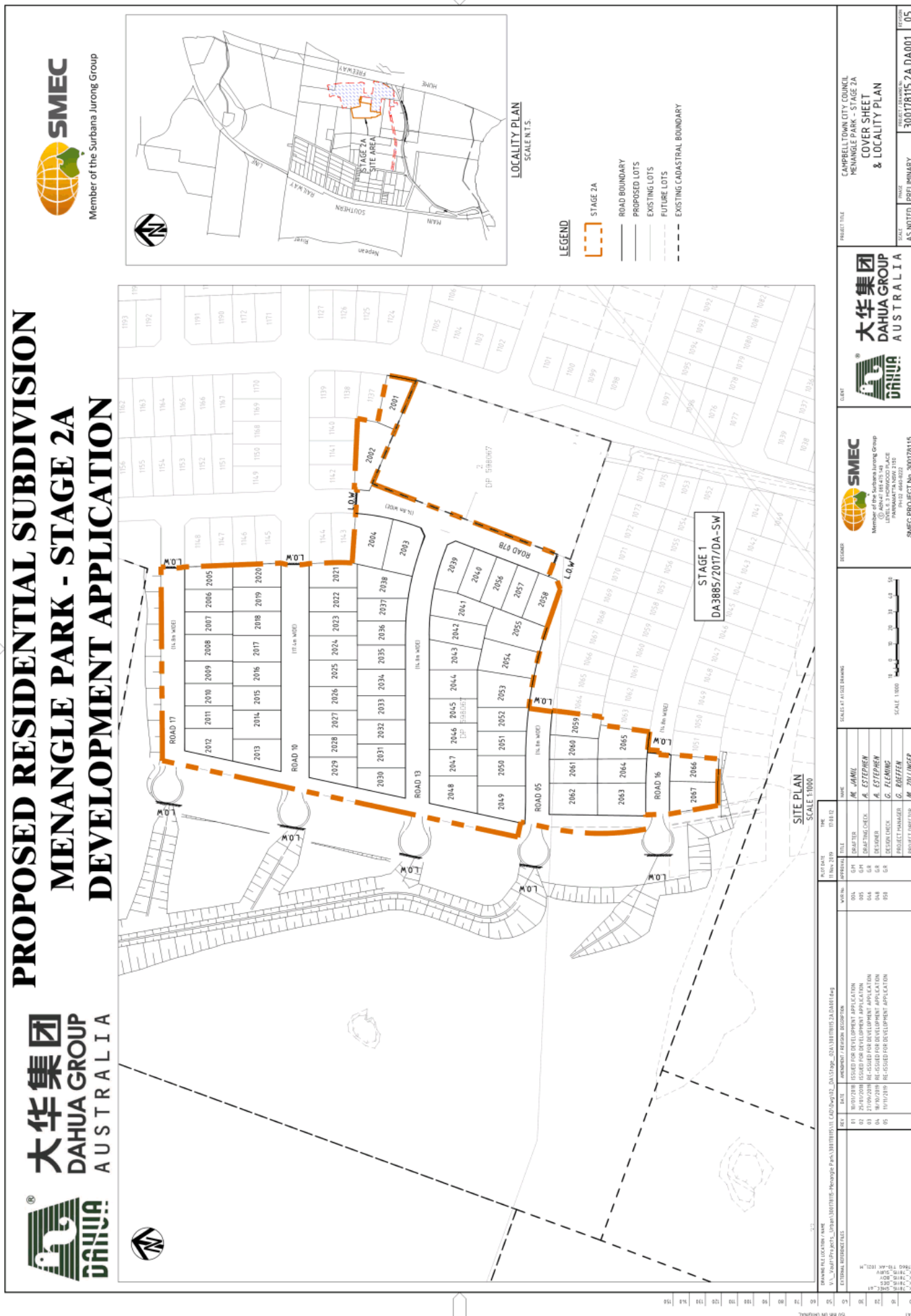
	<p>(2) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation—</p> <p>(a) that there is no reasonable alternative available to the disturbance of the bushland,</p> <p>(b) that as little bushland as possible will be disturbed,</p> <p>(c) that the disturbance of the bushland will not increase salinity,</p> <p>(d) that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,</p> <p>(e) that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,</p> <p>(f) that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.</p> <p>(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone.</p> <p>(4) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the Surveying Act 2002.</p>	<p>revegetation of these areas to enhance their intrinsic and extrinsic value.</p> <p>(b) The clearing works associated with the proposed development are minimised with all retained vegetation being fenced before on ground works commence.</p> <p>(c) The proposed development will not result in increased salinity levels, this is supported by the Salinity Assessment supporting the application.</p> <p>(d) The proposed development will set the basis for future restoration works, particularly in the proposed conservation areas.</p> <p>(e) As above.</p> <p>(f) The proposed development will result in the removal of scattered trees which forms an area less than 0.5ha. That being said, the subject site was rezoned on 17 November 2017 with an amendment to the CLEP 2015. The CLEP 2015 amendment facilitated the proposed development and this rezoning occurred two years prior to the declaration of the Greater Macarthur Growth Area on the 6 December 2019. The subject application was lodged prior to the site being identified within the SEPP and the subdivision is consistent with the provisions of the CLEP, as such, the proposed development can be considered to be a <i>previously permitted use of the land</i>. Additionally, the removal of vegetation has been dealt with under the <i>Threatened Species Conservation Act 1995</i>, in line with transitional provisions that apply to the Campbelltown LGA.</p>	Yes
<b>24 Relationship to tree preservation under other planning instruments</b>	<p>This Part does not affect any requirement of another environmental planning instrument applying to the land concerned relating to the preservation of trees. However, a development consent granted under this Part that allows any clearing of native vegetation satisfies any requirement under that other instrument for approval of any ringbarking, cutting</p>	<p>The proposed development is consistent with the provisions of CLEP 2015 and this is detailed in the report to which this document is attached.</p>	



	down, topping, lopping, removal, injuring or destruction of a tree resulting from any such clearing.		
<b>Part 7 Development controls—cultural heritage landscape area</b>			
<b>25 Application of Part</b>	This Part applies to development requiring consent that is carried out on the cultural heritage landscape area, being the land in the vicinity of the Rouse Hill House Estate that is shown hatched brown on the map marked "North West Growth Centre Development Control Map".	The subject site is not identified within the provisions of this Clause, as such, this Clause does not apply.	N/A
<b>26 Development on land in cultural heritage landscape area—additional heads of consideration</b>	<p>Consent is not to be granted to the carrying out of development to which this Part applies unless the consent authority has taken the following into consideration—</p> <p>(a) whether or not the development will adversely impact on the cultural heritage values of the Rouse Hill House Estate and its setting, having regard, in particular, to the following matters—</p> <p>(i) any proposed subdivision design and layout,</p> <p>(ii) the siting, height, bulk and scale of any proposed buildings or works (including any buildings or works likely to result from any proposed subdivision),</p> <p>(iii) the materials and colours to be used in any proposed buildings, fences or other structures,</p> <p>(iv) the extent, location and form of any proposed landscaping and its ability to reduce the visual impact of the development,</p> <p>(v) the impact of the development on any archaeological relics,</p> <p>(b) a site analysis of the cultural heritage landscape area that assesses development that is responsive to the topography of the area and to other development in the vicinity,</p> <p>(c) a visual analysis that assesses the impact of the development on views to and from the Rouse Hill House Estate,</p> <p>(d) measures to minimise any adverse impact of the development on the cultural heritage values of Rouse Hill House Estate and its setting.</p> <p>Note. Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft</p>	The subject site is not identified within the provisions of this Clause, as such, this Clause does not apply.	N/A

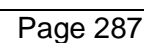
		environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in Schedule 1.	

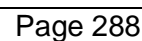




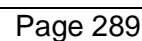


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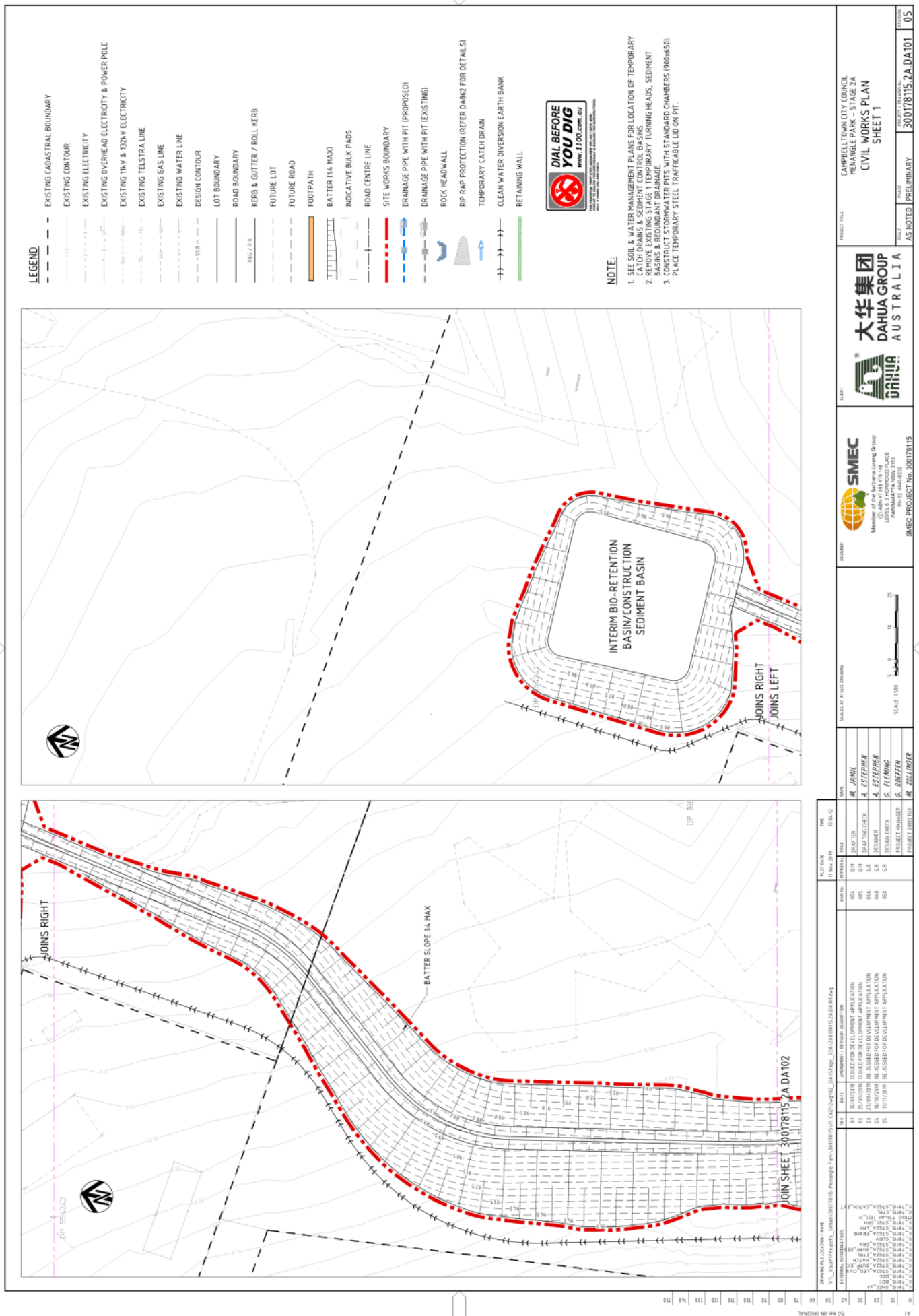


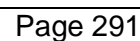




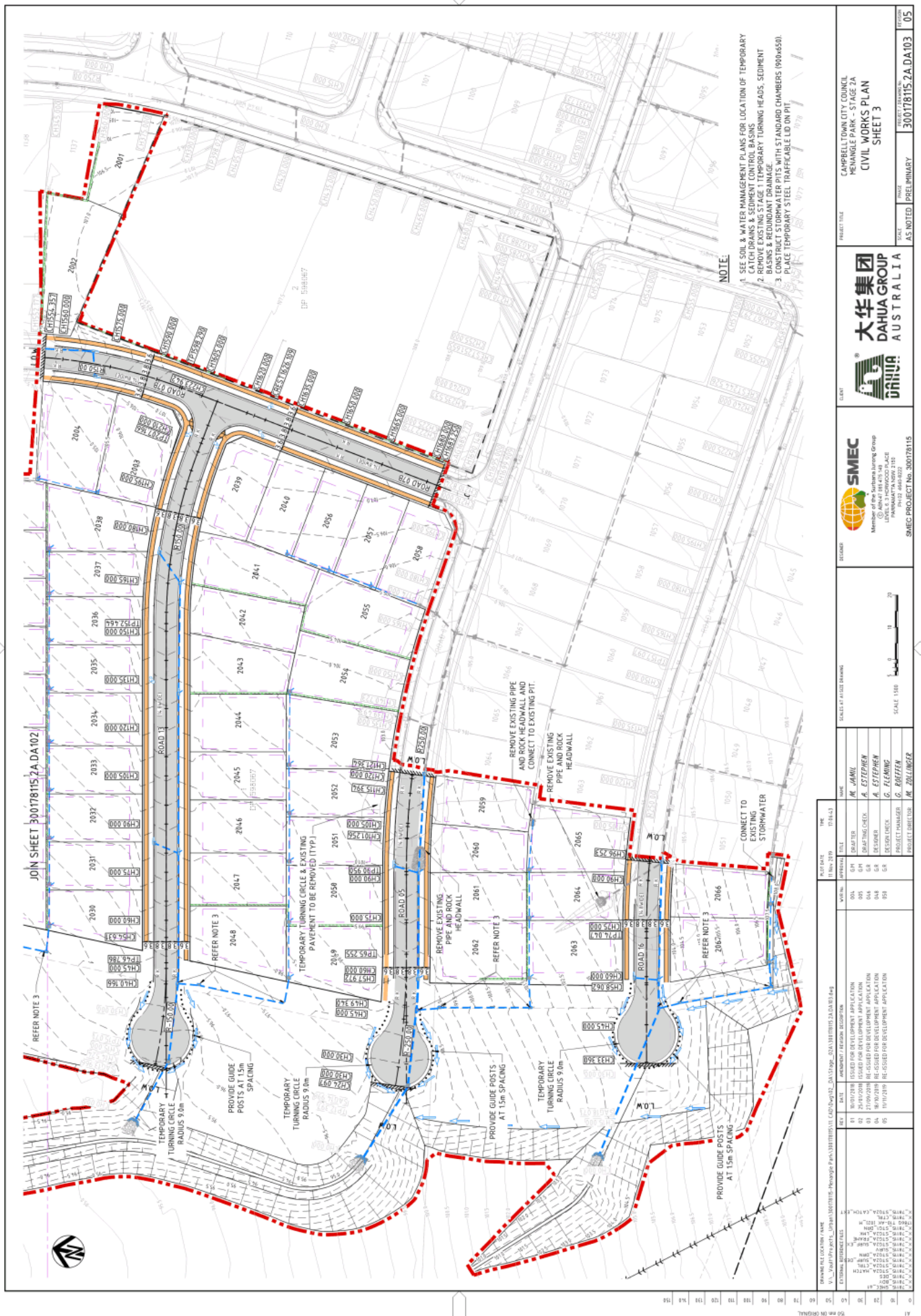


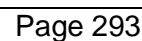


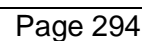


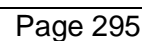


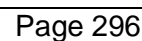


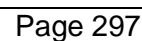




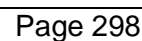


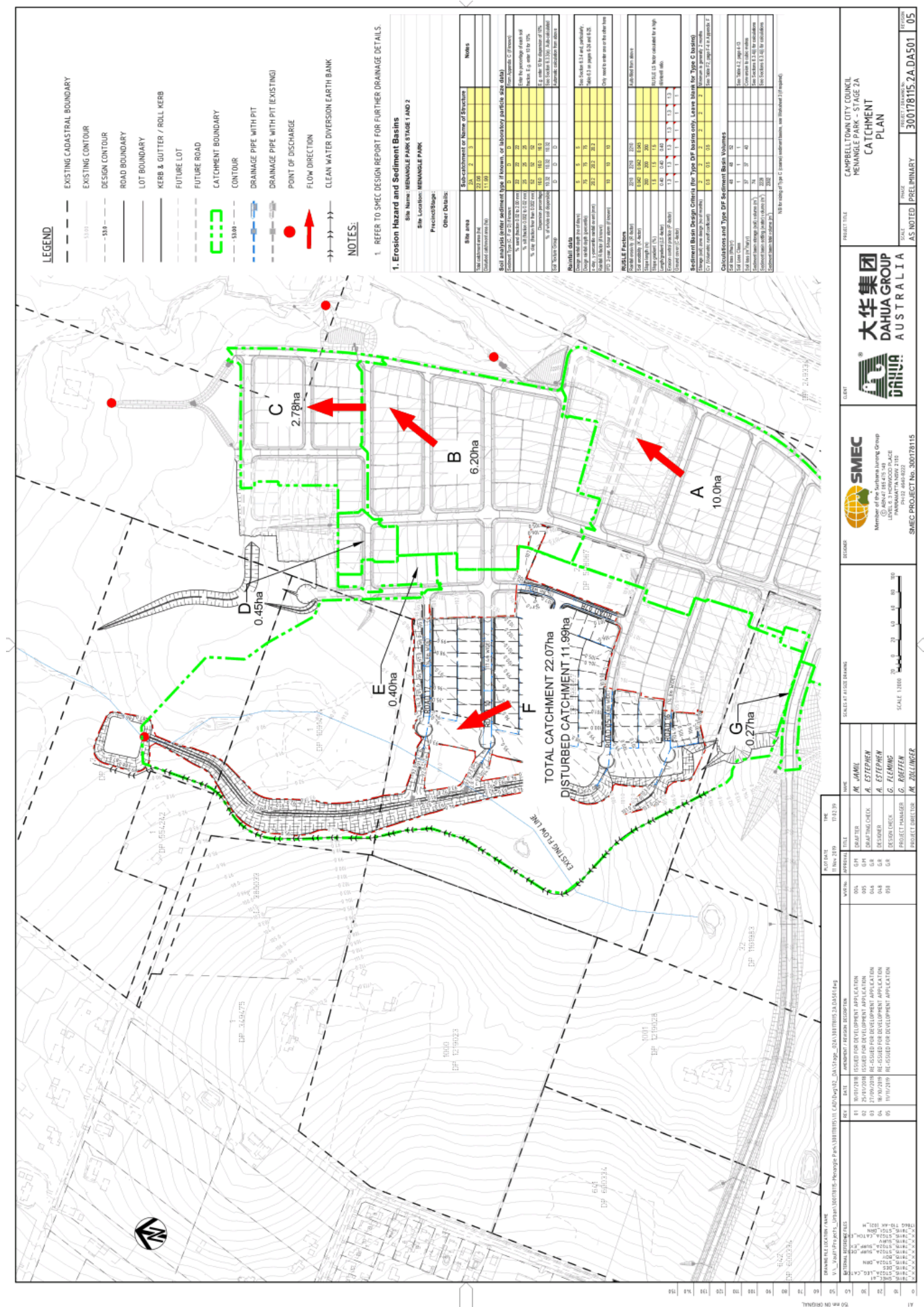


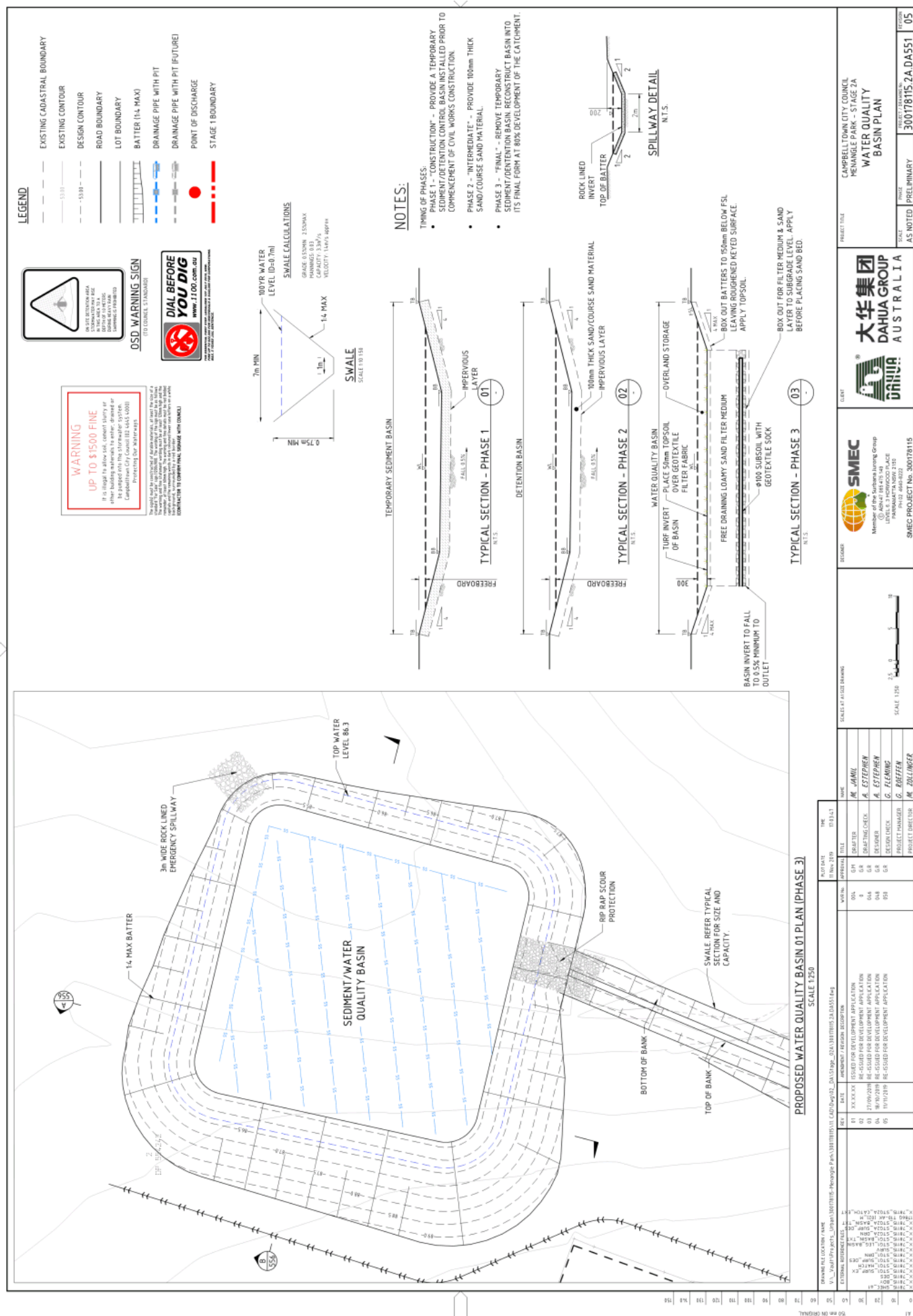


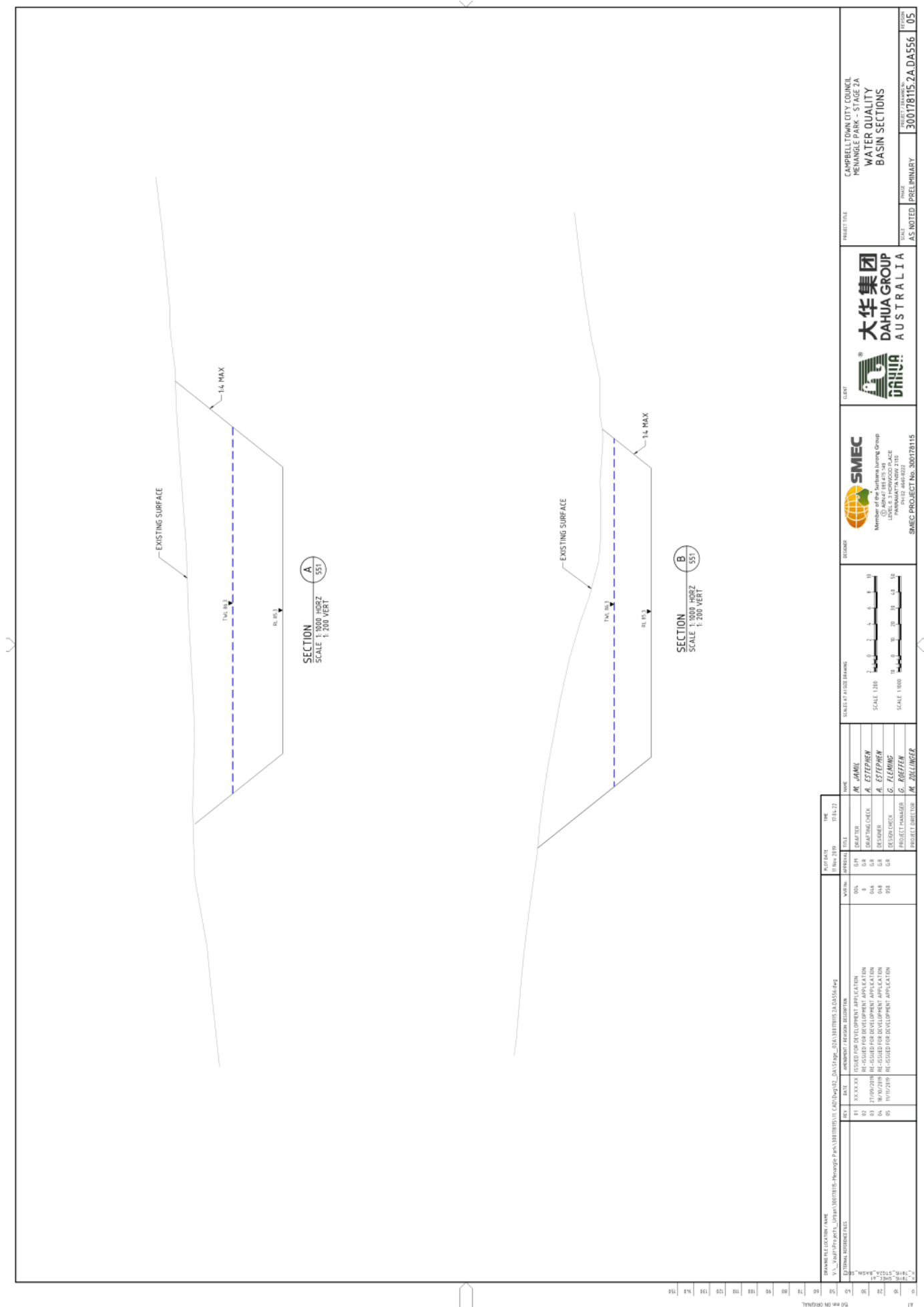






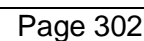


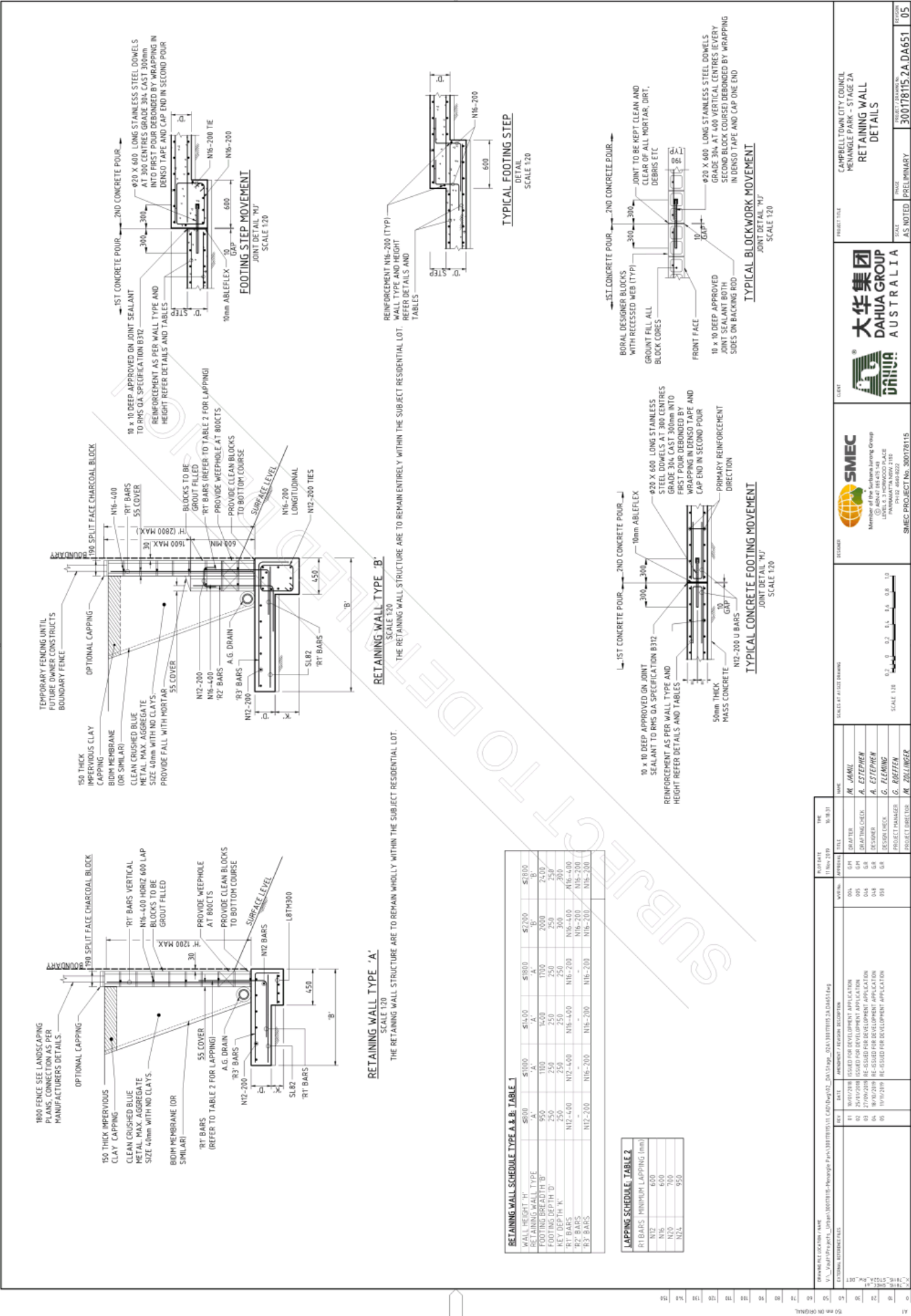




<b>DAHUA GROUP</b> 大华集团 DAHUA GROUP AUSTRALIA				<b>SMEC</b> SMEC Member of the Sutherland Living Group 100/101 Rte 470-141 LIDCOMB NSW 1515 PH: 02 4668 0222 SMEC PROJECT NO. 30078115				<b>CAMPBELLTOWN CITY COUNCIL</b> MANGLE PARK - STAGE 2A WATER QUALITY BASIN SECTIONS				SCALE AS NOTED	PRICE PRELIMINARY	PROJECT NUMBER 30078115.2A.DA556	SHEET NUMBER 05
<b>REVISIONS</b> NO. DATE DESCRIPTION 01 11/09/2019 RE-DRAWN FOR DEVELOPMENT APPLICATION 02 12/09/2019 RE-DRAWN FOR DEVELOPMENT APPLICATION 03 12/09/2019 RE-DRAWN FOR DEVELOPMENT APPLICATION 04 12/09/2019 RE-DRAWN FOR DEVELOPMENT APPLICATION 05 12/09/2019 RE-DRAWN FOR DEVELOPMENT APPLICATION				<b>DESIGNER</b> NAME M. JAMIL DATE 11/09/2019				<b>SCALE OF ALL DIMENSIONS</b> SCALE 1:100 SCALE 1:1000				<b>PROJECT TEAM</b> NAME M. JAMIL DATE 11/09/2019			
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1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE SUPERINTENDENT BEFORE PROCEEDING WITH THE WORK.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS, BUILDING CODE OF AUSTRALIA AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES.
3. FINAL LEVEL SURVEYING, SETOUT ARRANGEMENTS, DIMENSIONAL CHECKING AND FABRICATION OF ANY STEELWORK SHALL BE VERIFIED BY THE CONTRACTOR BEFORE WORK COMMENCES. DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS.
4. BEFORE UNDERTAKING ANY WORK, ESTABLISH THE LOCATIONS OF ALL EXISTING SERVICES AFFECTED BY THE WORKS. IF NECESSARY CARRY OUT A 'DIG-BEFORE-YOU-DIG' ADVISE THE SUPERINTENDENT IF THERE ARE ANY UNKNOWN SERVICES WHICH CAN POTENTIALLY BE AFFECTED BY THE WORKS.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO BUILD THE STRUCTURE IN ACCORDANCE WITH THE STRUCTURAL DOCUMENTATION. ANY MODIFICATIONS OR ADDITIONS SHOULD BE SUBMITTED TO THE SUPERINTENDENT FOR REVIEW AND APPROVAL PRIOR TO COMMENCING THE WORKS.
6. ANY CONFLICTS IN THE DOCUMENTATION SHOULD BE REFERRED TO THE SUPERINTENDENT FOR RESOLUTION PRIOR TO CONSTRUCTION.
7. STRUCTURAL ELEMENTS SHALL BE CONSTRUCTED WITHIN DIMENSIONAL TOLERANCES SET OUT IN THE RELEVANT AUSTRALIAN STANDARDS.
8. DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERSTRESSED. TEMPORARY BRACING AND BATTERS SHALL BE PROVIDED BY THE CONTRACTOR TO KEEP THE WORKS AND EXCAVATIONS STABLE AT ALL TIMES. DESIGN CERTIFICATION TO BE PROVIDED BY A SUITABLY QUALIFIED ENGINEER FOR ADEQUACY OF STRUCTURE AND TEMPORARY WORKS FOR PROPOSED CONSTRUCTION METHODS AND LOADS INCLUDING DROPPING, CRANE LIFTS ETC. TEMPORARY PERMITS TO BE SHOWN ON SHOP DRAWINGS.
9. THE CONTRACTOR SHALL PROVIDE TEST CERTIFICATES FROM A NATA APPROVED TESTING LABORATORY CERTIFYING THAT THE MATERIALS USED COMPLY WITH THE RELEVANT SPECIFICATIONS.
10. ALL LEVELS ARE IN METRES RELATIVE TO AUSTRALIAN HEIGHT DATUM AND UNO.  
ALL DIMENSIONS ARE IN MILLIMETRES UNO.

REINFORCEMENT IS TO BE MANUFACTURED IN ACCORDANCE WITH AS4671 AND SHALL BE FIXED AS SHOWN ON DRAWINGS.

2. PROVIDE ACRS (AUSTRALIAN CERTIFICATION AUTHORITY FOR REINFORCING STEEL LTD) CERTIFICATION OF COMPLIANCE WITH AS/NZS4647:1 FOR ALL REINFORCEMENT. PROVIDE CERTIFICATION OF COMPLIANCE WITH AS3137 FOR ALL PRESSTRESSING TENDONS.

3. PROVIDE DOCUMENTATION TO SHOW THAT REINFORCEMENT SUPPLIER AND MILL COMPLIES WITH AS/NZS4647:1.

4. REINFORCEMENT IS DEFINED IN THE FOLLOWING FORMAT:

        T120-300  
        17 - THE NUMBER OF BARS  
        20 - THE NOMINAL BAR SIZE IN mm

5. MATERIAL IS INDICATED BY THE FOLLOWING SYMBOLS:

        N - DEFORMED BAR GRADE 400  
        N - DEFORMED BAR GRADE 500 (NORMAL DUCTILITY)  
        R - PLAIN ROUND BAR GRADE 250  
        W - PLAIN WIRE GRADE 450

6. THE FOLLOWING NOTATIONS MAY HAVE BEEN USED ON THE DRAWINGS.

        LV - LENGTH VARIES  
        CV - COO VARIES  
        EW - EACH WAY  
        EF - EACH FACE  
        SV - SHAPE VARIES  
        B1 - BOTTOM REINFORCEMENT - LAID FIRST  
        B2 - BOTTOM REINFORCEMENT - LAID SECOND  
        T1 - TOP REINFORCEMENT - LAID FIRST  
        T2 - TOP REINFORCEMENT - LAID SECOND  
        TAB - TOP AND BOTTOM

1. ALL MASONRY SHALL COMPLY WITH AS3700 AND THE PROJECT SPECIFICATION.
2. CONCRETE MASONRY UNITS TO HAVE A MINIMUM CHARACTERISTIC UNCOMFINED STRENGTH OF 50MPa IN ACCORDANCE WITH AS3733.
3. MASONRY UNITS TO BE BEDDED IN FRESHLY PREPARED MORTAR UNIFORMLY MIXED IN THE RATIO OF ONE (1) PART CEMENT, ONE (1) PART LIME AND SIX (6) PARTS SAND, CONFORMING TO AS2701 BRICKS/LAYERS SHALL NOT BE USED.
4. GROUT SHALL HAVE A COMPRESSIVE STRENGTH (f<sub>c</sub>) OF 30MPa AT 28 DAYS, A SLUMP OF 125mm in a 150mm SLUMP CONE, A MAXIMUM AGGREGATE SIZE OF 10mm AND BE IN ACCORDANCE WITH AS3700.
5. DEFORMED BAR REINFORCEMENT SHALL CONFORM TO AS4671.
6. EXTREME CARE MUST BE TAKEN TO CORRECTLY POSITION STARTER BARS IN FOOTINGS IN ACCORDANCE WITH DETAILS.
7. REFER TO THE MASONRY DRAWINGS FOR DETAILS ON VERTICAL CONTROL JOINTS.
8. ALL WALL INTERSECTIONS SHALL BE FULLY BUNDLED OR TIED UNLESS NOTED OTHERWISE.
9. PROVIDE CLEAN-OUT OPENINGS AT THE BOTTOM OF ALL CORES FOR INSPECTION AND TYING OF REINFORCEMENT.
10. FACE SHELLS AND CROSS WEBS TO BE FULLY BEDDED.
11. ALL CORES TO BE CLEANED OUT AFTER EACH DAY'S LAYING.
12. VERTICAL WALL REINFORCEMENT SHALL BE TIED TO STARTER BARS AND RESTRAINED AT TOPS AND BOTTOMS IN ACCORDANCE WITH THE DETAILS SO AS NOT TO MOVE DURING GROUT FILLING OF THE WALL.
13. WET ALL CORES PRIOR TO POURING GROUT.

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3600 CURRENT EDITION WITH AMENDMENTS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
2. CONCRETE USED IN THE WORKS SHALL BE EITHER REINFORCED CONCRETE OR MASS CONCRETE (MC) AS NOTED ON THE DRAWINGS AND SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. CONTRACT DOCUMENTS.
2. CONCRETE USED IN THE WORKS SHALL BE EITHER REINFORCED CONCRETE OR MASS CONCRETE (MC) AS NOTED ON THE DRAWINGS AND SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:
  - MAXIMUM AGGREGATE SIZE..... 20mm
  - SUMP..... 80mm FOR PUMP GRADE..... 90mm FOR TREMIE
  - EXPOSURE CLASSIFICATION..... B1
  - MINIMUM 28 DAY COMPRESSIVE STRENGTH ( $f_{ck}$ )..... 32 MPa [MC..... 20MPa]
  - CEMENT TYPE..... GENERAL PURPOSE (GP)
  - CONTENT (MINERALS)..... 400 kg/m<sup>3</sup> [MC..... 320kg/m<sup>3</sup>] (INCLUDING FLY ASH)
  - MINIMUM FINISH..... 10mm
  - MINIMUM CLEAR COVER TO REINFORCEMENT FOR CAST INSITU CONCRETE SHALL BE:
    - FORMED SURFACES OR CAST ON MASS CONCRETE..... 40mm
    - CAST AGAINST THE GROUND..... 70mm
  - SURFACE FINISH
    - FORMED..... CLASS 3
3. FLY ASH TO 80 kg/m<sup>3</sup> MAY BE SUBSTITUTED FOR GP CEMENT.
4. THE AREA ON WHICH FOOTINGS ARE TO BE SITUATED SHALL BE STRIPPED OF ALL ORGANIC MATTER WHICH SHALL BE REMOVED FROM THE SITE. THIS INCLUDES TREE STUMPS AND LARGE ROOTS.
5. TESTING AND ASSESSMENT FOR COMPLIANCE OF CONCRETE SHALL BE CARRIED OUT BY THE CONTRACTOR IN ACCORDANCE WITH IS 3440.
6. MAINTAIN COVER TO REINFORCEMENT AT CHAMBERS, DRIP GROOVES, REGLETS, ETC.
7. CONSTRUCTION JOINTS SHALL BE PROPERLY FORMED AND USED ONLY WHERE SHOWN ON THE DRAWINGS OR WHERE SPECIALLY APPROVED BY SUPERINTENDING. THEY SHALL BE VERTICAL IN FOOTINGS AND BE SCABBLED AND CLEANED AND SHALL HAVE A NEAT CEMENT-WATER SLURRY BROUGHT ON BEFORE TOP COURSE CONTINUES.
8. ALL EXPOSED CONCRETE ARSES SHALL HAVE A 25 mm x 25 mm CHAMFER UNLESS NOTED OTHERWISE ON THE DRAWING.

1. RETAINING WALLS TO BE FOUNDED ON NATURAL OCCURRING IN-SITU MATERIAL WITH AN SLS BEARING CAPACITY OF 200 kPa.

1. RETAINING WALLS TO BE FOUNDED ON NATURAL OCCURRING IN-SITU MATERIAL WITH AN SLS BEARING CAPACITY OF 200 kPa.
2. FOUNDATION MATERIAL TO BE VERIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO PLACING CONCRETE.

1. SURCHARGE  
= 10 kPa.

1. SURCHARGE  
= 10 kPa.
2. EARTH PRESSURE AND DEAD LOAD IN ACCORDANCE WITH AS4678.

COVER	F <sub>1</sub>	N32	N36	N40	N24	N28	N32
≥ 25	≥ 18	770	1150	-	-	-	-
≥ 30	≥ 25	630	988	1350	1748	-	-
≥ 40	≥ 32	670	718	1118	1640	1918	2220
≥ 50	≥ 40	665	630	890	1218	952	1092

DO NOT INTERPOLATE VALUES OF SPLICE LENGTHS. EPOXY COATED BARS, BARS IN LIGHTWEIGHT CONCRETE AND SLIP FORMED CONCRETE WILL REQUIRE LONGER SPLICE LENGTHS. REFER TO A3600.

12. LAPPED SPLICE LENGTHS FOR VERTICAL BARS (AND HORIZONTAL BARS WITH LESS THAN 300mm CONCRETE CAST BELOW THE BAR) TO COMPLY WITH THE FOLLOWING UNO:

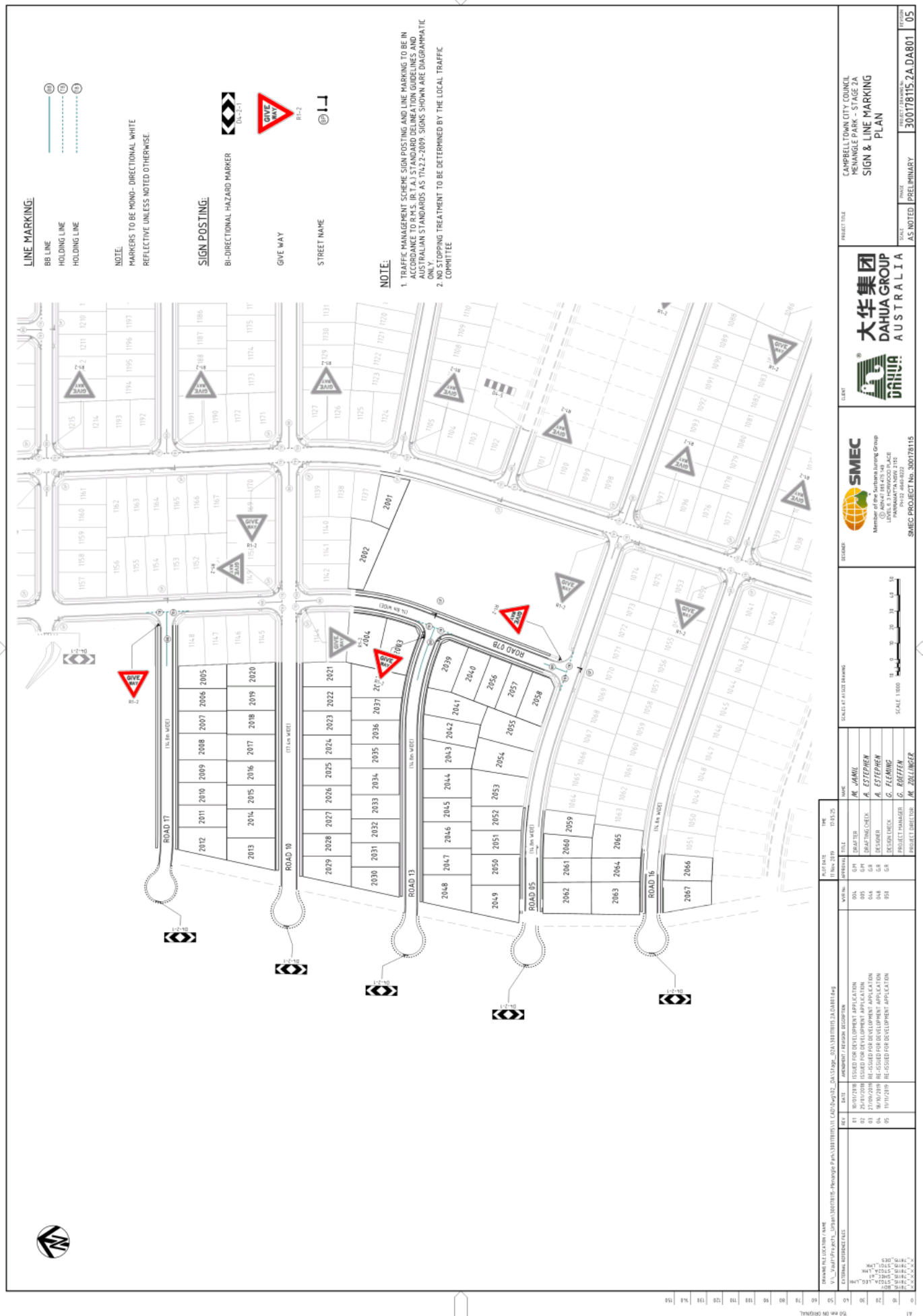
COVER	PVC	PA12	PM6	MOO	MSA	MSB	MSZ
≥ 25	≥ 24	593	690	-	-	-	-
≥ 30	≥ 25	449	750	18.40	13.40	-	-
≥ 40	≥ 32	363	600	8.40	1180	14.88	1738

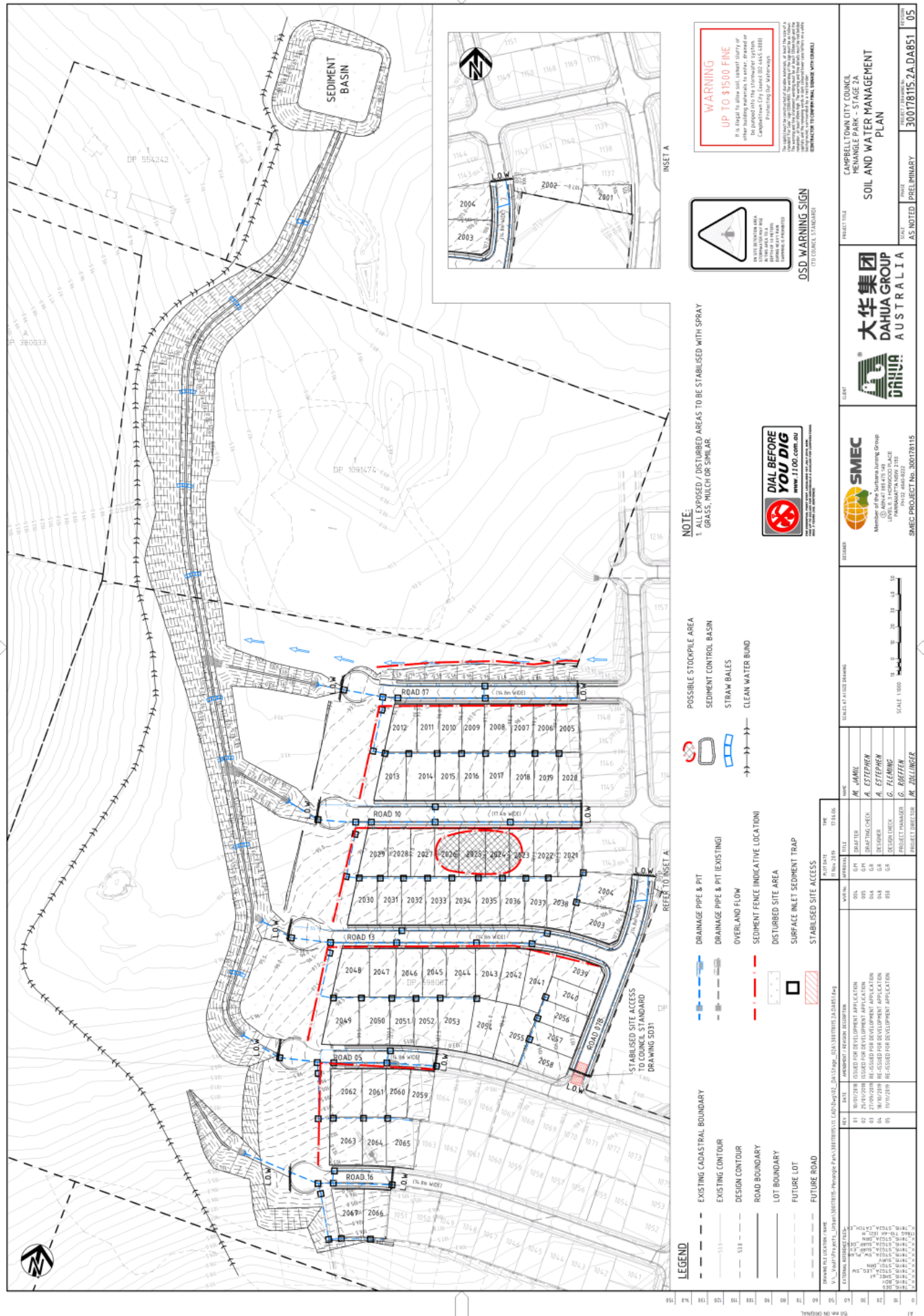
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|------|------|------|------|------|------|------|
| 2.34 | 2.43 | 2.53 | 2.63 | 2.73 | 2.83 | 2.93 |
|------|------|------|------|------|------|------|
13. JOGGLES TO BARS SHALL BE 1 BAR DIAMETER OVER A LENGTH OF 12 BAR DIAMETERS.
14. WELDING OF REINFORCEMENT BARS IS ONLY PERMITTED WHERE SHOWN ON THE DRAWINGS OR OTHERWISE APPROVED BY THE SUPERINTENDENT. WHERE WELDING OF REINFORCEMENT IS APPROVED IT SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 1554. PART

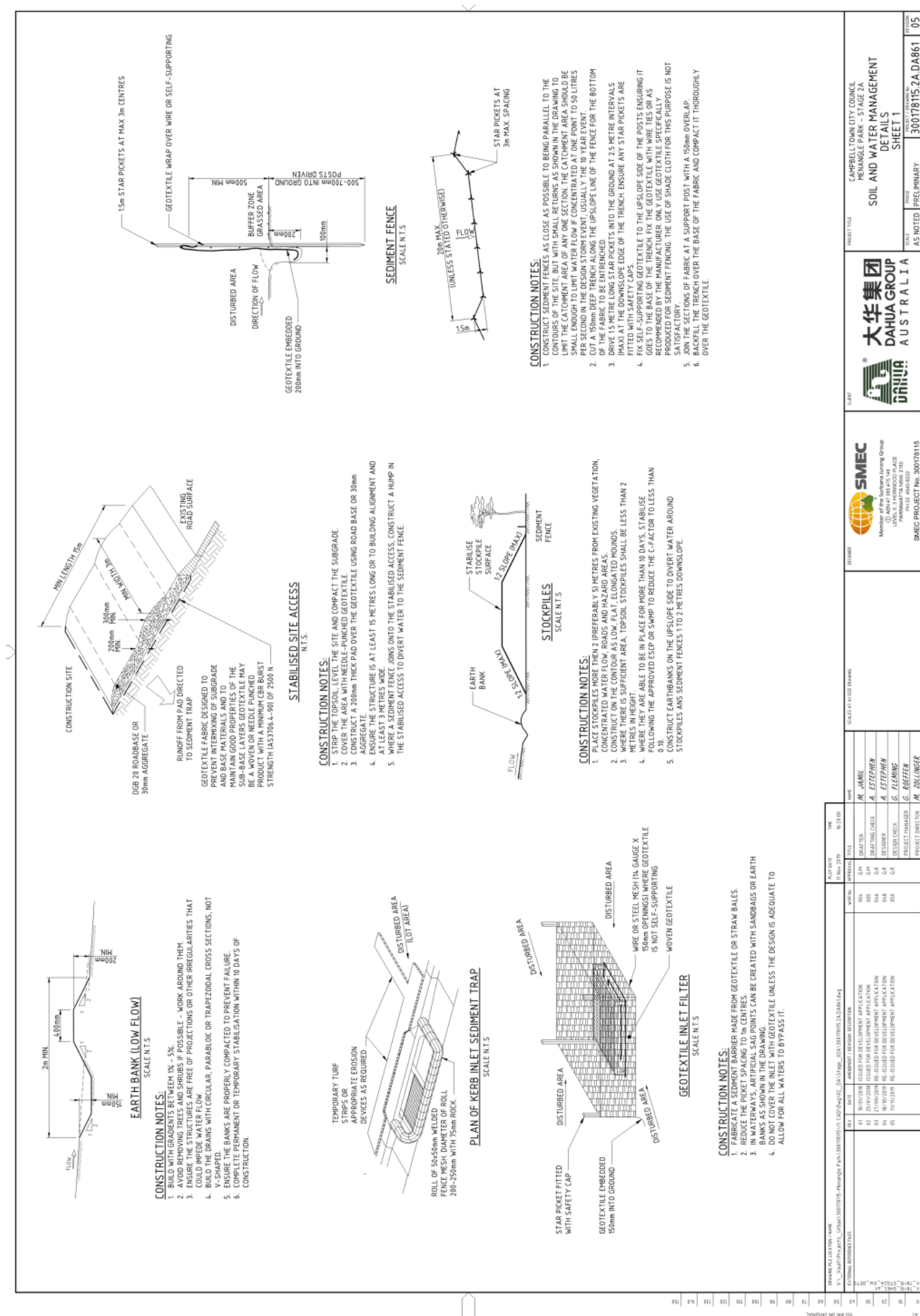
[illegible]

 <p><b>SMEC</b> Member of the Sirtina Group PO BOX 1152 PARRAMATTA NSW 2150 PH (02) 86464600 FAX (02) 86464644</p>	<p><b>DAHU GROUP</b> DAHUA GROUP AUSTRALIA</p>	<p><b>PROJECT TITLE</b></p> <p>CAMPBELLTOWN CITY COUNCIL PENNINGLE PARK - STAGE 2A RETAINING WALL NOTES</p>	<p><b>CLIENT</b></p> <p>CAMPBELLTOWN CITY COUNCIL</p>	<p><b>PROJECT</b></p> <p>RETAINING WALL</p>	<p><b>DATE</b></p> <p>30/01/2018</p>
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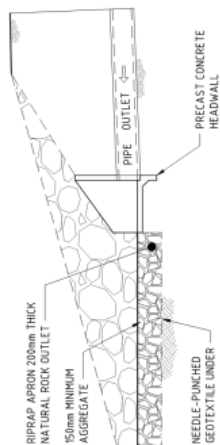


**SEDIMENT & EROSION CONTROL**  
**GENERAL NOTES:**

1. THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO DISTURBANCE OF THE CATCHMENT AREA AND TO THE STANDARDS OF THE U.S. DEPARTMENT OF HOUSING MANAGING URBAN STORMWATER "SOILS AND CONSTRUCTION" EDITION MARCH 2006.
2. TOPSOIL SHALL BE STRIPPED AND STOCKPILED OUTSIDE HAZARD AREAS AS SHOWN ON PLANS. THIS TOPSOIL IS TO BE RESPREAD LATER ON BATTERS TO BE REVEGETATED AND STABILISED BY THE SUPERINTENDENT. IF STOCKPILES ARE TO REMAIN FOR LONGER THAN 14 DAYS STOCKPILES BATTERS SPECIFICALLY INSTRUCTED BY THE SUPERINTENDENT IF STOCKPILES ARE TO REMAIN FOR LONGER THAN 14 DAYS STOCKPILES SHALL BE PROTECTED FROM EROSION BY COVERING THEM WITH A MULCH AND HYDROSEEDING AND, IF NECESSARY, BY LOCATING BANKS OR DRAINS UPSLOPE TO DIVERT THE RUNOFF AROUND THEM. IN SOME CIRCUMSTANCES IT MAY BE NECESSARY TO PLACE BARRIERS OR DRAINS DOWNSTREAM OF A STOCKPILE TO RETAIN SEDIMENT LADEN RUNOFF.
3. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES BEFORE NO MORE THAN 60% OF THEIR CAPACITY IS LOST. ALL THE SILT REMOVED SHALL BE DISPOSED OF AS DIRECTED BY THE SUPERINTENDENT. NO SILT IS TO BE PLACED OUTSIDE THE LIMIT OF WORKS. THE PERIOD FOR MAINTAINING THESE DEVICES SHALL BE AT LEAST UNTIL ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.
4. THE CONTRACTOR SHALL PROVIDE SAND BAGS OR SEDIMENT TRAPS AT 70m CROSSES EACH ROAD GUTTER AS AT COMPLETION OF FOOTPATH FORMATION TO AVOID SEDIMENT LOSS FROM THE ROAD & FOOTPATH AREAS.
5. VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING CONSTRUCTION CONFINING AREAS WHERE POSSIBLE TO PROPOSED OR EXISTING ROAD WHEN ANY DEVICES ARE TO BE HANDED OVER TO ROAD & DRAINAGE CONTRACTORS. THEY SHALL BE IN A CLEAN AND STABLE CONDITION.
6. THE CONTRACTOR SHALL MAINTAIN ALL REVEGETATED AREAS INCLUDING WATERING UNTIL FINAL COMPLETION OF WORKS.
7. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL UNTIL FINAL COMPLETION OF WORKS.
8. THE CONTRACTOR MUST COMENCE REBUTAL CONTROL WITHIN A REASONABLE TIME OF ANY SITE REGRADING AND BATTER FORMATION.

## WASTE CONTROL:

1. THE CONTRACTOR TO BE RESPONSIBLE FOR WASTE DISPOSAL ON SITE.
2. ALL BUILDING PRODUCTS & CLEARED VEGETATION TO BE REMOVED OFF SITE IN AN APPROVED MANNER TO LICENSED LAND FILL SITE.
3. EQUIPMENT MAINTENANCE & REFUELLING OF CONSTRUCTION VEHICLES TO BE DONE IN A DESIGNATED AREA USING BUNDING AND BEST PRACTICE MANAGEMENT CONTROLS FOR REFUELLING.
4. ALL SPILLS TO BE CLEARED UP IMMEDIATELY.



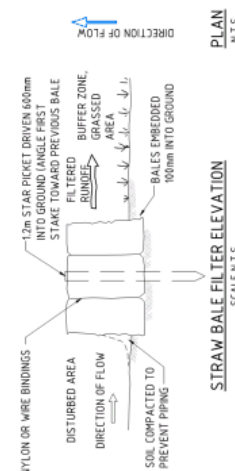
RIPRAP/SCOUR PROTECTED OUTLET DETAIL



TYPICAL RIPRAP/SCOUR PROTECTION APRON SECTION

- CONSTRUCTION NOTES:**
- CONSTRUCT STRAW BALES FILTER AS CLOSE AS POSSIBLE TO PARALLEL TO PLACE BALES LENGTHWISE IN A ROW WITH TIGHTLY ABUTTING. USE STRAW TO FILL GAPS BETWEEN BALES. STRAW TO BE PLACED PARALLEL TO GROUND. MAXIMUM HEIGHT OF FILTER IS ONE BALE.
- ONCE THE FILTER IS COMPLETED, THE GROUND TEAM TO MOW AND ANCHOR THE TOP OF THE STRAW BARRIERS. STAKE ANCHORS TO THE GROUND AND PREVIOUSLY Laid BALE. DRIVE STAKES 100cm INTO THE GROUND AND FLUSH WITH THE TOP OF THE BALES.
- WHERE STRAW BALE FILTER IS CONSTRUCTED DOWNSLOPE FROM A DISTURBED BATTER TO AN UNDISTURBED BATTER, THE FILTER MUST BE CONSTRUCTED AT AN ANGLE TO ESTABLISH A MAINTENANCE PROGRAM THAT ENSURES THE INTEGRITY OF THE BARRIERS IS RETAINED. THEY COULD REQUIRE REPLACEMENT EACH TWO TO FOUR MONTHS.

CONSTRUCTION NOTES:



STRAW BALE FILTER ELEVATION

- CONSTRUCTION NOTES:

11. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
12. FOR THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE, CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30mm AGGREGATE.
13. ENSURE THE STRUCTURE IS AT LEAST 5 METRES LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
14. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.

CONTRACTOR TO CONFIRM FINAL SIGNAGE WITH COUNCIL)

**DESIGN TO BE ERECTED AT SITE ENTRY POINTS)**

The sign(s) must be constructed of durable materials, at least the size of a standard "For Sale" sign must be used. The wording of the sign must be as follows: The warning and fine shall be at least 120mm high and the remainder, at least 60mm high. The statement wording must be at least 120mm high and the remainder, at least 60mm high. The warning and fine details must be red bolded capitals and the remaining words in dark colouring lower case letters on a white background, surrounded by a red border.



id	id	name	description	type	unit
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8					

 <p><b>SMEC</b>          Member of the Sutherland Group          10/11-13 HORMWOOD PLACE          SYDNEY NSW 2002          PH (61) 2 9232 3111</p>	 <p><b>大华集团</b>  <b>DAHUA GROUP</b>  <b>A U S T R A L I A</b></p>	PROJECT TITLE	CAMPELLTOWN CITY COUNCIL PENANGLE PARK - STAGE 2A		
		CLIENT PROJECT / DRAWING NO. SHEET 2	SOIL AND WATER MANAGEMENT DETAILS SHEET 2	DATE / ISSUE AS NOTED / PRELIMINARY PROJECT / DRAWING NO. SHEET 2	DATE / ISSUE 30/07/18 / 15.2A DA862 / 05

**NSW RURAL FIRE SERVICE**

Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

Your reference: 292/2018/DA-SW  
Our reference: DA-2018-01694-CL55-1

**ATTENTION:** Sam Smith

Date: Tuesday 25 February 2020

Dear Sir/Madam,

**Integrated Development Application**

**s100B – Subdivision – Torrens Title Subdivision**

**Menangle Rd Menangle Park NSW 2568 AUS, 2//DP554242, 1//DP598067, 641//DP600334, 1//DP1091474, 32//DP1101983, 1001//DP1219028, 31//DP1101983**

I refer to your correspondence dated 29/11/2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

**General Conditions**

1. Stage 2A - The development proposal is to generally comply with the subdivision layout identified on the drawing prepared by Craig & Rhodes numbered 1786 (Stage 2A), dated 21/10/2019.

**Asset Protection Zones**

***The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:***

2. At the issue of subdivision certificate and in perpetuity the entirety of Stage 2A shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

3. A restriction to the land use pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed over temporary Asset Protection Zones (APZ) as depicted in Figure 2 of the Bushfire Protection Addendum by ecological dated 7/11/2019 ref: 19HNG\_13440 (Stage 2A). APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Restriction can be extinguished upon development of the land providing the hazard is removed as part of that approval.

#### **Access – Public Roads**

***The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:***

4. Public road access shall comply with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006':

5. Right of Way primary access

Construction of the Right of Way primary access (temporary) road shall include:

- A Right of Way easement pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the road providing benefit to all lots within Stage 2A for unobstructed access.
- provide a minimum sealed surface of 6.0 metres and 1.5 metre sealed shoulders on either side,
- minimum distance between inner and outer curves is 6 metres,
- maximum grades do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- The Right of Way shall be extinguished upon completion of future Stages within Menangle Urban Release Area that provide a minimum of two public access roads connecting Stage 2A to the wider existing public road network.

6. Temporary dead-end roads shall incorporate a minimum 12 metre outer radius turning circle.

#### **Access – Property Access**

***The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:***

7. Secondary access (temporary) - north of Stage 1 to Cummins Road.

Secondary access road (temporary) shall be upgraded where necessary to include:

- Signage to restrict access may be installed, however access road shall not include a locked gate
- A Right of Way easement pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the road providing benefit to all lots within Stage 1 for unobstructed access.
- All weather surface minimum 4.0 wide,
- Minimum vertical clearance to a height of 4 metres above the road at all times.
- 6.0 wide passing bays every 200 metres,
- Crossfall not more than 10 degrees
- Sealed where gradients exceed 10 degrees
- The Right of Way shall be extinguished upon completion of future Stages within Menangle Urban Release Area that provide a minimum of two public access roads connecting Stage 2A to the wider existing public road network.

#### **Water and Utility Services**

***The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:***

8. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.



9. Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1 - 'Fire Hydrant Installations'.

**General Advice - Consent Authority to Note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 4.14 of the EP & A Act and address the requirements of Planning for Bush Fire Protection.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 11 July 2019.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter

**Team Leader, Dev. Assessment & Planning  
Planning and Environment Services**







NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision

Menangle Rd Menangle Park NSW 2568 AUS, 2//DP554242, 1//DP598067, 641//DP600334,  
1//DP1091474, 32//DP1101983, 1001//DP1219028, 31//DP1101983

RFS Reference: DA-2018-01694-CL55-1

Your Reference: 292/2018/DA-SW

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Martha Dotter**

Team Leader, Dev. Assessment & Planning  
Planning and Environment Services

Tuesday 25 February 2020



117 Bull Street, Newcastle West NSW 2302  
Tel 02 4908 4300 | [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)  
24 Hour Emergency Service: Free Call 1800 248 083  
ABN 87 445 348 918

FN17-62409P1  
TSUB18-00456

Benaiah Pty Ltd  
ATTN: Angus Fulton  
[Angus.fulton@benaiah.com.au](mailto:Angus.fulton@benaiah.com.au)

Dear Angus

**RE PROPOSED STAGE 2A – EIGHTY-NINE (89) LOT SUBDIVISION AT MENANGLE ROAD  
MENANGLE PARK; LOT 1 DP 598067 (PROPOSED LOT 1252); TSUB18-00456**

**NOTICE OF DETERMINATION**

I refer to the application detailed above. Subsidence Advisory NSW has determined to grant approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

Approval has been granted, subject to the conditions set out in the attached determination under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 are available, please email through to [SA-Risk@finance.nsw.gov.au](mailto:SA-Risk@finance.nsw.gov.au) quoting reference **TSUB18-00456**.

Should you have any questions about the determination I can be contacted by phone on 02 4908 4300 or via email at [shane.mcdonald1@finance.nsw.gov.au](mailto:shane.mcdonald1@finance.nsw.gov.au)

Yours faithfully,

Signature Removed

**Shane McDonald**  
**Senior Risk Engineer**

14 January 2019

**DETERMINATION**

Issued in accordance with section 22 of the *Coal Mine Subsidence Compensation Act 2017*

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As delegate for Subsidence Advisory NSW under delegation executed 14 January 2019 approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 14 January 2019

Approval to Lapse on: 14 January 2024

The conditions of approval are imposed for the following reasons:

- a) To confirm and clarify the terms of Subsidence Advisory NSW approval.
- b) To minimise the risk of damage to surface development from mine subsidence.

**Shane McDonald**  
**Senior Risk Engineer**

14 January 2019

**SCHEDULE 1**

Application No: **TSUB18-00456**  
Applicant: **BENAIAH PTY LTD**  
Site Address: **MENANGLE ROAD MENANGLE PARK**  
Lot and DP: **LOT 1 DP 598067 (PROPOSED LOT 1252)**  
Proposal: **STAGE 2A – EIGHTY-NINE (89) LOT SUBDIVISION**  
Mine Subsidence District: **SOUTH CAMPBELL TOWN**

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## SCHEDULE 2

### CONDITIONS OF APPROVAL

<b>Plans, standards and guidelines</b>	
<b>1.</b>	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p><b>Note:</b> Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.</p>
<b>2.</b>	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
<b>3.</b>	Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.
<b>4.</b>	Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters below.
<b>5.</b>	<p><b>Prescribed Design Parameters</b></p> <p>The proposed structure(s) is to be designed to be “<i>safe, serviceable and repairable</i>” using the subsidence parameters outlined below:</p> <ul style="list-style-type: none"> <li>a) Maximum vertical subsidence: 1500 mm</li> <li>b) Maximum Horizontal Strains: (+/-): 2 mm/m</li> <li>c) Maximum Tilt: 6 mm/m</li> <li>d) Maximum Radius of Curvature: 7 km</li> </ul>
<b>6.</b>	Submit a final design for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified engineer to the effect that the improvements will remain “ <i>safe, serviceable and repairable</i> ” taking into consideration the mine subsidence parameters outlined above.
<b>7.</b>	Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.

### Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.



Planning,  
Industry &  
Environment

Our ref: SF20/19378; SF20/19395; SF20/19473

Senders ref:

Mr Andrew MacGee  
Campbelltown City Council  
[andrew.macgee@campbelltown.nsw.gov.au](mailto:andrew.macgee@campbelltown.nsw.gov.au)

Dear Mr MacGee

**Subject: OEH General Terms of Approval for Integrated Development Application  
4057/2018/DA-SW Stage 3 Menangle Park; 681/2018/DA-SW Stage 2B Menangle Park;  
292/2018/DA-SW Stage 2A Menangle Park**

This letter contains the Department of Planning, Industry and Environment's (the Department's) general terms of approval (GTAs) for Integrated Development Applications 4057/2018/DA-SW Stage 3 Menangle Park; 681/2018/DA-SW Stage 2B Menangle Park; 292/2018/DA-SW Stage 2A Menangle Park for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (NPW Act). The Department has decided to issue one letter for all three IDAs as one assessment has been provided to support all three applications.

The Department has reviewed the ACHAR dated November 2019, prepared by Kelleher Nightingale Consulting Pty Ltd. The reports have identified that Aboriginal objects (AHIMS sites 52-2-1598 (Menangle Park 2); 52-2-3912 (MPRP 5 Menangle Park Rezoning Project 5); and 52-2-3914 (MPRP Menangle Park Rezoning Project 7)) will be partially impacted by the proposed development. Mitigation in the form of salvage excavation of AHIMS 52-2-3912 as been proposed. Those portions of the three sites that are not within the Stage 3, 2B and 2A AHIP area are proposed to be protected from harm by the proposed development.

Considering the above, the Department provides the following Aboriginal cultural heritage general terms of approval:

- A s.90 Aboriginal Heritage Impact Permit (AHIP) for the proposed works must be sought and granted prior to the commencement of works.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- An appropriate salvage excavation methodology must be prepared as part of the AHIP application. Consultation with the registered Aboriginal parties as identified as part of the consultation program must occur as part of the development of this methodology.
- A plan of management must be prepared for those parts of sites AHIMS sites 52-2-1598 (Menangle Park 2); 52-2-3912 (MPRP 5 Menangle Park Rezoning Project 5); and 52-2-3914 (MPRP Menangle Park Rezoning Project 7) that are located outside the proposed AHIP area. This plan of management must address the ongoing protection and management of these sites during construction and the long-term conservation and protection of these sites *in*



Planning,  
Industry &  
Environment

*perpetuity*. The plan of management must be submitted as part of the AHIP application and appended to the construction environmental management plan.

- Long term management of Aboriginal objects must be considered as part of the AHIP application.

If you have any further questions in relation to this matter, please email [gs.ach@environment.nsw.gov.au](mailto:gs.ach@environment.nsw.gov.au).

Yours sincerely

Signature Removed

03/04/20

Susan Harrison

**Senior Team Leader Planning  
Greater Sydney Branch  
Climate Change and Sustainability**





Transport  
for NSW

16 December 2019

TfNSW Reference: SYD18/0066/04  
Council Reference: 681/2018/DA-SW

The General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

Dear Sir/Madam

### **STAGE 2A – MENANGLE PARK URBAN RELEASE AREA – VARIATIONS TO LOTS**

Reference is made to Council's correspondence dated 29 November 2019, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the submitted application and notes the alteration to the variation to lots and raises no objection to proposed amendments. It should be noted that the previous conditions in Roads and Maritime responses dated 29 May 2018, 29 April 2019, and 11 July 2019, remain applicable.

If you have any further questions, Sandra Grimes, Development Assessment Officer would be pleased to take your call on (02) 9563 8651 or please email [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). I hope this has been of assistance.

Yours sincerely

Signature Removed

**Malgy Coman**

A/Senior Land Use Assessment Coordinator

---

**Transport for NSW**

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124  
P (02) 8849 2666 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602



**Planning,  
Industry &  
Environment**

IRF20/765

**Secretary's Certificate**  
**Satisfactory Arrangements for designated State public  
infrastructure**

**Development Application  
292/2018/DA-SW**

In accordance with the provisions of clause 6.1 in the *Campbelltown Local Environmental Plan 2011*, I, Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure as delegate for the Secretary of the Department of Planning, Industry and Environment, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to:

Development application number:	292/2018/DA-SW
Address:	Lot 59 Menangle Park Road, Menangle Park NSW 2563 Lot 1 in DP 598067
Development application description:	Subdivision to create 67 residential lots and 1 residue lot
Map at Attachment A:	Yes

Signature Removed

**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**

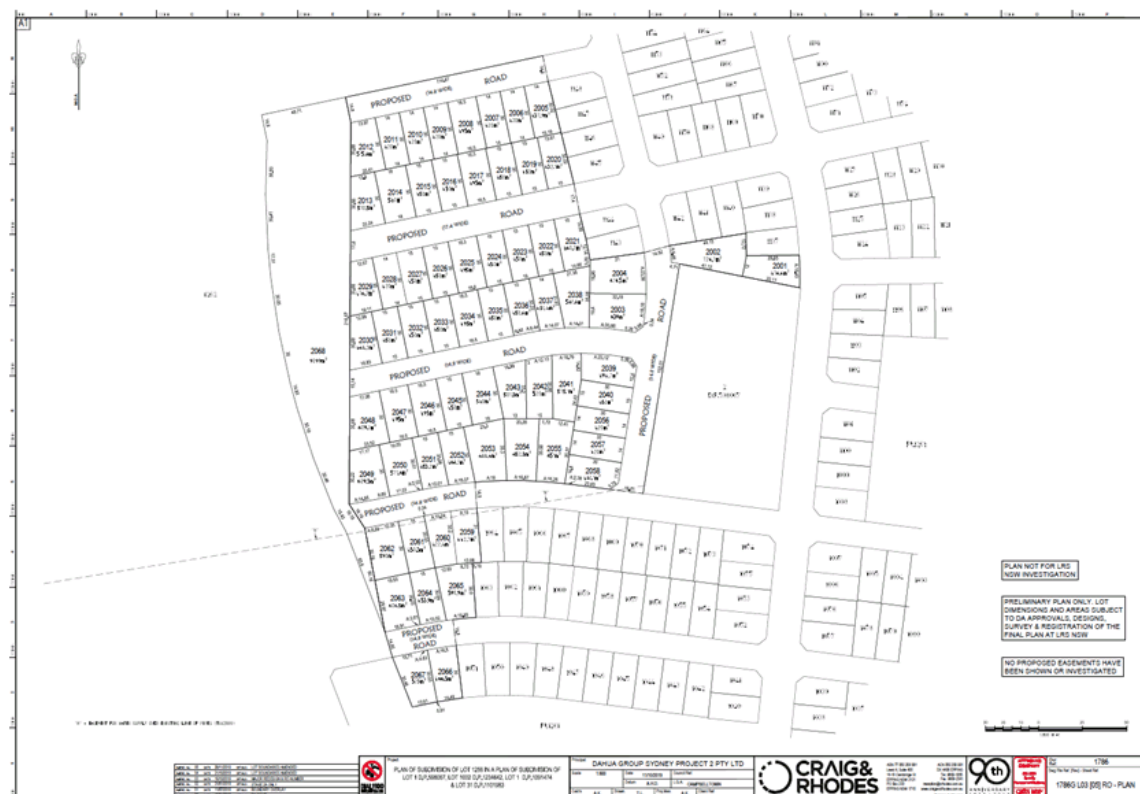
Date:

(as delegate for the Secretary)

*\*the satisfactory arrangements certificate is being issued in relation to the above development application only.*



## Attachment A



DAHUA AUSTRALIA  
Suite 2, Level 20, 201-217 Elizabeth Street, Sydney  
2000  
Tel: 02 9267 7788  
Fax: 02 9286 3399



**DAHUA GROUP**

7 May 2020

Ms Lindy Deitz,  
General Manager  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Attention: Fletcher Rayner, Executive Manager Urban Release and Engagement

Dear Ms Deitz,

**RE: OFFER TO ENTER INTO MENANGLE PARK PLANNING AGREEMENT**

**1. Introduction**

I refer to Council's email dated 13 March 2020 and subsequent correspondence on this matter.

This letter contains an updated offer by Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd (**Dahua**) to enter into a Planning Agreement (**PA**) with Campbelltown City Council (**Council**) to pay money, construct works and dedicate land for public purposes in relation to the initial stages of Dahua's Menangle Park development.

For the sake of clarity, Dahua irrevocably offers to enter into a PA on the terms set out in this letter if required to do so as a condition of Development Consent for Stages 1, 2A and 2B of the development.

This irrevocable offer is to enable both:

- The Council to receive a development contribution that has a value that reflects the full residential contributions rates included in the Menangle Park Contributions Plan (**CP**) dated March 2018, following a formal IPART review process (Final Report dated December 2018) as amended in accordance with the Minister's advice dated 23 March 2020 (**Ministerial Advice**), and
- Efficient determination of the Stage 1 (3885/2017/DA-SW), 2A (292/2018/DA-SW) and 2B (681/2018/DA-SW) development applications (**DAs**) currently being assessed by Council.

**2. Background**

Dahua is master planning and developing approximately 500 hectares of land in the Menangle Park Urban Release Area (**URA**). The overall URA consists of 958 hectares.

Dahua has lodged DAs for the first 409 residential lots. The DAs cover Stages 1, 2A and 2B of the development (refer to Figure 1 for DA locations). These DAs will generate demands for various types of local infrastructure in the Precinct, including roads, drainage infrastructure, and parks.

L\334969080.1

Where the infrastructure is the shared responsibility of an entire development area, such demands are usually addressed by the relevant Council imposing conditions on the DA approval requiring the developer to make local infrastructure contributions under section 7.11 of the Environmental Planning and Assessment Act 1979.

A Council can only do this if it first has adopted a Contributions Plan authorising the condition.

The Council has prepared and adopted its Menangle Park Contributions Plan (the **CP**).

Residential s7.11 contributions in Menangle Park are, by Ministerial Direction, currently capped at \$20,000 per lot or dwelling, which is below the rates included in the CP.

The CP's full 'essential works' contribution rates for the different types of residential subdivision are listed below:

- Where the lot is less than 600m<sup>2</sup>: \$30,497
- Where the lot is more than 600m<sup>2</sup>: \$44,474

Council cannot require the developer to pay contributions at these rates unless the Minister for Planning has authorised the rates. The Minister will only approve rates higher than the cap after the rates and the CP have been reviewed by the Independent Pricing and Regulatory Tribunal (**IPART**).

Council in mid-2018 lodged an application with IPART to have the CP and its essential works contribution rates reviewed. The review process was completed in December 2018.

The report titled IPART Assessment of Menangle Park Contributions Plan dated December 2018 recommended "Campbelltown City Council increase development contributions in the Menangle Park Contributions Plan, so they accurately reflect the costs of providing local infrastructure to support new residential development in the Menangle Park Urban Release Area."

The revised contributions in the IPART assessment (adjusted to June 2018) are as follows:

- Where the lot is less than 600m<sup>2</sup>: \$38,719
- Where the lot is more than 600m<sup>2</sup>: \$56,466

A Ministerial Advice to Council dated 23 March 2020 requires that the Menangle Park CP be amended in accordance with 15 of the 17 IPART recommendations before it can be used as the basis for development contribution rates. So as not to delay the assessment and determination of the DAs for Stages 1, 2A and 2B, Dahua is offering to undertake works, dedicate land and make payments up to the full essential works contribution amount specified in the IPART assessment of the CP, as amended by the Ministerial Advice.

### 3. Parties

The parties to the proposed PA will be Dahua Group Sydney Project 2 Pty Ltd, Dahua Group Sydney Project 3 Pty Ltd and Campbelltown City Council.

Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd are the Developer and owners of the land relating to this Offer to enter into Menangle Park Planning Agreement. Furthermore, Dahua are the applicant for the Development Applications, with owners consent provided to Benaiah Pty Ltd.

### 4. Land

The land which is the subject of the PA is situated in Menangle Park in the City of Campbelltown LGA, and has the following real property description:

Lot 1 in DP 598067;  
Lot 1 in DP 1091474;  
Lots 31 and 32 in DP 1101983;  
Lot 1001 in DP 1219028;  
Lot 641 in DP 600334;  
Lot 2 in DP 554242; and  
Lot 1002 in DP1234642

The Developer agrees to pay all monies, construct all works and dedicate all land for public purposes in relation to the initial stages of Dahua's Menangle Park development.

### 5. Development

The development the subject of the PA is described below:

#### Stage 1

- subdivision of the land to create 255 final residential lots and 7 superlots and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures
- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations.

#### Stage 2A

- subdivision of proposed Lot 1256, superlot created in Stage 1 to create 67 final residential lots, 1 residue lot and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures

- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations.

#### **Stage 2B**

- subdivision of proposed Lot 1261, superlot created in Stage 1 to create 87 final residential lots, 3 residue lots, and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures
- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations
- purchase and retirement of biodiversity credits including 10 HN528 credits (Shale Plains Woodland) and 37 HN529 credits (Shale Hills Woodland).

Provided hereunder is a table summarising the lot sizes for the development applications.

<b>Stage</b>	<b>No. Lots</b>	<b>Less than 600sqm</b>	<b>More Than 600sqm</b>
<b>1</b>	<b>255</b>	248	7
<b>2A</b>	<b>67</b>	58	9
<b>2B</b>	<b>87</b>	81	6
<b>Total</b>	<b>409</b>	<b>387</b>	<b>22</b>





**Figure 1:** Stages 1, 2A and 2B DA locations

## 6. Contributions

The developer's proposed contributions comprise a mix of works, land and financial payments.

The total contribution value is based on the contribution rates and values as contained in the CP as amended in accordance with the Ministerial Advice (refer section 2 above), these may vary dependant on timing of works and dedication of land.

The initial stages of development comprise of 409 lots of which 387 lots are under 600m<sup>2</sup> and 22 lots over 600m<sup>2</sup>. The total contribution for these lots is \$12,780,767 under the CP.

This monetary contribution is then amended by the value of the IPART assessment of CP land and works, and the subsequent Ministerial Advice to be provided by and dedicated / transferred to Council by the developer.

The following table shows the nature, extent and timing of the various developer contributions under the proposed PA:

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
<b>Undertaking of works</b>				
1a	<b>Open space:</b> Construction of a local park of approximately 5000 square metres adjacent to the southern entry road	16 months following the Subdivision Certificate for the 255th Final Lot	Item O1.4(a), Table B	\$475,960
1c	<b>Open space:</b> Construction of a local park of approximately 6,870 square metres adjacent to the southern entry road and Item 1a	16 months following the Subdivision Certificate for the 255th Final Lot	As above	\$0^
2a	<b>Open space:</b> Construction of a linear park of approximately 3,834 square metres and shared cycle and pathway adjacent to Menangle Road and the Hume Motorway	16 months following the Subdivision Certificate for the 255th Final Lot	NA	\$1
3a	<b>Drainage:</b> Construction of bioretention facilities on 3,956 square metres of land, being land adjacent to the north east of Stage	Prior to the release of the Subdivision Certificate for any Final Lot	Items D1.6 and D1.16, Table D; Map references	\$615,000

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
	1 lots and above the 1 in 100 year flood line		15 and 21 in Figure 5	
4	<b>Traffic:</b> Construction of a roundabout intersection as final traffic solution at Menangle and Cummins Road.*	Prior to the release of the Subdivision Certificate for any Final Lot	Map reference 4 in Figure 7	\$2,303,084
<b>Dedication of land</b>				
1b	<b>Open space:</b> Dedication of the land comprising Item 1a	No later than 12 months after the Completion of Item 1a	Item O1.4(a), Table B	\$1**
1d	<b>Open space:</b> Dedication of the land comprising Item 1c	No later than 12 months after the Completion of Item 1c	NA	\$0^
2b	<b>Open space:</b> Dedication of the land comprising Item 2a	No later than 12 months after the Completion of Item 2a	NA	\$1
3b	<b>Drainage:</b> Dedication of the land comprising Item 3a	No later than 12 months after the Completion of Item 3a	Items D1.6 and D1.16, Table D; Map references 15 and 21 in Figure 5	\$237,360
3c	<b>Drainage:</b> Dedication of 4,900 square metres of land for open space purposes situated in the vicinity of item 2, being land below the 1 in 100 year flood line	No later than 12 months after the Completion of Item 3a	Figure 6	\$98,000
3d	<b>Drainage:</b> Dedication of approximately 4,829 square metres land for open space purposes situated in the vicinity of item 2, being land above the 1 in 100 year flood line	No later than 12 months after the Completion of Item 3a	Map reference 17 in Figure 4 (part only)	\$289,740

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
<b>Monetary contributions</b>				
5	Monetary contribution of \$21,422.05 for each lot toward the public amenities and public services listed in the Menangle Park Contributions Plan	Prior to the issue of the subdivision certificate for each lot	NA	\$21,422.05 per lot up to a maximum of \$8,761,620 for the total development
<b>Total contributions value</b>				<b>\$12,780,767</b>

\* In accordance with RMS design requirements

\*\* \$1 value for the first 5,000 square metres is in accordance with the agreement between Dahua and Council for the transfer of the Hilltop Park. Dahua proposes that it be given a contribution offset for the extra land area of Hilltop and Linear Park (1.0704 ha) as part of a future PA to support the planning proposal (see note below).

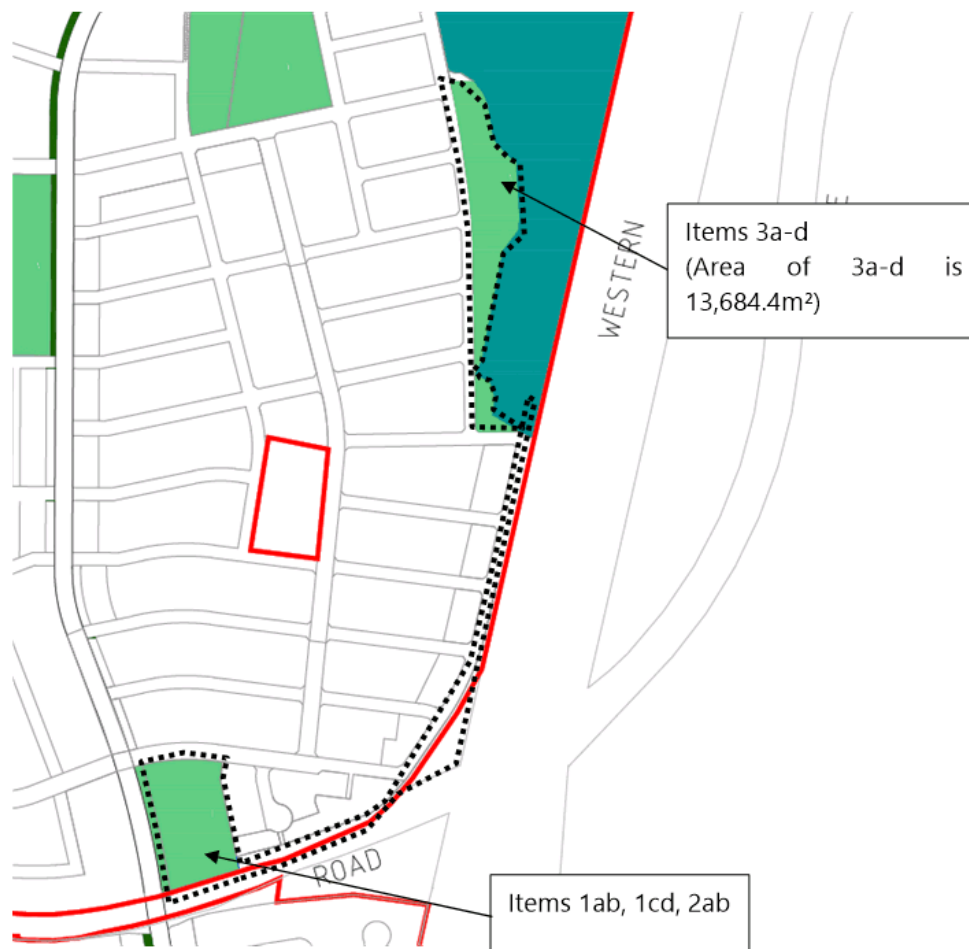
\*\*\*The total amount of the monetary contribution will be updated to reflect the IPART assessment of CP land and works, as amended in accordance with the Ministerial Advice, in consultation with Council

^Dahua notes that the proposed local park (known as Hilltop Park, item 1a and 1b in the table above) will comprise more than 1 ha of land additional to the 5,000m<sup>2</sup> allocated in the CP (this remains unchanged in the IPART assessment). Dahua is providing a larger park in anticipation of a larger population that would be generated by increased development in the Menangle Park Precinct. This extra development potential is the subject of a planning proposal endorsed by Council and undergoing Gateway Assessment by the Department of Planning Industry and Environment. Dahua proposes that it be given a contribution offset for the additional open space that will comprise the Hilltop Park.

The map over page shows the location of the proposed land and works in the PA offer.

Dahua notes and accepts Council's proposal that works and monetary contributions values in the PA will be indexed by Sydney CPI and land contributions will be indexed by the Residex Campbelltown Release Area Land Price Index, as per the Contributions Plan.

Dahua notes that the land values are based on updated land valuations undertaken as part of the IPART review process.



## 7. Rise or fall provision

The total contributions offered in the PA reflects the full essential works section 7.11 contribution rates that are specified in the IPART December 2018 assessment of the CP.

The final essential works contribution rates will be determined by the Minister for Planning and Public Spaces based on the completed review by IPART and Ministerial Advice by the Department of Planning, Industry and Environment (DPIE).

Dahua therefore proposes that the PA include provisions that allow the monetary contribution to be adjusted up or down to reflect the Minister's final determination on the Menangle Park essential works contributions.

## 8. Other contributions not to apply

The PA addresses all the development's local infrastructure contributions, relating specifically to Stages 1, 2A and 2B.

There is therefore no necessity for relevant parts of the EP&A Act that deal with local infrastructure contributions to apply to the development.



It is therefore proposed that the PA, pursuant to section 7.4(3)(d) of the EP&A Act, will wholly exclude the application of sections 7.11 and 7.12 to the development which is subject to the development consents for Stages 1, 2A and 2B.

Furthermore, it is acknowledged that any additional dwellings beyond the new Final Lots identified in this PA will be subject to another CP.

## **9. Land Dedication**

Dahua confirms that it accepts Council's proposal that all land to be dedicated to Council regardless of its use will be remediated to the 'Residential A' standards as contained in the National Environment Protection (Assessment of Site Contamination) Measure ("NEPM") guidelines.

## **10. Handover Period**

Dahua confirms that it accepts Council's proposal for maintenance periods (post practical completion of works) and handover requirements as outlined below:

- Roads – 12 months maintenance prior to handover;
- Drainage works – Hard works - 12 months maintenance prior to handover;
- Drainage works – Soft works - 12 months maintenance prior to handover;
- Open Space – Hard landscape works - 12 months maintenance prior to handover;
- Open Space – Soft landscape works - 12 months maintenance prior to handover;

The maintenance period for each work is to commence upon Practical Completion of that work. However, the time frames for delivery of contributions which are set out in the table in section 6 above relate to timing of practical completion (for works) and confirmation of readiness for dedication (for land). The exact timing will be confirmed with Council through the formalisation of the PA.

## **11. Progressive grant of subdivision certificates and release of the VPA from title of Final Lots**

Dahua proposes that the PA provide for the progressive grant of subdivision certificates for Final Lots and the progressive release of the PA from the title to the land which is subject to those subdivision certificates if:

- the monetary contributions for those Final Lots have been paid as per item 8 in the table in section 6 above; and
- applicable time frames for practical completion of works in items of the table in section 6 above which specify lot triggers have been satisfied where the total number of subdivision certificates for Final Lots issued for the development equals or exceeds those lot triggers, or alternative arrangements under the PA for timing of practical completion have been agreed with Council.

## 12. Security

Dahua proposes that the PA include security arrangements providing bank guarantees to secure practical completion of works (120% of the Indexed Contribution Value of each work item). This would be provided to Council before to issuing of the corresponding Construction Certificate for each item of work or any part of the Development which will create a Final Residential Lot before which the relevant Item of Work must be completed.

Dahua also proposes that the PA be registered on title to the land which is subject to the development consents for Stages 1, 2A and 2B, as further security for Council, provided that the PA be released progressively as described in section 11 above.

## 13. Dispute resolution

Dahua proposes that a dispute resolution clause be included which allows for mediation or expert determination of disputes which arise between Dahua and Council in relation to the performance of the PA.

## 14. Matters for further consideration and negotiation

This letter describes the specific financial arrangements in relation to extent of developer contributions to be included in the PA, and the arrangements for the delivery of those contributions. Suggested timing of works is identified in Section 6 above, these are based on decisions held with Council with specific timing of works to be worked through between the parties in the finalisation of the PA document.

In making this offer, Dahua acknowledges and agrees that the specific terms of the PA will be negotiated with Campbelltown City Council and that the matters which may be included in the PA are not limited by the content of this letter.

## 15. Conclusion

Dahua's initial development stages represent the beginning of a master planned community on the southern edge of the City of Campbelltown. The proposed PA confirms that the proposed development will meet its full local infrastructure obligations for the initial stages.

Dahua's irrevocable offer to enter into a PA to provide local infrastructure that reflects the full contribution rates identified in IPARTs Assessment of Council's CP modified by the Ministerial Advice demonstrates Dahua's commitment to creating a new town of the highest quality.

Should you require clarification in relation to anything within this letter, please contact Kith Clark on 0402 412 210.

Yours faithfully

**DAHUA PROPERTY GROUP**

Signature Removed

**KITH CLARK, DEVELOPMENT DIRECTOR**



22<sup>nd</sup> March 2018

To Whom it May Concern

**Re: Menangle Park Urban Release Area (Dahua) - DA3885/2017/DA-SW**

We provide this letter in relation to Dahua's development application (DA3885/2017/DA-SW) for Stage 1 at Menangle Park, our residence adjoins and the proposed subdivision. Furthermore, we are aware of recent subsequent application for Stages 2A and 2B, which also adjoin our property.

The Taber family and Dahua have been in regular correspondence regarding the proposed development to ensure appropriate management of activities during construction and continuity of services. Items of importance to us include aspects such as access (pedestrian and vehicular), noise, dust and safety, these have formed the basis of discussions with Dahua and they have committed to implement appropriate mitigation measures.

Given the history of the Taber family residing at 'Mt Pleasant', Menangle Park continuously for over 200 years, we are seeking consideration for naming the street to the eastern boundary of our property to be "Mt Pleasant Street". Dahua have advised of their support though we note street naming requires Council approval. Hence, we seek Council support for this item.

We are in support of these development applications and look forward to the subdivision progressing.

Regards

John Taber

#### **4.4 Use of building as an Out of School Hours childcare facility and associated works - St Andrew Cottage, 4 Stranraer Drive, St Andrews**

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

<b>Objective</b>	<b>Strategy</b>
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

##### **Referral Criterial**

The land owner of the subject site is Campbelltown City Council and as such, the determining authority pursuant to Part 4, Division 4.2, Section 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is the Campbelltown Local Planning Panel.

##### **Executive Summary**

- This development application proposes the use of building as an out of school hours childcare facility and associated works at Lot 136, DP260451, St Andrew Cottage, 4 Stranraer Drive, St Andrews.
- The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.
- The application was notified to adjoining and surrounding properties from 18 January 2019 for a period of 14 days. No submissions were received during this time.
- The application was originally referred to the Campbelltown Local Planning Panel (the Panel) meeting on 22 April, 2020 with a recommendation for refusal of the development application. The site was not considered suitable for the proposed use due to the proposal's failure to adequately satisfy the relevant requirements relating to traffic and parking, access and pedestrian safety as required in the Child Care Planning Guidelines and no works were proposed to the existing building to resolve critical deficiencies that were raised throughout the assessment process.
- The Panel noted the public interest merit of the proposal, and considered that further investigation of the traffic and parking matters was warranted before a determination is made. The Panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.
- The application has been amended to include a suite of changes that address' safety, site and building access, site contamination, acoustic and privacy impacts on adjoining residential properties.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended to the Panel that the application be approved, subject to the recommended conditions of consent listed in attachment 1.
- The proposal is considered to be in the public interest.

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## Officer's Recommendation

That development application 4618/2018/DA-C for the use of building as an out of school hours childcare facility and associated works at Lot 136, DP260451, St Andrew Cottage, 4 Stranraer Drive, St Andrews be approved subject to recommended conditions of consent in attachment 1.

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## Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of EP&A Act.

<b>Property Description</b>	Lot 136 DP 260451 St Andrews Cottage, 4 Stranraer Drive, St Andrews 2566
<b>Application No</b>	4618/2018/DA-C
<b>Applicant</b>	Weldon Childrens Services
<b>Owner</b>	Campbelltown City Council
<b>Provisions</b>	Campbelltown 2027 – Strategic Community Plan State Environmental Planning Policy 55 - Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Education and Care Services National Regulations Child Care Planning Guideline (CCPG) Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	19 December 2018

## Site History

The subject site is owned by Campbelltown City Council and has been used as a community facility for a number of years.

## Application History

- The development application was lodged on 19 December 2018 and placed on notification for a period of 14 days from 18 January 2019. No submissions, were received.
- The application was deferred on 28 March 2019 for additional information relating to owners consent for works and access through the adjoining public school, clarification on the use of the centre, outdoor and indoor playing spaces, accessibility requirements,

traffic and parking non compliances, contamination report, BCA and access compliance, emergency and evacuation and acoustic impacts.

- On 11 July 2019 the applicant submitted revised documentation in response to deferral letter dated 28 March 2019.
- On 23 August 2019 the applicant advised adjoining land owners consent was unable to be obtained and as such the proposal was to be amended to be accessed from the Stranraer Drive.
- An invitation to withdraw the development application was sent to the applicant on 30 October 2019 due to the application, as amended failing to meet a number of criteria within the Child Care Planning Guidelines and Council's policies.
- On 27 November 2019 the applicant declined the invitation to withdraw and to amend the application for the use of building only without, any alterations to the existing building.
- On 22, April 2020 the application was referred to the Campbelltown Local Planning Panel meeting for determination.
- Refusal of the development application was recommended as the site was not considered suitable for the proposed use due to the proposal's failure to adequately satisfy the relevant requirements relating to traffic and parking, access and pedestrian safety as required in the Child Care Planning Guidelines and no works were proposed to the existing building to resolve critical deficiencies that were raised throughout the assessment process.
- The Panel noted the public interest merit of the proposal and considered that further investigation of the traffic and parking matters was warranted before a determination is made. The Panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application. The decision of the Panel was to defer the development application to enable the further investigation of the matters.
- On 25 May 2020, a meeting between Council Staff, the applicant and the applicant's consultants was held to discuss the resolution of the issues related to the application.
- On 30 June 2020 the applicant submitted revised documentation.
- The application was renotified in accordance with Council's Community Participation Plan on 10 July 2020 for a period of 21 days. No submissions were received.

### **The Site and Surrounding Locality**

- The subject site is commonly known as 'St Andrews Cottage' at No.4 Stranraer Drive, St Andrews and legally defined as Lot 136 DP 260451. The site is a rectangular shaped allotment with a frontage of 18m to Stranraer Drive and a total land area of 584.8sqm.
- Pedestrian and vehicular access to the site is achieved via Stranraer Drive from the west with a school crossing and concrete island located directly in front of the subject site.

- The site is located within an established residential area with surrounding development comprising of St Andrew's Public school to the east (rear), St Andrew's Neighbourhood Centre (long day care) facility to the north and single storey residential properties to the west and south.
- The subject site contains an existing single storey building and detached shed that has been used as a community facility for a number of years.
- The site contains a cross fall of at least 1.6m measured from RL 48.67 at the front north western corner to the rear south eastern corner of the site at RL 47.
- A location map is provided in attachment 2 of this report.

### **The Proposal**

The development application includes the following:

- Use of 'St Andrews Cottage' as an out of school hours child care centre. Proposed operational details as follows:
  - 22 child places for over preschool age (6-12 years old)
  - Hours of operation:
    - Monday to Friday: 6:30am – 11:00am and 2:30pm – 6:30pm
    - Hours between 9:00am – 11:00am and 2:30pm – 3:00pm are for administration purposes only with no children on premises during school days.
    - Vacation Care Monday to Friday (School Holidays) 6:30am – 6:30pm
  - Staffing
    - Two x staff members including educator and director
  - Car parking
    - One car space within driveway.
  - Play areas:
    - Internal play area 89sqm
    - Outdoor play area 200sqm
- No signage forms part of this application.
- Internal works to the existing premises to create an internal play area of 89sqm, new kitchen, WC, admin area and associated storage.
- Removal of existing shed and hard stand area within the rear yard. Revegetate area with grass.

- Associated works including the fencing and access gates, ramps, landscaping and acoustic privacy screens.

## **Report**

### **1. Vision**

#### **Campbelltown 2027 Community Strategic Plan**

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

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The proposal will provide employment and contribute towards community services within a residential area which is consistent with Strategy 3.1 of Outcome 3 and this outcome requires Council support the resilience, growth and diversity of the local economy.

As such, it is considered that the proposal is consistent with the long term vision for the Campbelltown and Macarthur Region having regard to the proposed use, complimentary nature of surrounding land uses and ability to support the local economy within the City of Campbelltown.

### **2. Planning Provisions**

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

#### **2.1. State Environmental Planning Policy 55 - Remediation of Land (SEPP55)**

SEPP 55 requires the consent authority to consider whether the subject land of any development application is contaminated. Clause 7(2) of the SEPP requires the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines for an application that would involve a change of use on any of the land specified in subclause (4) which includes childcare facilities.

The application proposes the change of use from a community facility to a childcare facility and requires a Phase 1 Preliminary Site Investigation to be submitted to satisfy Clause 7(2) of SEPP 55. A Phase 1 Preliminary Site Investigation report was provided and this identified the need for a detailed site investigation due to the historic placement of fill on the property. A Phase 2 Detailed Site Investigation was submitted demonstrating the site is suitable for the proposed development to the satisfaction of Council and satisfies the requirements of Clause 7(2) of SEPP 55.

## **2.2. Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment (GMREP)**

The development site is located within the Georges River Catchment, therefore the provisions of the GMREP apply to the subject application.

The general aims and objectives of this GMREP 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 GMREP and is considered acceptable in this regard.

## **2.3. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (SEPP EECCF) 2017 applies to all child care facilities and educational establishments in NSW and is applicable to this development application.

### **Clause 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development**

Clause 22 of Part 3 of the SEPP (EECCF) 2017 requires concurrence from the Regulatory Authority prior to determination when a proposal fails to satisfy Regulation 107 and 108 of the Education and Care Services National Regulations.

The proposal complies with the indoor floor area and outdoor space requirements in accordance with Regulation 107 and 108 of the Education and Care Services National Regulations. The proposed development does not require concurrence from the Regulatory Authority prior to determination.



### **Clause 25 Centre-based child care facility—non-discretionary development standards**

Clause 25 of Part 3 of the SEPP (EECCF) 2017 sets out non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

An assessment of the proposed development with consideration of the non-discretionary development standards has been considered throughout this report.

### **Clause 26 Centre-based child care facility—development control plans**

Clause 26 of Part 3 of the SEPP (EECCF) 2017 notes where the consent authority contains provisions for Centre based child care centres within a development control plan and specifies requirements, standards or controls in relation to any of the matters listed in within this clause (including by reference to ages, age ratios, groupings, numbers or the like, of children), that DCP does not apply to development for the purpose of a centre-based child care facility and regardless of when the development control plan was made.

Clause 26 of part 3 of the SEPP (EECCF) 2017 is noted and has been considered throughout this report.

## **2.4. Education and Care Services National Regulations**

Part 4.6 Physical Environment of the Education and Care Services National Regulations (ECSN Regulations) describe the specific regulations which apply to the design of centre based child care centres.

The following table provides an assessment against the relevant provisions listed in the ECSN Regulations.

<b>Regulation</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>25. Additional information about proposed education and care service premises</b>	Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.	A soil assessment has been provided with the application.	Satisfactory
<b>106. Laundry and hygiene facilities</b>	There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	The applicant has advised alternative arrangements for dealing with soiled clothing and linen to be arranged. The existing onsite laundry will be used for storage prior to their laundering services collection.	Satisfactory
<b>107. Unencumbered indoor space</b>	Every child being educated and cared for within a facility must have a minimum of	The application proposes care for 22 children which requires a minimum of	Satisfactory

Regulation	Requirement	Proposed	Compliance
	3.25sqm of unencumbered indoor space.	71.5sqm of unencumbered indoor space.  The application proposes 89sqm of unencumbered indoor space.	
<b>108. Unencumbered outdoor space</b>	The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.	The application proposes care for 22 children which requires a minimum of 154sqm of unencumbered outdoor space.  The application proposes the use of outdoor space and transition space to satisfy the requirements for Regulation 108. The proposed outdoor space exceeds the minimum 154sqm required.	Satisfactory
<b>109. Toilet and hygiene facilities</b>	The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.  The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	Adequate and age-appropriate toilet, washing and drying facilities are present within the existing building and are satisfactory.	Satisfactory
<b>110. Ventilation and natural light</b>	The proposed development includes indoor spaces to be used by children that — • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children.	Existing building contains sufficient windows and doors to allow adequate natural light and ventilation to indoor spaces.	Satisfactory
<b>111. Administrative space</b>	The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.  Note: This space cannot be included in the calculation of unencumbered indoor	An administration space area has been provided and area has been excluded from unencumbered indoor space.	Satisfactory

Regulation	Requirement	Proposed	Compliance
	space – see regulation 107		
<b>112. Nappy change facilities</b>	Only applicable if the proposed development is for a service that will care for children who wear nappies)	Not applicable to this development application. Children ages subject to this application will be over three years of age.	Satisfactory
<b>113. Outdoor space—natural environment</b>	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The application proposes the removal of an existing shed, instating turf and planting within the proposed outdoor space provides space that allows children to explore and experience the natural environment.	Satisfactory
<b>114. Outdoor space—shade</b>	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The proposed covered transition area contains an area of 42.5sqm, equates to 27.5 percent of the outdoor play area and is satisfactory.	Satisfactory
<b>115. Premises designed to facilitate supervision</b>	The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	Open plan layout proposed and the existing building contains sufficient windows and doors to allow supervision of children at all times.	Satisfactory
<b>97. and 168. Education and Care Services National Regulations</b>	<p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an Emergency;</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit;</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	A draft emergency and evacuation plan has been submitted and is satisfactory.	Satisfactory

## 2.5. Child Care Planning Guideline (CCPG)

Clause 23 of Part 3 of the SEPP (EECCF) 2017 requires the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

An assessment against the Child Care Planning Guideline has been provided below.

Objective	Requirement	Proposed	Compliance
<b>3.1 Site Selection and Location</b>			
<b>To ensure that appropriate zone considerations are assessed when selecting a site.</b>	<p>C1 - 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>Appropriate acoustic and privacy measures proposed to limit the impacts of the proposed use on the adjoining residential property.</p> <p>No changes are proposed to the existing building that would change the residential context.</p> <p>The proposal fails to provide a dedicated pick up and drop off area and the minimum number of car parking spaces required to service the proposed development within the site. The Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.</p>	Satisfactory on Merit
<b>To ensure that the site selected for a proposed child care facility is suitable for the use.</b>	<p>C2 - 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 environmental contaminants on the land, in the building or the general</li> </ul>	<p>The location is compatible with surrounding land uses.</p> <p>The subject site is not identified as being environmentally impacted by flooding, land slip, bushfires or coastal hazards.</p> <p>Phase 1, Site investigation report submitted.</p>	Satisfactory On merit

Objective	Requirement	Proposed	Compliance
	<p>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:</li> <li>size of street frontage, lot configuration, dimensions and overall size</li> <li>number of shared boundaries with residential properties</li> <li>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.</li> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</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,</li> </ul>	<p>Addressed below.</p> <p>The sites constrained frontage and location of the existing building on the site fails to provide safe and suitable drop off and pick up areas, and accommodate required parking within the site. Refer to discussion at the end of this compliance table.</p> <p>One shared boundary with residential property.</p> <p>Not applicable.</p> <p>The proposed works to the exterior spaces are considered suitable for the proposal.</p> <p>The site fails to provide a safe and suitable drop off and pick up areas, and accommodate required number of car parking within the site.</p> <p>Stranraer Drive is a local road.</p> <p>The site is not located within proximity to incompatible uses.</p>	

Objective	Requirement	Proposed	Compliance
	clubs, cellar door premises and sex services premises.		
<b>To ensure that sites for child care facilities are appropriately located.</b>	<p>C3 - 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, services and the like.</li> </ul>	<p>Adjacent land uses include St Andrews Children's Neighbourhood Centre and St Andrews Public School and the site is considered compatible.</p> <p>The site is located within close proximity to local employment such as St Andrews shopping centre at least 160m to the east of the site and the St and the Minto industrial precinct located at least 500m to the east.</p> <p>The subject site is accessible via public transport.</p> <p>The subject site is located within proximity to local shops and services, including St Andrews shopping centre.</p>	Satisfactory
<b>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b>	C4 - A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to hazardous areas.	The development would not be located near heavy industries, LPG tanks/ service stations, water systems; air pollution zones.	Satisfactory
<b>3.2 Local Character, Streetscape and the Public Domain Interface</b>			
<b>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</b>	<p>C5 - 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> </ul>	<p>The proposal does not change the external appearance of the building and proposed various landscaping measures that will enhance the existing streetscape.</p> <p>The proposed use is complimentary to the surrounding educational and child care facilities.</p>	Satisfactory

Objective	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> <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 design in residential areas.</li> </ul>		
<b>To ensure clear delineation between the child care facility and public spaces.</b>	<p>C6 - 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 application proposes fencing to separate pedestrian and vehicular access into the site.</p> <p>Existing windows will provide passive surveillance to the street.</p> <p>Sufficient landscaping proposed.</p>	Satisfactory
	<p>C7 - On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Single building access proposed. The application proposes the construction of a pedestrian accessible ramp to service the building entry in accordance with the relevant Australian Standards.</p>	Satisfactory
	<p>C8 - Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>clearly defined street access, pedestrian paths and building entries</li> </ul>	<p>This requirement does not apply to the proposed development.</p>	Not applicable



Objective	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences.</li> </ul>		
<b>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.</b>	C9 - Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.	No changes proposed. Existing front fences are visually permeable.	Satisfactory
	C10 - High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Subject site not located on a classified road.	Satisfactory
<b>3.3 Building Orientation, Envelope and Design</b>			
<b>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</b>	<p>C11 - 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:</li> <li>• facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>• placing play equipment away from common boundaries with residential properties</li> <li>• locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul>	<p>Existing doors and windows within the building are orientated away from the private open space, living rooms and bedrooms of adjoining residential properties.</p> <p>Nil play equipment proposed.</p> <p>The location of the outdoor play area is proposed to the rear of the building. The site adjoins an existing school and child care centre with only one side boundary adjoining residential property.</p>	Satisfactory

Objective	Requirement	Proposed	Compliance
	<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>• minimise cut and fill</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>Due to the orientation of the site solar access would be achieved into the internal and external play areas.</p> <p>No major changes to the built form proposed that would further impact on solar access to the adjoining residential property.</p> <p>Minimal earth works associated with ramp construction proposed.</p> <p>No major changes to the existing built form proposed under this application. Existing building is orientated to the street.</p> <p>This requirement is not applicable to this development. Outdoor play areas located on ground level.</p>	
<p><b>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</b></p>	<p>C12 - 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>No major changes are to the existing built form proposed under this application. The proposal generally retains the existing streetscape and is of comparable scale and character of the street.</p>	<p>Satisfactory</p>
<p><b>To ensure that setbacks from the boundary of a child care facility</b></p>	<p>C13 - Where there are no prevailing setback controls minimum setback to a classified road should be 10</p>	<p>No changes to the existing setbacks proposed.</p>	<p>Satisfactory</p>

Objective	Requirement	Proposed	Compliance
are consistent with the predominant development within the immediate context.	metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.		
	C14 - On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	No changes to the existing setbacks proposed.	Satisfactory
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>C15 - 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 the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place</li> </ul>	No major changes are to the existing built form proposed under this application.	Satisfactory
To ensure that buildings are designed to create safe environments for all users.	<p>C16 - 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> </ul>	The application proposes fencing to separate pedestrian and vehicular access into the site. Entry into the facility will be via one secure point.	Satisfactory

Objective	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> <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> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>		
<b>To ensure that child care facilities are designed to be accessible by all potential users.</b>	<p>C17 - 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 car parking areas and the main building entry</li> <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>	The application proposes the construction of a pedestrian accessible ramp to service the building entry in accordance with the relevant Australian Standards.	Satisfactory
<b>3.4 Landscaping</b>			
<b>To provide landscape design that contributes to the streetscape and amenity.</b>	C18 - Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	Landscaping proposed includes screen planting along the site's boundaries. Screen planting has not been included in calculations of unencumbered outdoor space. A condition of consent is recommended to ensure the majority of planting species is	Satisfactory

Objective	Requirement	Proposed	Compliance
	<p>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>from Council's Native Gardening guide.</p> <p>.</p>	
	<p>C19 - 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 outdoor environment and reduce summer heat radiating into buildings</li> <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>Screen planning and hedging is proposed along the existing driveway and will aid in softening the parking area.</p>	Satisfactory
<b>3.5 Visual and Acoustic Privacy</b>			
<b>To protect the privacy and security of children attending the facility.</b>	<p>C20 - Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	No balconies proposed.	Satisfactory
	<p>C21 - 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>Due to the topography of the site, overlooking into indoor and outdoor play areas from public areas will be avoided.</p>	Satisfactory
<b>To minimise impacts on privacy of adjoining properties.</b>	<p>C22 - Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p>	<p>No major changes are to the existing building proposed.</p> <p>The existing building contains a covered terrace area at the</p>	Satisfactory

Objective	Requirement	Proposed	Compliance
	<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>rear that is proposed to be used as transition space. Acoustic screening is proposed to the northern and southern section of this covered terraced area and screen planting along the property boundaries to provide additional privacy measures for the adjoining properties.</p>	
<b>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</b>	<p>C23 - A new development, or development that includes alterations to more than 50 percent of the existing floor area, and 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> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	<p>An acoustic report prepared by PKA Acoustic Consulting has been submitted with the application. The application and acoustic report was referred to Council's Environmental officer for comment. No objections with the findings this report was raised subject to recommended conditions of consent.</p> <p>The report provides a series of recommendations including the installation of an acoustic fence surrounding a portion of the outdoor play area.</p>	Satisfactory
	<p>C24 - 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</li> </ul>	<p>An acoustic impact assessment was prepared by PKA Acoustic Consulting has been submitted in accordance with this part.</p>	Satisfactory

Objective	Requirement	Proposed	Compliance
	to enable the noise criteria to be met.		
<b>3.6 Noise and Air Pollution</b>			
<b>To ensure that outside noise levels on the facility are minimised to acceptable levels.</b>	<p>C25 - 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>• orienting the facility perpendicular to the noise source and where possible buffered by other uses.</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 louvers or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and softs</li> </ul>	The Acoustic report prepared by PKA Acoustic Consulting provides a series of recommendations including the installation of an acoustic fence surrounding a portion of the outdoor play area and is satisfactory. A condition of consent is recommended.	Satisfactory



Objective	Requirement	Proposed	Compliance
	<p>C26 - An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>	The proposed development is not located within close proximity to lands described in this requirement.	Satisfactory
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.	C27 - 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.	The proposed development is not located along a major road or within proximity to industrial developments.	Satisfactory
	<p>C28 - A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the</li> </ul>	Air quality assessment report is not required given the site is not located along a major road or industrial developments.	Satisfactory

Objective	Requirement	Proposed	Compliance
	<p>pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</p> <ul style="list-style-type: none"> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>		
<b>3.7 Hours of Operation</b>			
<b>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</b>	C29 - 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.	The development proposes to operate from Monday to Friday between 6:30am to 6:30pm as OOSH and vacation care between 6:30am – 6:30pm Monday to Friday during school Holidays. The proposed hours are satisfactory given the sites location adjoining existing education facilities.	Satisfactory
<b>3.8 Traffic, Parking and Pedestrian Circulation</b>			
<b>To provide parking that satisfies the needs of users and demand generated by the centre.</b>	C31 - Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	<p>Volume 1, Part 8 of the Council DCP applies to development for the purposes of Childcare Centres and requires a minimum of one on site car parking space shall be provided for every four children approved to attend the Centre-based Child Care Facility.</p> <p>Based on a childcare centre with 22 places, a minimum 6(5.5) car spaces are required.</p> <p>The proposal includes one car space in the existing driveway to service the development and results in a shortfall in five car parking spaces.</p> <p>The Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and</p>	Satisfactory on merits

Objective	Requirement	Proposed	Compliance
		<p>therefore in this context the site has locational merit and the proposal has public interest merit.</p> <p>Additionally, the panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.</p>	
	C32 - In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	The subject site is located within low density residential zone.	Not applicable
	<p>C33 - 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 impact assessment prepared by SBMG planning has been submitted.</p> <p>The traffic report concludes the proposed development will not adversely impact traffic and parking in the immediate vicinity of the site and it is expected that demand for on-street parking may even decrease during the St Andrews Public School drop off and pick up period as parents will come earlier to drop off or later to pick up their children from the OOSHC facility.</p> <p>The Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.</p> <p>Additionally, the panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.</p>	Satisfactory On Merit

Objective	Requirement	Proposed	Compliance
<b>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b>	C34 - Alternate vehicular access should be provided where child care facilities are on sites fronting: <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul>	The subject site is not located on a site fronting a classified road. Alternative vehicular access is not required.	Satisfactory
	C35 - 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.	A children's crossing is located in front of the subject site with concrete islands on each side of the road narrowing the travel path for vehicles. Direct access to the site in time of emergency is achievable.	Satisfactory On Merit
<b>To provide a safe and connected environment for pedestrians both on and around the site.</b>	C36 - The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</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>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities.</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul>	<p>Safety concerns regarding sight distances and visibility between vehicular traffic and pedestrian access within the subject site were raised to the applicant to address. The application has since been amended to include fencing and a safety gate to separate vehicle and pedestrian access to/ within the site.</p> <p>A separately defined pedestrian ramp is proposed to access the building entry from the property boundary.</p>	Satisfactory On Merit.
	C38 - Car parking design should: <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking</li> </ul>	Fencing and a safety gate are proposed to separate vehicle and pedestrian access to the site.	Satisfactory On Merit

Objective	Requirement	Proposed	Compliance
	<p>areas from the building entrance and play areas</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>One car space is proposed to service the development. No additional car parking/accessible spaces proposed.</p> <p>It is noted, the Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.</p> <p>Additionally, the panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.</p>	

## 2.6. Campbelltown Local Environmental Plan 2015 (CLEP 2015)

The subject site is subject to the provisions of Campbelltown Local Environmental Plan 2015 and is zoned R2 Low Density residential. The application proposes the use of the building as an out of school hours Centre-based Child Care Facility which is permissible with consent within the R2 zone.

### R2 Low Density Residential Zone

The objectives of the R2 zone are:

- 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.

The proposal is consistent with the second and third objectives by meeting the day to day needs of residents for childcare and by being of a scale that is compatible with a domestic scale.

### Clause 4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

Development consent must not be granted for Centre-based Child Care Facilities within an R2 Low density Residential if the area of the lot is equal to or greater than 800sqm. Clause 25(2)(c) of the SEPP EECCF overrides this requirement and provides that development for centre based child care facilities may be located on a site of any size and have any length of street frontage or any allotment depth.

### Clause 4.4 Floor Space Ratio

Clause 4.4 sets a maximum floor space ratio (FSR) of 0.55:1 for Centre-based child care facilities in a residential zone. A gross floor area of approximately 114sqm is proposed which equates to an FSR of 0.19:1.

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

The SCDCP 2015 is broken down into several volumes and parts which relate to specific localities and various developments. Volume 1, Part 2 relates to development controls for all types of development and Part 8 relating to centre-based child care facilities.

The following table provides an assessment of the proposal in accordance with the relevant requirements of the SCDCP 2015.

Control	Requirement	Proposed	Compliance
<b>2.2 Site Analysis</b>	A Site Analysis Plan shall be lodged with the development application.	A site analysis plan has been provided with the development application.	Satisfactory
<b>2.5 Landscaping</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	Proposed landscaping will enhance the streetscape and is considered to compliment the proposed use.	Satisfactory
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	A condition of consent is recommended to ensure the majority of planting species is from Council's Native gardening guide.	
	d) A Landscape Concept Plan is required to be submitted for development applications that in the opinion of council a landscape plan is required.	Landscape concept plan submitted.	
	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.	Landscape concept plan submitted.	
<b>2.10.3 Stormwater Drainage</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	No changes to stormwater collection proposed.	Satisfactory

<b>2.14.1 Contaminated Land</b>	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.	A Stage 1 preliminary investigation report and Stage 2 detailed site investigation report were provided to satisfy Clause 7 (2) of SEPP 55. Site investigation reports have been reviewed by Council's Environmental officer with no further comments required, subject to recommended conditions of consent.	Satisfactory
<b>2.15 Waste Management</b>	A detailed Waste Management Plan (WMP) for child care centres are to be provided and detail how ongoing commercial waste will be managed.	Ongoing waste will be managed by the tenants. Waste storage areas are proposed along the sites southern boundary behind the building line.	Satisfactory
<b>2.16 Provision of Services</b>	This section of the DCP details requirements to ensure that development is provided with adequate water and power supply.	The subject site is serviced by essential service utilities.	Satisfactory
<b>8.2 Licence Requirement</b>	In order to operate a Centre-based Child Care Facility in Campbelltown, the applicant needs to obtain: i) a development consent from Council under the EP&A Act; and ii) a licence to operate from the NSW Department of Family and Community Services.	The proposed development seeks consent for the proposed use of the existing building as a childcare centre.  Should the application be approved, a condition of consent can be applied that prior to issue of the occupation certificate the operator of the proposed child care facility is required to provide a copy of their licence to operate from the NSW Department of Family and Community Services.	Satisfactory
<b>8.3.1 Locality Requirements</b>	a) Centre-based Child Care Facilities shall not be located on an allotment that:  i) is accessed from a State road (refer to Table 8.3.1 for a list of State roads in Campbelltown LGA);  ii) is within 100 metres of the intersection of a State road;	Subject site is not accessed from a State Road.  Subject site is not located within 100m of an intersection of a State Road.	Satisfactory On Merit



	<p>iii) is within a no through road;</p> <p>iv) has vehicular access to a road where the carriageway is less than 6.5 metres in width;</p> <p>v) has a building erected upon it that is constructed of materials that contain asbestos or lead paint;</p> <p>vi) is adjacent to a:</p> <p>potentially hazardous industry; hazardous industry; potentially offensive industry; offensive industry; agricultural produce industries; livestock processing industries; heavy industrial storage establishment or waste or resource management facility.</p> <p>vii) is within a 150 metre radius of a sex restricted premises; sex services premises or home occupation (sex services);</p> <p>viii) presents a potential safety hazard for vehicle and pedestrian traffic, unless it can be demonstrated to Council's satisfaction that there would be no</p>	<p>Stranraer Drive is not a no through road.</p> <p>Stranraer Drive contains a carriageway greater than 6.5m.</p> <p>An Asbestos Building Materials Register and Survey was prepared by Asbestex and submitted with the application. The report identifies the laundry/ WC, Bathroom/WC and vanity room and Kitchen and main hall either detected asbestos or was presumed to contain asbestos. Due to the condition of these area, the recommendations of this report was to remain in situ, clearly label and regularly inspect the area. Should any work be required in this area, the requirements of Worksafe Australia and the OH&amp;S Regulations are to be carried out. As a condition of consent can be applied.</p> <p>Subject site is not located within close proximity of hazardous industries as listed in this control.</p> <p>Subject site is not located within close proximity of any known adult only services.</p> <p>The Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to</p>	
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	vehicular/pedestrian conflict (refer to Figure 8.3.1);	complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit. Additionally, the panel noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.	
	b) Centre-based Child Care Facilities shall not be located within a basement of a building (excluding storage rooms and offices ancillary to the Centre-based Child Care Facility).	No basement areas proposed.	
	c) Centre-based Child Care Facilities shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that:  i) the proposed Centre-based Child Care Facility will not impact negatively on the local traffic network;  ii) the proposed Centre-based Child Care Facility has adequate on site parking and manoeuvring/turning spaces; and  iii) the amenity of the surrounding properties is maintained.	No changes are proposed. Existing vehicular access and pedestrian access presents safety concerns for the proposed use surrounding sight distances and visibility. These concerns are discussed further in this report.	
<b>8.3.2 Site Requirements</b>	a) Council may consider a proposal for a Centre-based Child Care Facility within an existing building on sites within areas zoned B3, B4 or B5 that do not necessarily meet the site width requirement.	Not applicable, Subject site is located within an R2 low Density residential zone.	Not applicable
<b>8.3.3 Streetscape</b>	a) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of surrounding development, character and qualities of the desired streetscape.	No major works are proposed to the external elevation of the existing building. Landscaping is proposed that will enhance the streetscape.	Satisfactory

	b) Notwithstanding Clause 8.3.1 a) viii) new buildings on corner sites shall incorporate façade treatments that address both street frontages and achieve positive articulation in building design.	Subject site not located a corner site.	
	c) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.	Clothes lines and air conditioning units have not been proposed.	
	d) 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.	No changes are proposed with outdoor play area located at the rear of the site.	
<b>8.3.4 Fencing</b>	a) Fencing along the primary and secondary street boundaries shall:  i) not be constructed of bonded sheet metal;  ii) not be higher than 1.2 metres;  iii) be articulated, incorporate landscape treatments and complement the design and finish of the development.	Existing fencing to be retained along the primary street boundary. Existing fencing along the western boundary comprising of a 1.2m high wire mesh fence.	Satisfactory
	b) Fencing to the rear and side boundaries shall be:  i) located behind the primary and secondary street setbacks; and  ii) a maximum of 2.1 metres in height (excluding retaining walls).	Existing fencing to be retained alongside and rear property boundary. Existing fencing along the side boundaries comprise of part 1.2m high wire mesh fence and part 1.8m high colour bond fence. Existing rear boundary fence comprises of 1.5m high colour bond fence.	
	c) Bonded sheet metal fencing shall only be permitted where all of the following criteria have been met:  i) the fence is located behind a 1.5 metre wide landscaped buffer; and	Existing colourbond fencing to be retained and is located behind the building of all street frontages in accordance with this control.	

	ii) the fence is located behind the building line of all street frontages.		
<b>8.3.5 Visual and Acoustic Privacy</b>	<p>a) An acoustic report prepared by a suitably qualified person shall be submitted with all Centre-based Child Care Facility development applications demonstrating:</p> <p>i) that the noise levels generated from the Centre-based Child Care Facility, when measured over a 15 minute period, does not exceed the background noise by more than 5 dBA;</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>	An acoustic impact assessment was prepared by PKA Acoustic consulting has been submitted with the development application and satisfies this part.	Satisfactory
	<p>b) 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>No major changes are proposed to the existing building.</p> <p>The existing building contains a covered terrace area at the rear that is proposed to be used as transition space. Acoustic screening is proposed to the northern and southern section of this covered terraced area and screen planting along the property boundaries to provide additional privacy measures for the adjoining properties.</p>	Satisfactory
<b>8.3.6 Waste Management</b>	a) Waste storage, collection areas and service/delivery areas shall be screened from public view and located to minimise adverse impacts on adjoining properties.	Waste storage areas are proposed along the sites southern boundary behind the building line.	Satisfactory
	b) The waste collection area shall be located and designed to minimise safety hazards for any person within the site or	Waste storage areas are proposed along the sites southern boundary behind the building line.	Satisfactory

	within the adjacent private/public areas.		
	c) A waste management plan shall be submitted for all Centre-based Child Care Facility developments including information with regard to the storage and disposal of used nappies, general waste and recycling.	Due to the ages of the children anticipated to attend the centre, the storage and disposal of uses nappies is not required to be detailed.  A satisfactory Waste Management Plan detailing how general waste, recycling and green waste will be managed was submitted.	Satisfactory
<b>8.3.7 Additional Requirements – Residential Zones</b>	a) A maximum of 50 children shall occupy a Centre-based Child Care Facility on any single allotment.	The application proposes 22 children.	Satisfactory
	b) The Centre-based Child Care Facility shall be wholly located on the ground floor of the building (excluding offices and storage rooms).	The application proposes the use of an existing single storey building as a Centre-based Child Care Facility. No basement areas proposed.	Satisfactory
	c) Centre-based Child Care Facilities shall be setback a minimum of:  i) 5.5 metres from the primary street boundary; ii) 5 metres from the rear boundary; iii) 3.0 metres from the side boundary; and iv) 3 metres from any secondary street boundary.	No changes to the existing setbacks are proposed under this DA.  This DA proposes the use of an existing building for the purposes of a centre based child care centre for out-of-school-hours care. The existing front and rear setbacks are considered acceptable.  The existing building does not comply with the minimum 3m side setback requirements. Mitigation measures including screen planting and acoustic fencing along the northern and southern end of the rear terrace area are proposed to attenuate noise and privacy impacts.	The proposal does not comply with the numerical standards however in these circumstances is considered satisfactory and is unlikely to have a significant adverse impact.
	d) Where a proposal comprises a Centre-based Child Care Facility and a residential dwelling, the proposal shall meet the requirements as listed in this control.	Not applicable.	Not applicable.

<b>8.4.1 Car Parking</b>	a) Car parking areas shall be setback a minimum of 3 metres from the front boundary and any secondary boundary.	No changes proposed. Existing parking area do not comply with this part.	The proposal does not comply with the numerical standards however in these circumstances is considered satisfactory and is unlikely to have a significant adverse impact.
	b) A minimum of one on site car parking space shall be provided for every four children approved to attend the Centre-based Child Care Facility.	Based on a childcare centre with 22 places, a minimum 6(5.5) car spaces are required.  The proposal includes one car space in the existing driveway to service the development and results in a shortfall of five car parking spaces.  The Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.  Additionally, the panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.	
	c) Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	One off street car space has been proposed. A condition of consent can be applied to ensure car space complies with the relevant AS.	
	d) No required car parking space shall be designed in a stacked configuration.	No stacked parking proposed.	
	e) Parking spaces that are stacked will not be considered for the purpose of parking calculations.	No stacked parking proposed.	
	f) Pedestrian access shall be separated from vehicular access with clearly defined paths to and from the building.	Separate pedestrian and vehicular access to and within the site is proposed. Proposed pedestrian access features clearly defined paths to and from the building.	

	g) Each site shall have a maximum of one ingress and one egress driveway.	No changes proposed to site ingress/egress driveway.	
	h) The minimum width of a driveway shall be: i) three metres for one way traffic movement; and ii) six metres for two way traffic movement.	No changes proposed to existing driveway.	
	h) Driveways shall be located a minimum distance of six metres from the tangent point of any unsignalled intersection.	Existing driveway is located more than six metres from the tangent point of the nearest intersection at Stranraer Drive and Ballantrae Drive.	
	j) 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 changes are proposed to driveway. Due to the proposed low traffic nature of the building being only one car space to service the site, the requirement to exit in a forward direction is not considered necessary in this instance.	
	k) All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	No changes proposed.	
	l) Development applications Centre-based Child Care Facilities catering for 20 or more children shall include a Traffic Impact Statement, prepared by a suitably qualified person addressing the following criteria:  i) the existing traffic environment;  ii) anticipated traffic generation from the proposed development;  iii) the potential cumulative impact on the locality;  iv) the need for local traffic improvements in the locality;  v) traffic egress/ingress; and  vi) sight distance and other relevant safety issues including vehicular/ pedestrian movements.	A Traffic impact statement prepared by SBMG Planning was submitted.	



<b>8.4.2 Access for People with Disabilities</b>	a) Centre-based Child Care Facilities shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	A BCA report prepared by 360 Certification was submitted based on the initial plans.  The report recommended a suite of changes relating access ramps, fire separation, services and equipment etc to achieve BCA compliance. Those changes have included in the revised documentation and a condition of consent is recommended to ensure the recommendations made within this report will be carried out.	Satisfactory
<b>8.4.3 Emergency Evacuation</b>	a) Development applications for Centre-based Child Care Facilities catering for 20 or more children shall include 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), addressing the matters contained within this part.	A draft Emergency Evacuation Plan has been prepared and submitted.	Satisfactory.
<b>8.5 Landscaping</b>	a) Landscaping shall be provided to a minimum of a:  i) three metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and  ii) 1.5 metre wide strip along the full length of side and rear setbacks.	Due to the existing built form on the site and installation of accessible ramp, strict compliance with this requirement is not required in this instance. Sufficient landscaping is proposed within the sites front, side and rear setbacks.	Satisfactory
	b) Native mature trees on site shall be retained.	No trees are proposed to be removed. Existing tree within the front setback will be retained.	
	c) Development applications for Centre-based Child Care Facilities shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:	Concept landscape plan submitted.	

	<p>i) species, location and mature height of proposed planting;</p> <p>ii) location of play equipment;</p> <p>iii) separation from car parking spaces and driveway areas;</p> <p>iv) fencing height and materials; and</p> <p>v) surfaces (sand, grass or the like).</p>		
	<p>d) All existing vegetation on the site and on adjoining sites shall be assessed to ensure that the plants:</p> <p>i) are not toxic or dangerous (refer to Appendix 7 for a list of Unsuitable Plant Species); and</p> <p>ii) do not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and/or choking.</p>	A condition of consent is recommended.	
<b>8.6 Play Areas</b>	<p>a) Centre-based Child Care Facility play areas shall:</p> <p>i) comply with the Children (Education and Care Services) Supplementary Provisions Regulation 2004 (as amended);</p> <p>ii) be appropriately designed and located to minimise noise impacts to adjoining properties; and</p> <p>iii) be naturally lit and ventilated.</p>	<p>Satisfactory.</p> <p>The existing building contains a covered terrace area at the rear that is proposed to be used as transition space. Acoustic screening is proposed to the northern and southern section of this covered terraced area and screen planting along the property boundaries to provide additional privacy measures for the adjoining properties.</p> <p>Proposed indoor and outdoor areas will receive sunlight and are capable of being ventilated.</p>	Satisfactory
	<p>b) The siting of outdoor play areas shall:</p> <p>i) be located on a predominantly flat gradient;</p>	The proposed outdoor play area is generally flat, contains adequate fencing and is capable of being supervised from within the centre.	Satisfactory

	ii) allow direct supervision from within the centre; and iii) provide adequate fencing.		
	c) Where a Centre-based Child Care Facility is proposed to be located on the first floor of a building (in the case of a Centre-based Child Care Facility proposed within a comprehensive centre zone), the designated play areas shall: i) be provided on the same level and directly accessible from the Centre-based Child Care Facility; ii) have a minimum ceiling height of 2.7 metres; and iii) be physically separated from the indoor space area.	Centre-based Child Care Facility is proposed on the ground floor.	Satisfactory
<b>8.7 Advertising Signs</b>	a) Despite any other provision of this Plan, a Centre-based Child Care Facility shall have a limit of one business identification sign in accordance with the requirements of this control.	No signage is proposed under this application.	Not applicable

## 2.8. Developer Contributions

Section 7.12 development contributions are applicable to the proposed development. A condition of consent has been recommended.

## 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 potential social and economic impacts.

The key matter for considerations when considering the development's potential impact on the natural and built environment is as follows:

- Traffic, Parking and Pedestrian Circulation

#### Traffic, Parking and Pedestrian Circulation

In accordance with car parking requirements contained in Volume 1, Part 8 of the Campbelltown (Sustainable City) DCP 2015, the proposal requires a minimum 6(5.5) car spaces. The application proposes a shortfall of five (5) car parking spaces.

Additionally, Clause 23 of Part 3 of the SEPP (EECCF) 2017 requires the consent authority to take into consideration of the Child Care Planning Guidelines. These guidelines require consideration to site access, pedestrian safety, the traffic and parking impacts from the

proposal and any impacts to the surrounding residential amenity. The application has been amended to include the following:

- separate pedestrian and vehicular access to the site which includes a delineated accessible pedestrian ramp
- the provision of fencing and a safety gate around the existing car space and building access to increase on site pedestrian safety
- detailed plan of management has been submitted with the application detailing the pick up and drop off procedures
- detailed complaint recording and handling procedure contained within the centres plan of management in the event of complaints received from surrounding residents
- the provision of screen landscaping along the sites front, side and rear boundaries, including around the car space to soften the appearance of the car parking area

Despite the noncompliance with the minimum number of car spaces requires, the Local Planning Panel (April 2020 meeting) has noted the site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.

The Panel at its previous meeting on this application noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.

A condition of consent is recommended for the proposed use to operate as a trial period for 18 months. Subject to no complaints being received to Council or the business, the applicant shall submit a modification application to delete this condition at the end of the trial period.

### **3.2 Social, Economic and Environmental Impacts**

Section 4.15(1)(b) of the EP&A Act requires the Consent Authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Having regard to social and economic impacts generated by the development, the proposal will provide employment and complimentary services to existing surrounding educational facilities.

### **3.3 Site Suitability**

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

Despite the proposal's inability to provide the minimum required car spaces to service the proposed use, the site is located within close proximity to complimentary land uses and is considered to have locational merit.

### **3.4 Public Interest**

The public interest is a comprehensive requirement that requires consent authorities to consider the long-term impacts of development and the suitability of the proposal in a larger context. The public interest is serviced through the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and having regard to the reasonable amenity expectation of surrounding land users.

The Campbelltown Local Planning Panel at its meeting on 22 April, 2020 noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.

Approval of the proposed development is considered to be in the public interest.

#### **4. Public Participation**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions. The development application was notified to adjoining properties on 18 January 2019 for a period of 14 days. No submissions were received.

The application has been amended to include significant changes and was renotified for a period of 21 days on 10 July 2020 in accordance with the Council's Community Participation Plan. No submissions were received.

#### **5. Conclusion**

This application has been assessed against the provisions of Section 4.15 of the EP&A Act. The proposed development is permissible with consent under the provisions of the Campbelltown Local Environmental Plan 2015.

The application has been amended to address issues and concerns relating to safe traffic, parking and pedestrian movements, building access, appropriate acoustic and privacy measures and adequate landscaping. The application fails to achieve the minimum number of car parking spaces required to service the proposed use, however the Campbelltown Local Planning Panel at its April 2020 meeting noted the site is located adjacent to complementary land uses and despite the lack of onsite parking, the proposal has locational and public interest merit.

Overall, having regard to the matters of consideration under Section 4.15 of the EP&A Act, and relevant matters discussed within this report, it is recommended that the development for the use of building as an out of school hours childcare facility and associated works at St Andrews Cottage, 4 Stranraer Drive, St Andrews (Lot 136, DP260451), be approved subject to the recommended conditions of consent contained in attachment 1.

## **Attachments**

1. Recommended Conditions of Consent (contained within this report)
2. Location Map (contained within this report)
3. Architectural Plans (contained within this report)
4. Acoustic Report (contained within this report)
5. Asbestos Survey (contained within this report)
6. BCA Report (contained within this report)
7. Combined Plan of Management (contained within this report)
8. Traffic Impact Assessment (contained within this report)
9. Stage 2 - Detailed Site Investigation Report (due to size) (distributed under separate cover)

## **Reporting Officer**

Executive Manager Urban Centres

## ATTACHMENT 1

### 4618/2018/DA-C

#### 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 Detail	Issue/ Revision	Prepared by	Date
Site Roof Plan – DA00	C	Kira Robson architect	15.06.2020
Proposed Floor Plan – DA01	C	Kira Robson architect	15.06.2020
North & South Elevations – DA02	C	Kira Robson architect	15.06.2020
East & West Elevation and Section – DA03	C	Kira Robson architect	15.06.2020
Proposed Landscape Plan – DA04	C	Kira Robson architect	15.06.2020

- Asbestos Building materials Register & Survey, prepared by Asbestos Consulting PTY LTD, report number ES1915066 (Revision 0), date of issue: 21 April 2019,
- BCA 2019 Report, prepared by 360 Certification, job number C2019043, Revision 2, date: 25 June 2020.
- Acoustic Report, prepared by PKA Acoustic Consulting, report ID: 11406 R01v6, dated 19 July 2020.

#### 2. Number of Children

The Out of School Hours childcare centre is approved to cater for a maximum of 22 children over preschool age (6-12 years).

#### 3. Noise Management – Operation of the Development

- All noise attenuation measures (including, without limitation, covers, silencers and mufflers) provided for mechanical plant items are to be maintained for the life of the development. These plant items shall not to be operated without these measures being properly fitted and closed. All mechanical plant items are to be maintained in a manner that ensures their noise emissions do not exceed the "as new" specifications of the manufacturer.
- All external doors and windows are to be kept closed during ordinary operations. Suitable ventilation is to be maintained to allow for operation of the development with all external doors closed. Windows and doors may only be left open during quiet activities within the centre and are to be promptly closed if noise levels increase.



- c) Mechanical plant and equipment associated with this development may only be operated on site between the hours of 6:00am and 7:00pm Monday to Friday (inclusive).
- d) No play equipment associated with this development may have a height exceeding 1.5m from ground level.
- e) The acoustic wall and noise advisory signage required by this consent are to be maintained for the life of the development.
- f) A register for noise related complaints shall be maintained on site. Any noise complaints received shall be:
  - i. Forwarded to Council within 7 days,
  - ii. Investigated within 14 days,
  - iii. Rectified within 28 days if they result from any breach of the conditions of this consent,
  - iv. Rectified within 90 days if they do not result from a breach of the conditions of this consent but otherwise result in a breach of a noise policy that is in force in the State of NSW.
- g) In all cases Council and the complainant are to be notified of the outcome of the complaint within 90 days.
- h) Council may advise the person having benefit of this consent that a person may be regarded as a vexatious complainant for a specific period under this condition. If Council provides this advice in writing then complaints from that complainant are not subject to the requirements of this condition for the period specified in the notice.
- i) The number of children permitted to use the outdoor play area at any one time shall be limited to 11.

#### **4. Building Code of Australia**

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

#### **5. Landscaping**

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

#### **6. Fencing**

Fencing shall be erected on site in accordance with approved plans contained in Condition 1 at the sole cost of the developer. Acoustic fencing shall be installed at the boundary separating the outdoor play area and residential properties to the south in accordance with recommendations contained in Acoustic Report titled 'DA Acoustic Report – Education and Care Facility', prepared by PKA Acoustic Consulting, ID:11406 R01v6, dated 19 July 2020. 'Colorbond' style metal fences that face a public space are not permitted.

#### **7. Switchboards/Utilities/Air Conditioning Units**

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

#### **8. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicles awaiting loading, unloading or servicing shall be parked as close as practicable to the centre and shall not obstruct adjoining residential driveways.
- b. All deliveries to the premises shall be made between the administrative hours of the centre between 9:00am – 11:00am and 2:30pm – 3:00pm, Monday - Friday only.

**9. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

**10. Lighting**

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

**11. Trial Period of Consent**

The consent is valid for a period of eighteen (18) months from the date of commencement of the use of the site as a childcare centre. Prior to the expiration of this 18-month period, a modification application will be required to be lodged and approval obtained prior to the use continuing.

A modification application must be submitted to the Consent Authority prior to the expiration of this 18-month trial period if the person acting on this consent seeks to continue the use. It is recommended that the further application be lodged with the Consent Authority at least three (3) months prior to the expiry of the trial period.

At the end of the 18-month trial period the Council will base its consideration and determination of the use continuing on the following:

- Validated complaints associated with the operation of the premises received by the Council during the trial; and
- The Council's review of the applicant's complaints register and incidents register which are to be made available to the Council.

**12. 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.

**13. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation

by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in *Council's 'Engineering Design Guide for Development'* (as amended) and the applicable development control plan.

**15. Operating Hours**

The use of the premises/business shall be limited to:

Monday to Friday	6:30am – 6:30pm
Saturday Sunday and public Holidays	Closed

School Holidays Monday to Friday	6:30am – 6:30pm
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**16. Car Parking Spaces**

One (1) car parking space shall be designed, sealed, line marked and made available within the driveway to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

**17. Public Liability Insurance**

A copy of valid public liability insurance cover for the value of \$20,000,000 (twenty million dollars) or as adjusted by Council, indemnifying Council from all and any claims arising from an incident caused or associated with operations or activities carried out within the public domain in accordance with the approved use shall be sent annually to Council's Property Services Section within seven days of the commencement of the period of insurance, or insurance renewal.

The value of the public liability insurance cover will be reviewed by Council on an annual basis and where Council deem it necessary to vary the amount of cover required, any subsequent policy taken out will need to be of an equal or greater amount to that set by Council following its review. In this regard, prior to the applicant applying for an annual renewal of the public liability insurance cover, the applicant is to contact the Council's Property Services Section to confirm the current value of the public liability insurance cover required for the continued use of the premises.

**18. 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.

**19. 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.

**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.

**20. Operational Plan of Management**

Prior to the issue of a Construction Certificate the applicant shall submitted to the satisfaction of Council an Operational Plan of Management. The operational Plan of Management shall include details regarding staffing, operation, arrival and departure of children and parents, daily routine, traffic and parking, complaints and feedback policy, noise management, WH&S policy, Emergency and security measures.

**21. Land Contamination**

An unexpected finds protocol is to be prepared for the development prior to the commencement of any works. This protocol is to provide procedures for the management of risk if hazardous material is unexpectedly found in the course of works. Works may not commence prior to the protocol endorsed by Campbelltown City Council or a site auditor accredited under the Contaminated Land Management Act, 1997.

**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. Waste Management – Private Collection**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.

**24. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

**25. Work on Public Land**

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

**26. Building Upgrade**

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing building/s shall be brought into conformity with the Building Code of Australia (BCA).

In this regard, the building/s shall be upgraded in accordance with the recommendations of the BCA Compliance Report, Revision 2, Reference Number C2019043 by 360 Certification dated 25 June 2020.

Works shall be carried in accordance with the recommended control measures in accordance with Asbestos Building Materials Register and Survey by Asbestex Consulting Pty Ltd, Report Number ES1915066, Revision 0, dated 21 April 2019.

Details demonstrating compliance with this report and the BCA shall be submitted to Council or an accredited certifier prior to the issue of a construction certificate.

## 27. Design for Access and Mobility

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

## 28. Section 7.12 Contributions

### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$844.43** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018.

### Indexation

The monetary contribution is based on a proposed cost of carrying out the development of **\$165,000**. This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$) =	$\frac{\$C_0 \times \text{Current CPI}}{\text{Base CPI}}$
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Where:

- $\$C_0$  is the original development cost estimate assessed at the time of the issue of consent.
- Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the time of the quarter immediately prior to the date of payment.
- Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution.

Note: The contribution payable will not be less than the contribution specified in this consent.

### Time for payment

The contribution must be paid prior to the release of a construction certificate for any works authorising construction above the floor level of the ground floor.

### Works in kind agreement

This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.

## 29. Noise Management

The PCA shall not issue any construction certificate for this development unless it is satisfied that the proposed building includes measures that will provide satisfactory ventilation for the proposed use to operate when all external doors are closed.

## 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.

**30. 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.

**31. Land Contamination**

The unexpected finds protocol required prior to the commencement of works is to be provided to the registered certifier prior to the issue of any construction certificate for the development. The protocol may be accepted by the registered certifier only if it has been endorsed by Campbelltown City Council or a site auditor accredited under the Contaminated Land Management Act, 1997.

**32. 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.

**33. 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.

**34. 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.

**35. Vehicular Access during Construction**

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

**36. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**37. 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.

**38. Fencing**

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

**39. Structural Engineer Details**

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

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**



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

**40. 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.

**41. Erosion and Sediment Control**

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

**Note:** *On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.*

**42. 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.

**43. Protection of Existing Trees**

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

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

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

**44. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

**45. Termite Control**

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

**46. Excess Material**

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

**47. 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.

**48. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;*
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

**49. 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.

**50. Demolition Work/Plan**

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

**51. 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.

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

**52. Noise Management**

- a) All mechanical plant items are to be specified (or otherwise acoustically treated) to ensure that they individually contribute no more than 37 dBA at measured at the site boundary. Certification of compliance with this condition by a suitably qualified acoustic consultant is to be provided to the PCA prior to the issue of any Occupation Certificate for this development.
- b) The PCA shall not issue any occupation certificate for this development unless it is satisfied that the building includes:
  - a. measures that will provide satisfactory ventilation for the proposed use to operate when all external doors are closed
  - b. self closing mechanisms to all external doors
- c) The PCA shall not issue any occupation certificate for this development unless it is satisfied that a 2.7m acoustic wall has been provided in accordance with the recommendations of the DA Acoustic Report - Education and care facility - 2Weldon Children's Education and Care Facility, St. Andrews report number 11406 R01v6 prepared by PKA Acoustic Consulting and dated 19/7/2020.
- d) The PCA shall not issue any occupation certificate for this development unless it is satisfied that noise advisory signage has been provided at the entry to the childcare centre in accordance with the following requirements:
  - i. Minimum dimensions of 20x30cm
  - ii. Contain the text "Please be considerate of our neighbours and keep noise to a minimum" in red on a white background
  - iii. All text to have a minimum height of 1.5cm and be in one of the following fonts:
    - a. Arial
    - b. Calibri
    - c. Helvetica
    - d. TahomaVeranda
  - iv. Be clearly visible to persons entering the centre

**53. 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.

**54. 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.

**55. Retaining**

Prior to the principal certifying authority issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

**56. Termite Protection**

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

**57. 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.

**58. 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 location and relevant signage types prior to the completion of a detailed signage and line marking plan. The final plan is to be submitted to Council and approval received from Council's Traffic Committee prior to the erection of any of the required signs. All approved signage is to be supplied and erected by Council at the applicant's expense. All fees and charges associated with the supply and erection of the approved signage will be in accordance with Council's current schedule of fees and charges.

**59. 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.

**60. Food Premise/s Requirements**

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.

- i. CONSTRUCTION - In the event the development is used for the 'sale/sell' of food, as defined under the Food Act 2003 (this includes the cutting up of fruit and vegetables; making baked goods such as cakes and biscuits etc.) all construction and fit-out of the food premise/s must be constructed in accordance with the Food Act 2003, Food Regulation 2010, the Food Standards Code as published by Food Standards Australia and New Zealand and AS 4674-2004: Design, construction and fit out of food premises.
- ii. FOOD PREMISES FIT OUT PRE-CONSTRUCTION MEETING - Prior to any construction work commencing on the fit out of the food premise/s, the Applicant/Builder/Private Certifier must contact Council's Environmental Health Officer (Phone 4645 4604) to arrange an onsite meeting to discuss the food premise/s design, fit out, other related requirements under this Consent, Food Act 2003, Food Regulation 2010, and AS 4674-2004: Design, construction and fit out of food premises.
- iii. INSPECTION - Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake an inspection of the premise/s to confirm compliance with this Consent, Food Act 2003, Food Regulation 2010, the Food Standards Code as published by Food Standards Australia and New Zealand and AS 4674-2004: Design, construction and fit out of food premise.

- iv. **ROUTINE INSPECTIONS** - The food premise/s are required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. The business registration form is available on Council's website which must be completed and submitted to Council prior to the operations of the food business commencing.

**61. 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).

**62. 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).

**63. Floor Waste**

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates.

**64. 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).

**65. 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).

**66. 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).

**67. 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°.

**68. 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).

**69. 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).

**70. 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).

**71. 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.

**72. 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.

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).

**73. 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).

**74. Tap Fittings**

Hot and cold wall mounted taps fitted with hose connectors and positioned at least 600mm above the floor must be installed in a convenient and accessible location (AS4674-2004 – Section 4.1.8).

**75. 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).

**76. 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.

**77. 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).

**78. 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).

**79. 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).

**80. 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.

**81. 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).

## **82. 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.

## **83. 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.

## **84. 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).

## **85. 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).

## **86. 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).

#### **87. Waste & Recycling Storage, Collection and Disposal**

The business operator must enter into a commercial waste contract agreement for regular waste & 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.

#### **88. 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. Tree Preservation Order**

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

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

**Advice 3. Provision of Equitable Access**

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

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

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

**Advice 4. Smoke Alarms**

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

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

**Advice 5. 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 6. Buried Waste**

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

**Advice 7. 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 8. Inspections – Building Works**

REQUIRED INSPECTIONS

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

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

### **Booking Inspections**

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

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

### **INSPECTION SCHEDULE**

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

### **Advice 9. Salinity**

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

### **Advice 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. 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 12. Dial before you Dig**

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

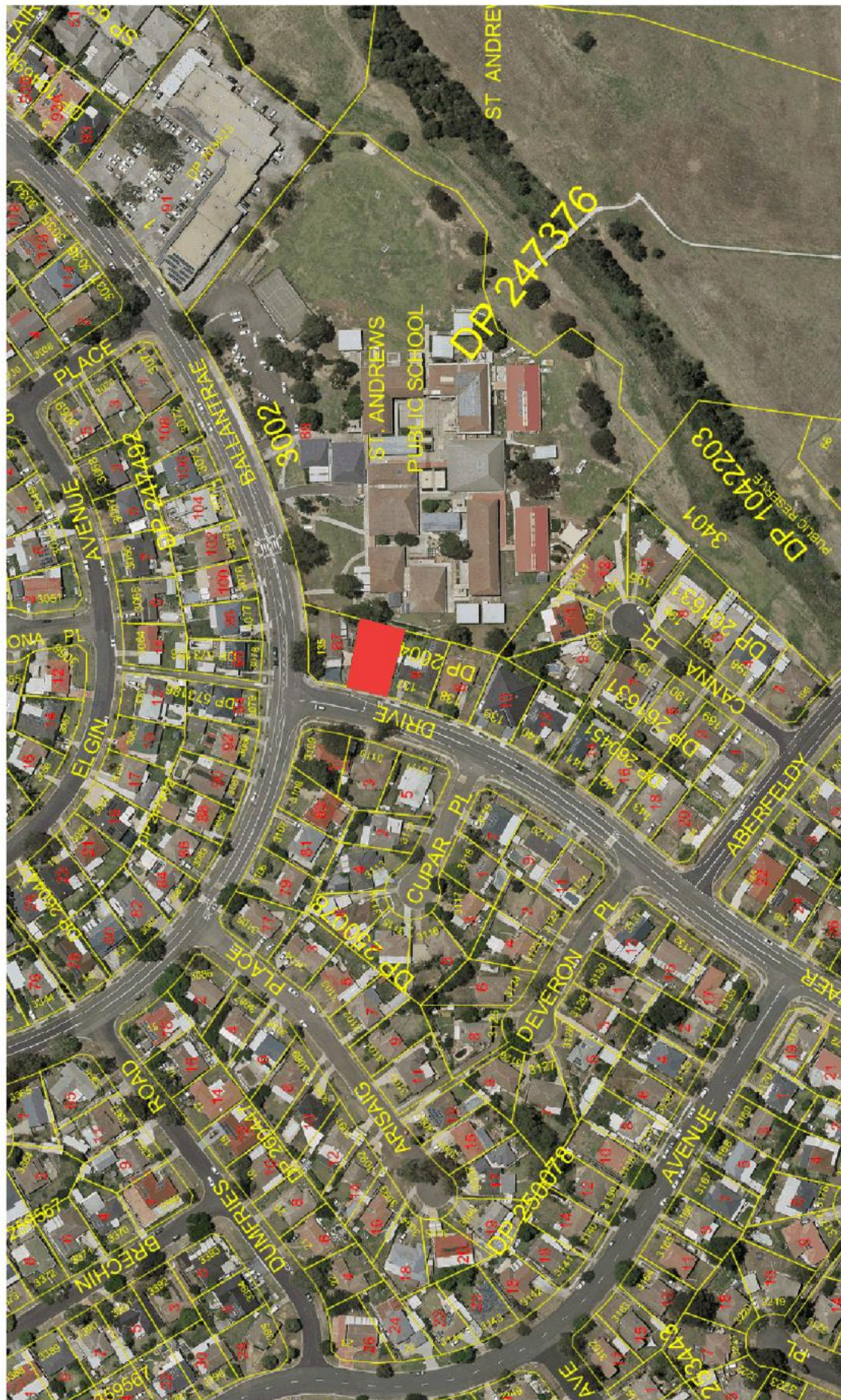
**Advice 13. Telecommunications Act 1997 (Commonwealth)**

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

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

**END OF CONDITIONS**



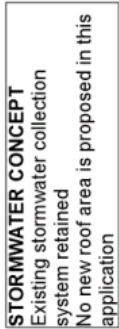


Appendix 2 - Location Map



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Drawing Name <b>SITE ROOF PLAN</b>	Drawing Scale <b>1:200@ A3</b>	Date <b>Oct 2018</b>
Applicant	Drawing No. <b>DA00</b>	Issue <b>C</b>

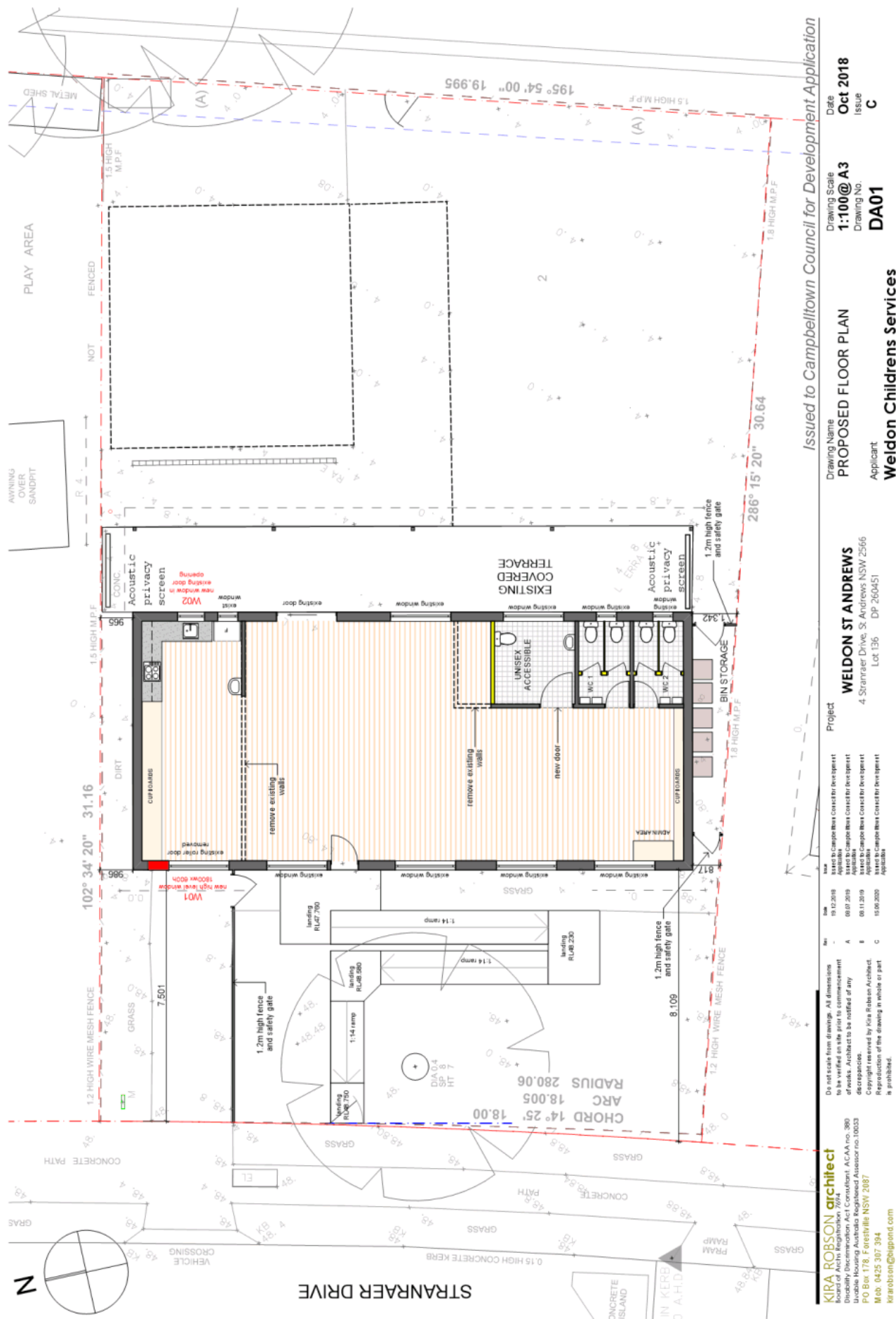
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4 Stranraer Drive, St Andrews NSW 2566  
Lot 136 DP 260451

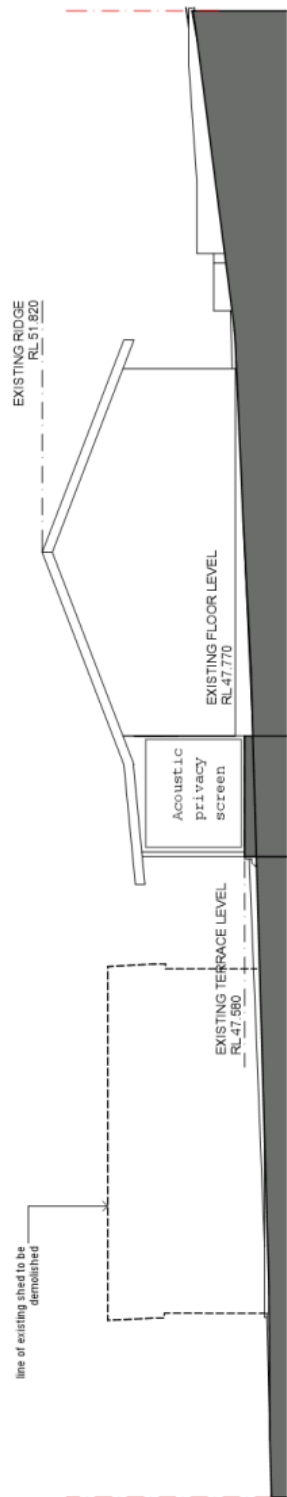
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Rev	Date
-	19.12.2018
A	09.03.2019
B	08.11.2019
C	15.06.2020

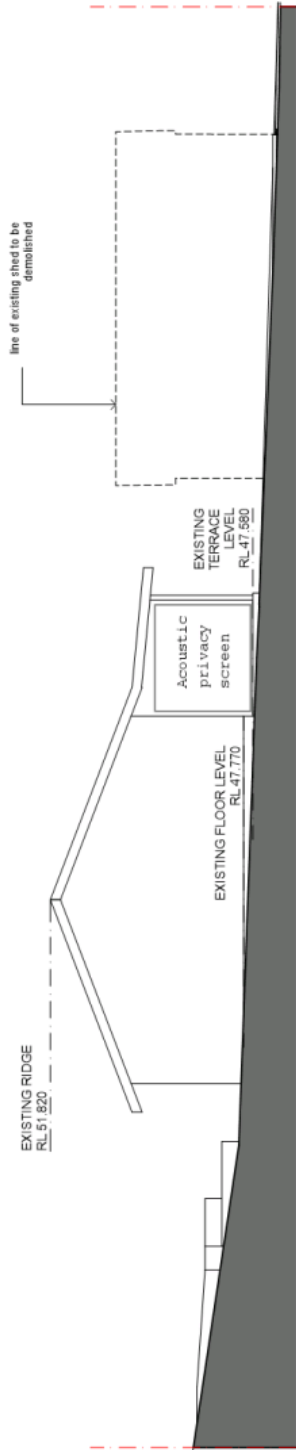
**KIRA ROBSON architect**  
Board of Archs Registration 7694  
Disability Discrimination Act Consultant ACAA no. 380  
Housing Australia Registered Aneuror no.10053  
PO Box 178, Forestville NSW 2087  
Mob: 0425 307 394







NORTH ELEVATION



SOUTH ELEVATION

**KIRA ROBSON architect**

Board of Architects Registration 7094  
Disability Discrimination Act Consultant ACAA no. 380  
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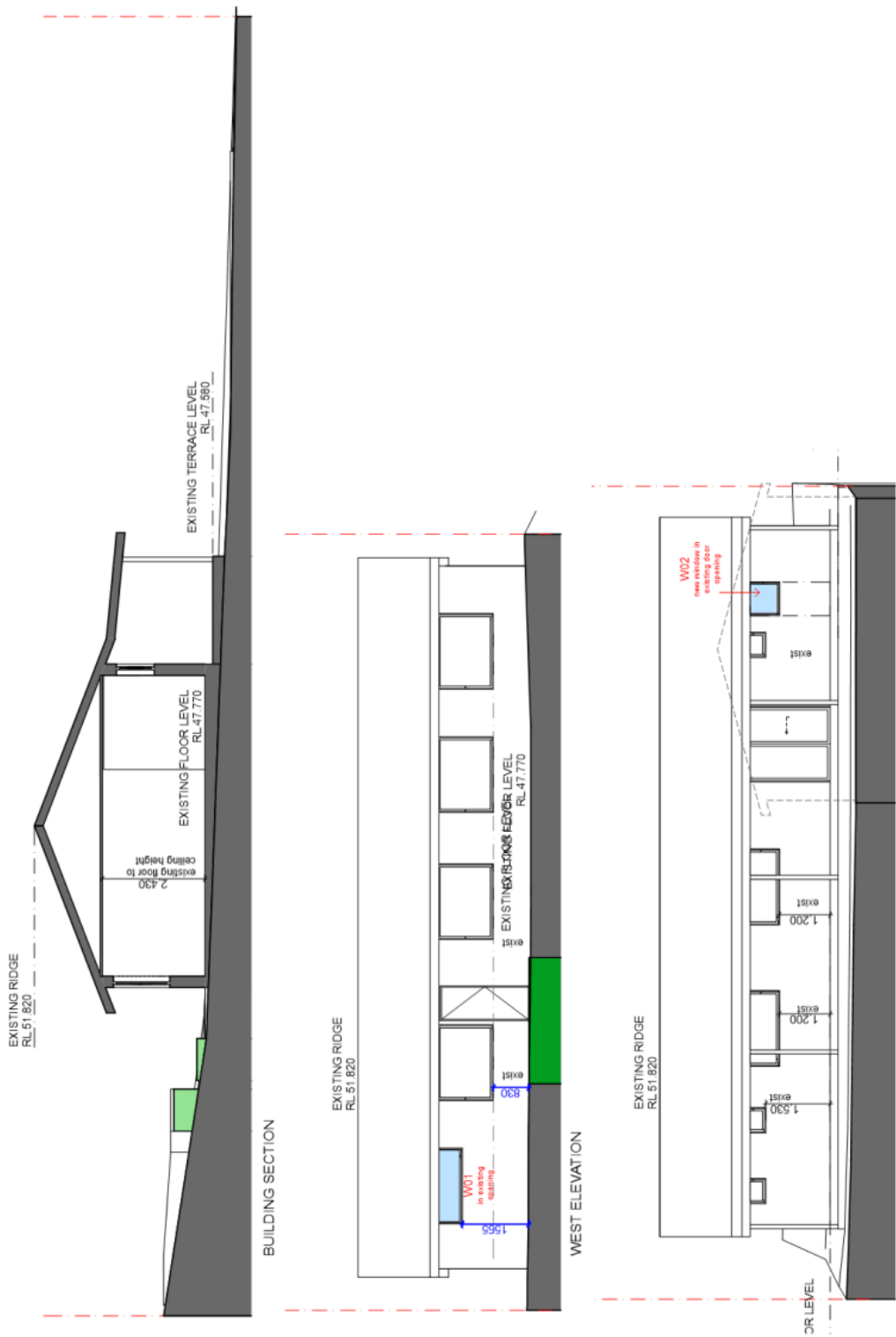
Rev	Date	Issue
A	19.12.2018	Issued to Council for Development
B	08.07.2019	Issued to Council for Development
C	08.11.2019	Issued to Council for Development
C	15.09.2020	Application

**Project**  
**WELDON ST ANDREWS**  
4 Stranraer Drive, St Andrews NSW 2566  
Lot 136 DP 260451

**Drawing Name**  
**NORTH SOUTH ELEVATIONS**  
**Applicant**  
**Weldon Childrens Services**

**Drawing Scale**  
**1:100@ A3**  
**Drawing No.**  
**DA02**

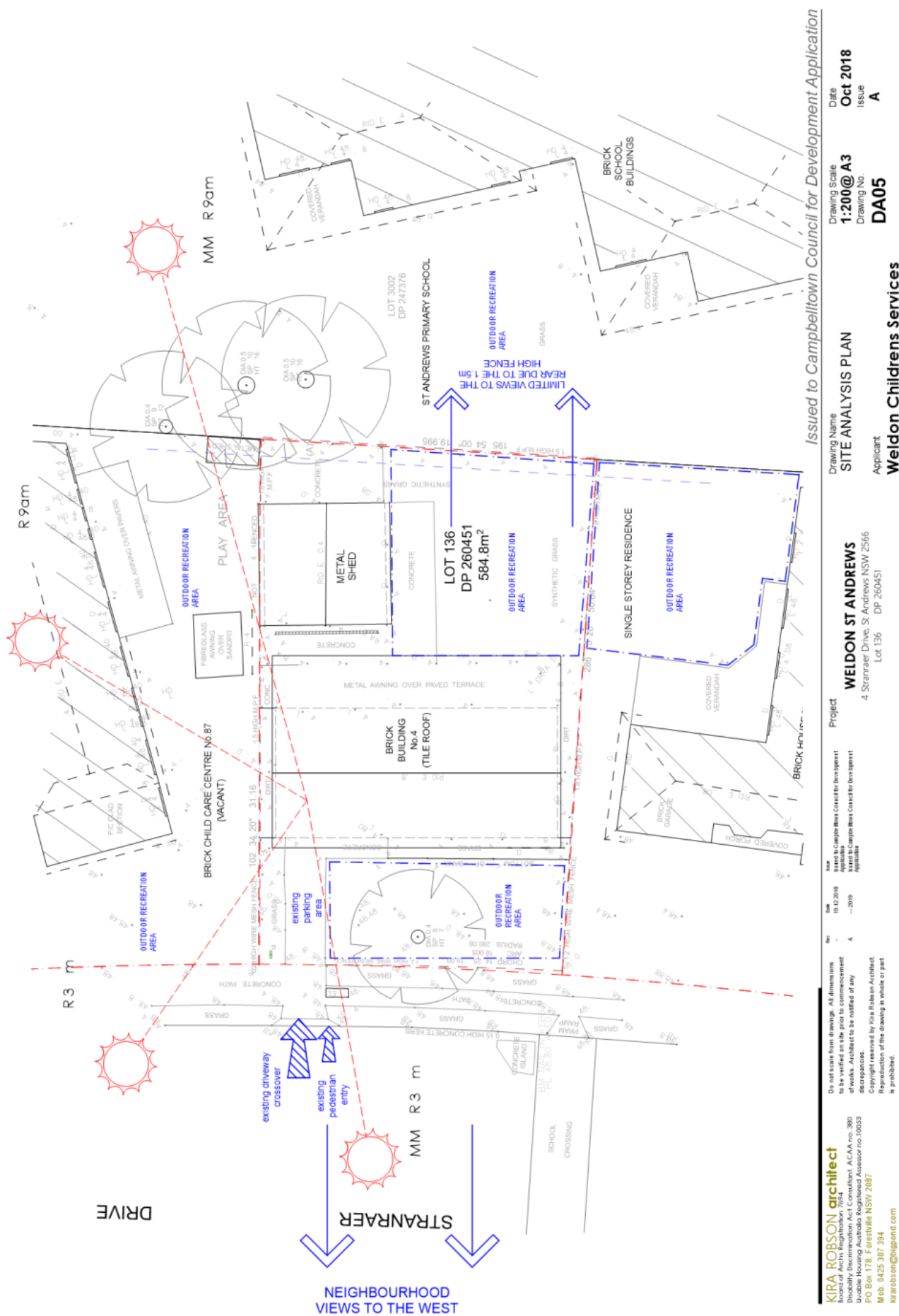
**Date**  
**Oct 2018**  
**Issue**  
**C**



<b>KIRA ROBSON architect</b> Board of Architects Registration 7094 Disability Discrimination Act Consultant ACAA no. 390 Disability Housing Australia Registered Assessor no.10053 PO Box 118, Forestville NSW 2057 M 02 9425 307 394 k.robson@bigpond.com		Do not scale from drawing. All dimensions to be verified on site prior to commencement of works. Architect to be notified of any discrepancies. Copyright reserved by Kira Robson Architect. Reproduction of the drawing in whole or part is prohibited.		Date 19.12.2018 08.07.2019 08.11.2019 15.09.2020		Issue Based To Council Meeting Consent For Development Based To Council Meeting Consent For Development Based To Council Meeting Consent For Development Application		Project <b>WELDON ST ANDREWS</b> 4 Stranraer Drive, St Andrews NSW 2566 Lot 136 DP 260451		Drawing Name <b>EAST WEST ELEVATIONS AND SECTION</b> Applicant <b>Weldon Childrens Services</b>		Drawing Scale <b>1:100@ A3</b> Drawing No. <b>DA03</b>		Date <b>Oct 2018</b> Issue <b>C</b>	
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<b>KIRA ROBSON architect</b>	Do not scale from drawings. All dimensions to be verified on site prior to commencement of works. Architect to be notified of any discrepancies.		Date	Issue
Board of Architects Registration 70/04 Disability Discrimination Act Compliant ACAA no. 380 Jocube Housing Australia Registered Auditor no. 10053 PO Box 118, Forestville NSW 2087 Mob: 0425 307 394 Email: k@krobson.com.au	A	08/07/2019	Application	1:100 @ A3
B	08/11/2019	Application	Drawing No.	DA04
C	15/06/2020	Application	Drawing Scale	Oct 2018 Issue C
<b>Project</b>		<b>Drawing Name</b>		
<b>WELDON ST ANDREWS</b>		<b>PROPOSED LANDSCAPE PLAN</b>		
4 Stranraer Drive, St Andrews NSW 2566		Applicant: <b>Weldon Childrens Services</b>		
Lot 136 DP 260451				







EXISTING STREETSCAPE - STRANRAER DRIVE



STREETSCAPE WITH PROPOSED DEVELOPMENT - STRANRAER DRIVE

**KIRA ROBSON architect**  
Board of Architects Registration 7094  
Disability Discrimination Act Consultant ACAA no. 380  
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PO Box 118, Ffrenchville NSW 2087  
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Rev	Date	Issue
A	06.07.2018	Issue to Council for Consent for Development
B	08.07.2018	Issue to Council for Consent for Development
C	08.11.2019	Issue to Council for Consent for Development
	15.09.2020	Application

**Project**  
**WELDON ST ANDREWS**  
4 Stranraer Drive, St Andrews NSW 2566  
Lot 136 DP 260451

**Applicant**  
**Weldon Childrens Services**

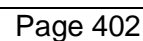
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**STREETSCAPE ANALYSIS**

**Drawing No.**  
**DA06**

**Drawing Scale**  
**N 1:100**

**Date**  
**Oct 2018**

**Issue**  
**C**





# DA ACOUSTIC REPORT – EDUCATION AND CARE FACILITY

Weldon Children's Education and Care Facility, St. Andrews



**ID: 11406 R01v6**

**19 July 2020**

**Prepared For:**

Kira Robson, Architecture & Access Consultancy

PO Box 178

Forestville NSW 2087

Email: [dchalloner@bigpond.com](mailto:dchalloner@bigpond.com)

File: PKA11406 R01v6 DA Acoustic Report

**DOCUMENT INFORMATION****Author:** Sri Harsha Eati**Checked By:** Daniel Firth**Issue:** R01**Version:** 6

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*This firm is a member of the Association of Australian Acoustical Consultants.*

*The work reported herein has been carried out in accordance with the terms of membership. We stress that the advice given herein is for acoustic purposes only, and that the relevant authorities should be consulted with regard to compliance with regulations governing areas other than acoustics.*

## 1.0 INTRODUCTION

PKA Acoustic Consulting have been commissioned by Kira Robson of Architecture & Access Consultancy to assess the acoustic interaction of the proposed Weldon Children’s Education and Care Facility located at 4 Stranraer Drive, St Andrews.

The assessment will be part of the DA conditions and documents to be presented to Campbelltown City Council. The purpose of the assessment is to establish the noise impact of the proposed centre’s operation and provide recommendations to comply with the relevant criteria.

This assessment has been conducted following the relevant guidelines and policies listed below:

- *State Environmental Planning Policy 2007 (Education and Child Care) (ESEPP)*
- *NSW EPA Noise Policy for Industry 2017 (NPfI)*

## 2.0 SITE DESCRIPTION

### 2.1 Overview

The proposed children's education and care facility is located at 4 Stranraer Drive, St Andrews. The site is bound by St Andrews Public School to the east, to the north is an existing childcare premise, Stranraer Drive to the west and other residential premises to the south.

The site location is shown in Figure 2-1.

**Figure 2-1 Site Location**



The proposed centre is to operate between Monday to Friday between 6:30am–9:30am and 2:00pm–6:30pm and vacation care during school holidays between 6:30am–6:30pm Monday to Friday. The maximum occupancy will be 22 children aged 6-12 years old and 2 staff members at any given time. The existing single outdoor car space on site will be retained and used by the Director. The additional staff members are proposed to be use street parking.

## 2.2 Sensitive Receivers

The following is the summary of the sensitive residential receivers of the noise impact from the activity at the proposed function centre.

**Residential Receiver 1 (R1)** – A single storey residential premises at 6 Stranraer Drive, St Andrews, located to the south of the site, directly sharing a boundary fence. This will be most sensitive residential receiver that will be impact by the outdoor play area. There is a 1.8m boundary fence separating the two premises.

**Residential Receiver 2 (R2)** – 1 – 3 Stranraer Drive, St Andrews, located to the east across the road at approximately 30m away. This residential premise will be less affected by the outdoor area and mostly subject to potential noise impact from the indoor areas of the care facility.



### 3.0 NOISE CRITERIA

#### 3.1 Noise Policy for Industry

Noise generated from commercial and industrial premises and from mechanical noise is generally assessed against the current *NSW EPA Noise Policy for Industry 2017* (NPfI).

The policy sets out two separate criteria to ensure environmental noise objectives are met. The first criterion considers intrusive noise to residential properties and the second is set to ensure the amenity of the land use is protected. The lower value of both criteria is considered to be the Project noise trigger level, which is the limit of the  $L_{Aeq, 15min}$  noise level that must not be exceeded for the corresponding period of the day.

##### Amenity Criterion

To limit continuing increases in noise levels, the maximum ambient noise level within an area from commercial noise sources should not normally exceed the levels as specified in Table 2.2 of the policy for the specified time of the day. The NPfI recommends the following Amenity Noise Levels for various receiver premises.

**Table 3-1 Noise Criteria - Amenity for receiver buildings**

*All values in dB(A)*

Type of receiver	Time of day	Recommended Amenity Noise Level $L_{Aeq, (period)}$
Residential (Suburban)	Day	55
	Evening	45
	Night	40

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for development = recommended amenity noise level **minus 5 dB(A)**.

To standardise the time periods for the intrusiveness and amenity noise levels, this policy assumes that the Amenity  $L_{Aeq, 15min}$  will be taken to be equal to the  $L_{Aeq, period} + 3$  decibels (dB).

##### Intrusiveness Criterion

The intrusiveness of a stationary noise source may be considered acceptable if the average of the maximum A-weighted levels of noise,  $L_{Aeq, 15 minute}$  from the source do not exceed by more than 5dB the Rating Background Level (RBL) measured in the absence of the source. This applies during all times of the day and night. There also exists an adjustment factor to be applied as per the character of the noise source. This includes factors such as tonal, fluctuating, low frequency, impulsive, intermittent etc. qualities of noise. The RBL is determined in accordance with Section 2.3 of the NSW EPA NPfI. The intrusiveness criterion is  $L_{Aeq, 15 minute} < RBL + 5$ .



### 3.2 Noise Criteria Discussion

The NPfI Intrusiveness criteria, being background + 5 dB(A), is very difficult to achieve for facilities such as this when residential receivers are in close proximity, combined with a quiet suburban environment. Noise exceedances are mostly the result of outside play area noise with minimal options for noise treatment beyond very high barriers.

Furthermore, there is already an existing school premises on site and an existing childcare facility in the area. Therefore, for children noise, the amenity criteria are being used to set the noise goals whereas, for the any mechanical equipment, the intrusiveness criteria are being used as plant and equipment is more controllable.

## 4.0 NOISE SURVEY

Unattended noise monitoring was conducted on site between 3<sup>rd</sup> and 10<sup>th</sup> December 2018 to record the ambient noise levels. The monitors were programmed to store the  $L_n$  percentile noise levels for each 15-minute sampling period. Measurements were made of  $L_{min}$ ,  $L_{max}$ ,  $L_{90}$ , and  $L_{eq}$  and were later retrieved for analysis. The positions of noise monitors are shown in Figure 2-1. The results and summary of the noise monitoring are listed in graphical form in Appendix B of this report.

### 4.1 Instrumentation

Noise measurements were conducted using the following equipment:

- Svan 958A Class 1 Sound Analyser, Serial number 45589.
- Sound calibrator B&K 4230, Serial number 11419.

The instrument was calibrated before and after the noise measurements and there was no adverse deviation between the two. The analysers are type 1 and comply with AS IEC 61672.2-2004. The instruments carry traceable calibration certificates.

### 4.2 Project Noise Criteria

Data from the noise monitors were processed to obtain the ambient noise levels and the noise goals.

#### Ambient Noise Measurements

The tables below present the results of the ambient noise monitor measurements.

The assessment periods are defined by the NSW NPfI are as follows:

**Table 4-1 EPA NSW NPfI Assessment Periods**

Period	Monday to Saturday	Sundays and Public Holidays
Day	07:00 to 18:00	08:00 to 18:00
Evening	18:00 to 22:00	18:00 to 22:00
Night	22:00 to 07:00	22:00 to 08:00

**Table 4-2 Noise Logger Results**

Period	L <sub>A90</sub> Rating Background Level (RBL) dB(A)	L <sub>Aeq</sub> Ambient Noise Level dB(A)
Day	42	51
Evening	41	51
Night	34	48

**Table 4-3 NPfI Project Noise Trigger Levels**

All values in dB(A)

Receiver Type	Period	Measured RBL L <sub>A90</sub>	Acceptable Noise Levels L <sub>Aeq(period)</sub>	NSW Noise Policy for Industry Criteria	
				Amenity L <sub>Aeq15min</sub>	Intrusiveness L <sub>Aeq15min</sub>
Residential (Sub-Urban)	Day	42	55	53	47
	Evening	41	45	43	46
	Night	34	40	38	39

*The care facility is proposed to be used only during the daytime hours and therefore, the evening and night criteria will not be assessed in this report.*

## 5.0 ASSESSMENT

Neither the care facility or the outdoor areas are affected by traffic noise as the premises is located away from any busy roads or corridors.

Noise level of children at play was obtained from the AAAC (Association of Australasian Acoustical Consultants) publication, Guidelines for Childcare Noise Assessment. In addition, based on previous measurements and extensive data collected by PKA, the following levels were assumed as source noise levels:

- 10 Children aged 6-12 years old at play as SWL 91 dB(A).

The noise level above was extrapolated to calculate the noise impact of the proposed activity.

Based on the 22 places for children between 6-12 years old, noise calculations were undertaken, which resulted in non-compliance with the NPfI Amenity Criterion by a margin of 10 dB(A).

Due to its largely uncontrollable nature, noise generated by any student activity often struggles to achieve strict compliance with NPfI design limits when residential premises are located adjacently. As councils routinely consider childcare premises to be beneficial to communities, providing public good and services to the nearby areas, it is the position of PKA to not strictly apply the NPfI noise goals to noise from outdoor play areas but to provide noise control solutions minimising noise emissions as far as feasible.

Considering the existing school premises, noise from children activity is usually typical for a location of this type where a public school is present bounding the residential premises.

The care facility is proposed to operate at times outside of the existing school’s operation and therefore, there will not be any increase to the existing noise levels during school hours.

The noise impact from the indoor spaces (to R1 & R2) of the centre will comply with typical glazing.

For use of the outdoor spaces and other general recommendations, refer to Section 6.0 of this report.

## 6.0 RECOMMENDATIONS

(Page to be viewed in colour)

### 1. Boundary Treatment

An Acoustic fence of the following minimum heights are required to be installed at the boundary separating the outdoor play area and residential premises to the south. The acoustic fences must have a minimum acoustic performance of  $R_w25$ .

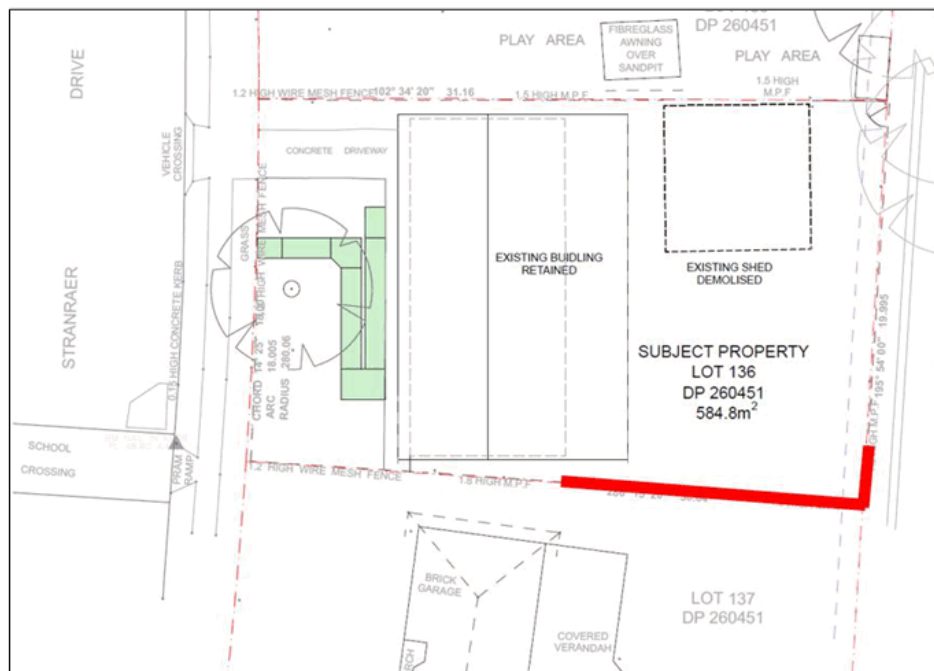
The fence should have a total vertical height of 2.7m. For sections of the fences taller than 1.8m, the top part of the fence) should lean inwards at an angle of approximately 45 degrees. Structural and visual/privacy requirements must be checked with the relevant authority. The acoustic barrier must be of solid construction (with no air gaps or penetrations including the connections and structural bases) such as:

- Metal fencing (Colorbond etc). No gaps or penetrations throughout)
- Polycarbonate Transparent Sheeting (selection must ensure the  $R_w$  rating is met)
- Timber fence with double lapped boards of standard 15mm thickness, allowing a continuous thickness of 30mm
- Aerated Concrete panels such as Hebel
- Masonry or Precast concrete panels
- Any combination of the above

This existing 1.8m metre fence can be retained but it must be checked to ensure that no penetrations or gaps are present.



**Figure 6-1 Extent of Recommended Acoustic Barrier and Heights - Indicative**



## **2. Staggered Play in Outdoor Areas**

Staggered play times should be implemented to reduce the noise impact. At any given time, no more than 11 children should use the outdoor play area.

## **3. Mechanical Plant & Equipment Noise**

The location of any future mechanical plant and equipment should be located away from residential receivers where possible. The selection of all mechanical plant and equipment must be made to ensure compliance with the NPfI Intrusiveness Noise Criteria listed in Table 4-3. All final selections must be checked by an acoustic consultant to ensure the noise criteria is not exceeded.

## APPENDIX A DRAWINGS USED TO PREPARE REPORT

This report was prepared using drawings provided by Kira Robson Architect, prepared for Weldon Children’s Services.

No.	Rev.	Title	Date
DA00	C	Site Roof Plan	15-06-2020
DA01	C	Proposed Floor Plan	15-06-2020
DA02	C	North & South Elevations	15-06-2020
DA03	C	East & West Elevations	15-06-2020

**PKA** Acoustic Consulting

Project Address: 4 Stranrear Drive, St Andrews

**Logger Location:** At sensitive residential boundary to the south

Background Noise Levels L <sub>A90</sub> dB				
	Daytime	Evening	Nighttime	
	07:00 - 18:00	18:00 - 22:00	22:00 - 07:00	
	Measured	Measured	Measured	
Monday	41.2	43.8	36.8	
Tuesday	43.2	41.0	27.7	
Wednesday	41.6	38.3	31.5	
Thursday	42.1	43.1	36.4	
Friday	42.7	44.0	37.7	
Saturday	39.3	40.4	34.1	
Sunday	37.8	38.6	31.8	
Monday	40.3			
Rating Background Level (RBL)	41	41	34	

Existing Noise Levels L <sub>Aeq</sub> dB				Sunday or Public Holiday?
	Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured	
Monday	03/12/2018	51.7	47.6	
Tuesday	04/12/2018	50.5	45.2	
Wednesday	05/12/2018	50.7	46.5	
Thursday	06/12/2018	51.4	49.3	
Friday	07/12/2018	53.6	52.3	
Saturday	08/12/2018	50.3	46.5	Y
Sunday	09/12/2018	50.0	46.0	
Monday	10/12/2018			
Average Noise Level (L <sub>eq</sub> )	51	51	48	



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

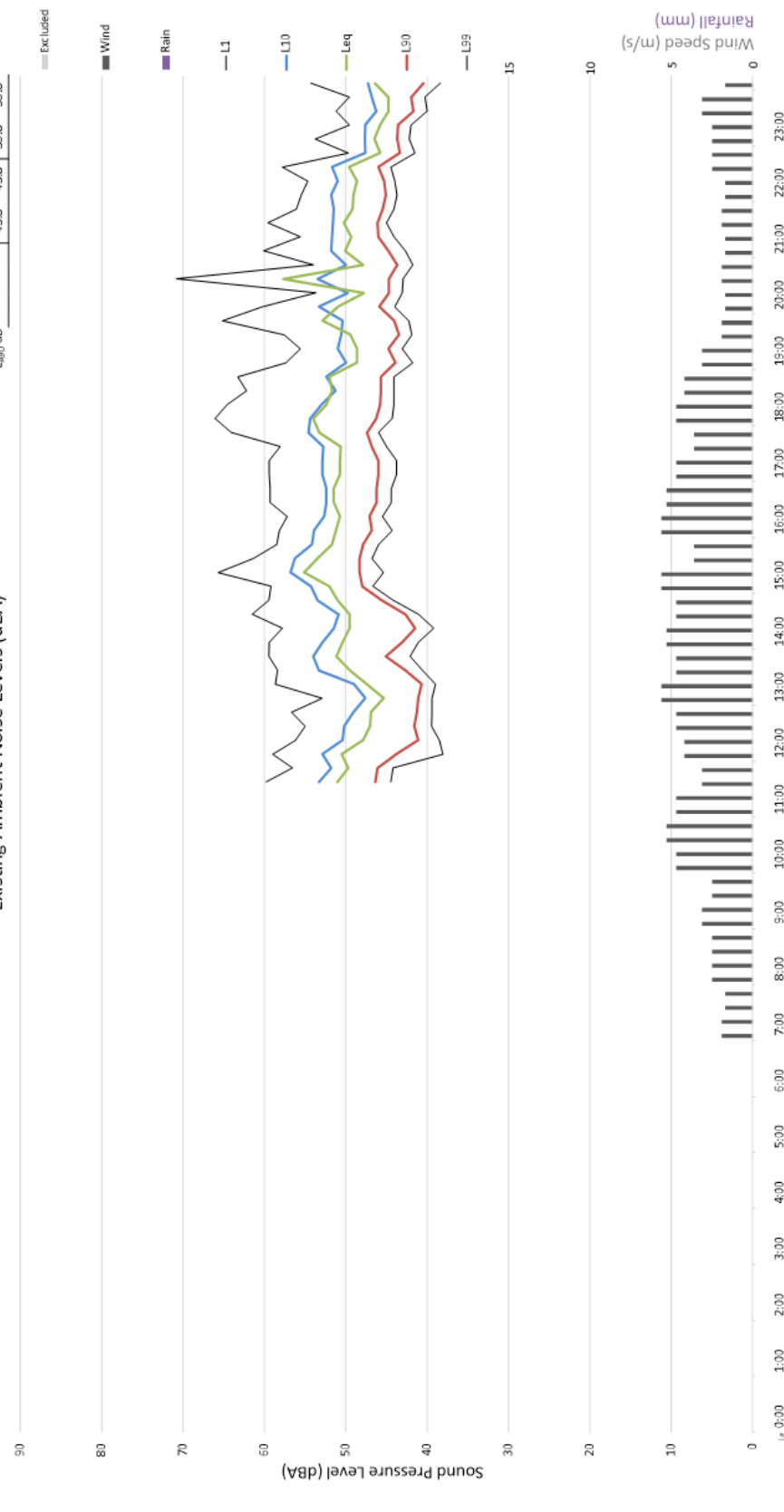
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

03/12/2018 Monday

Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
L <sub>eq</sub> dB			51.7	51.7	47.6	47.6
L <sub>90</sub> dB			43.8	43.8	36.8	36.8



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

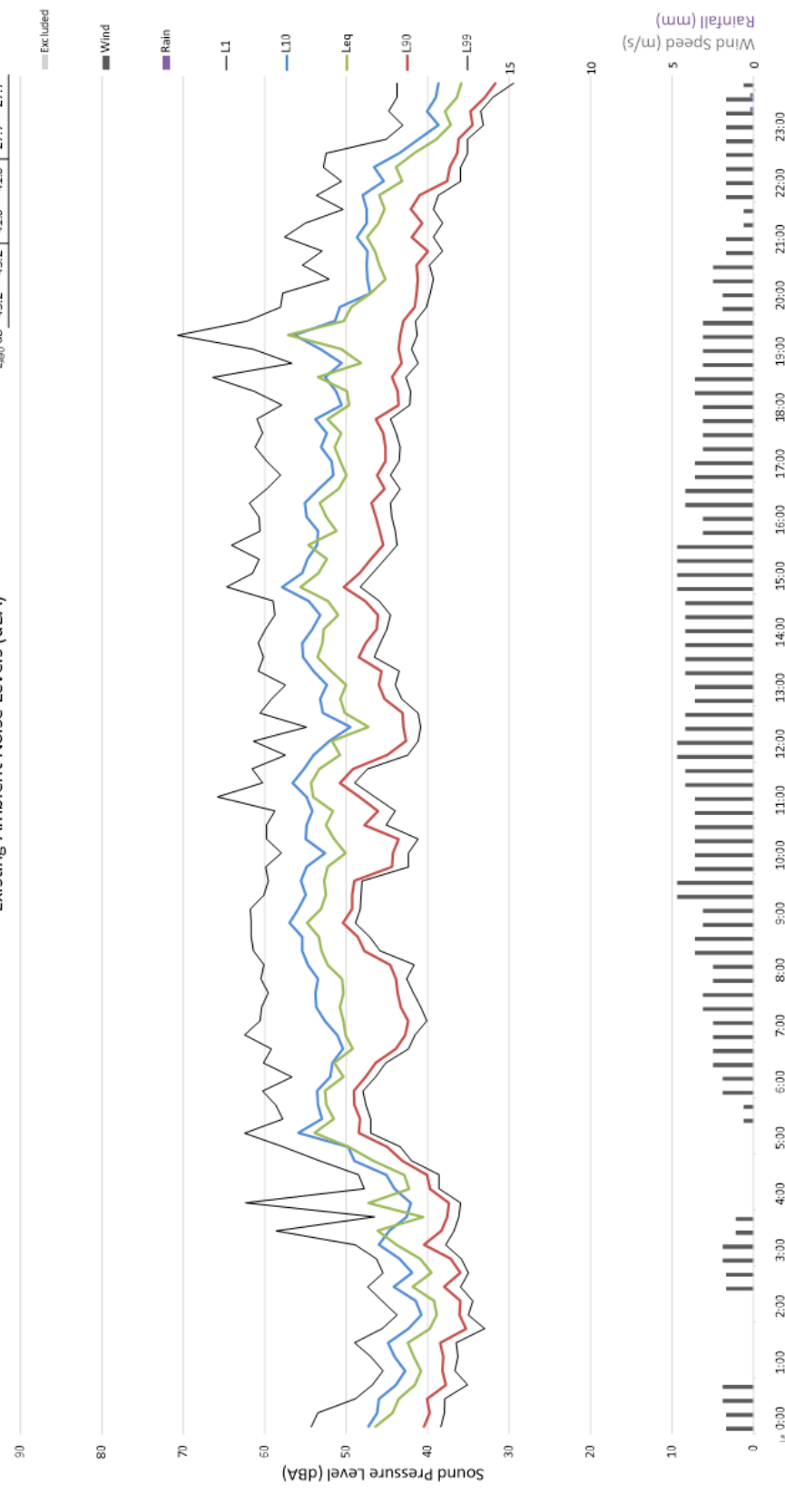
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

04/12/2018 Tuesday

Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
L <sub>eq</sub> dBA	52.2	52.2	50.5	50.5	45.2	45.2
L <sub>90</sub> dBA	43.2	43.2	41.0	41.0	27.7	27.7



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

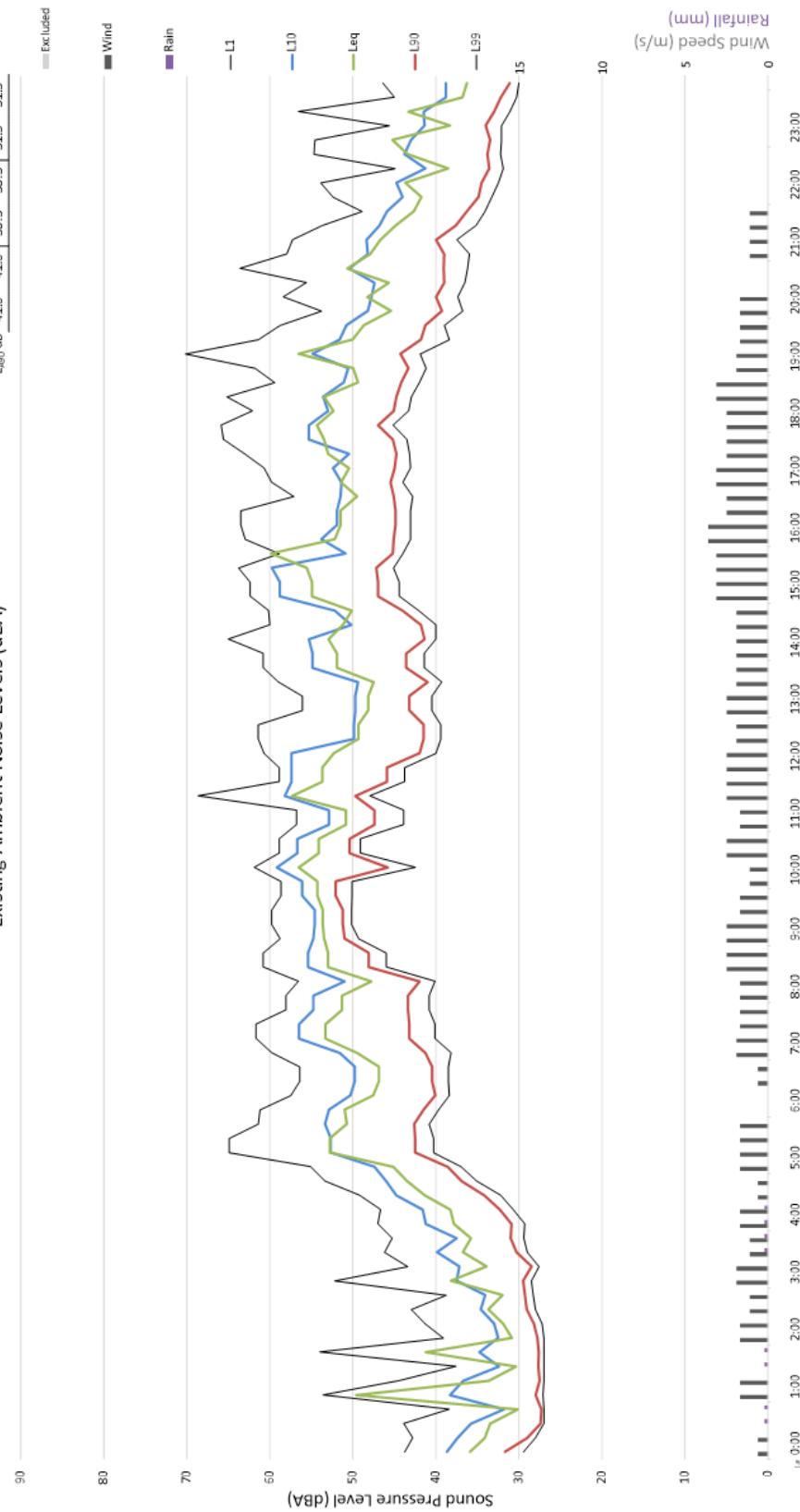
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

05/12/2018 Wednesday

Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
L <sub>eq</sub> dBA	53.2	53.2	50.7	50.7	45.5	45.5
L <sub>90</sub> dBA	41.6	41.6	38.3	38.3	31.5	31.5



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

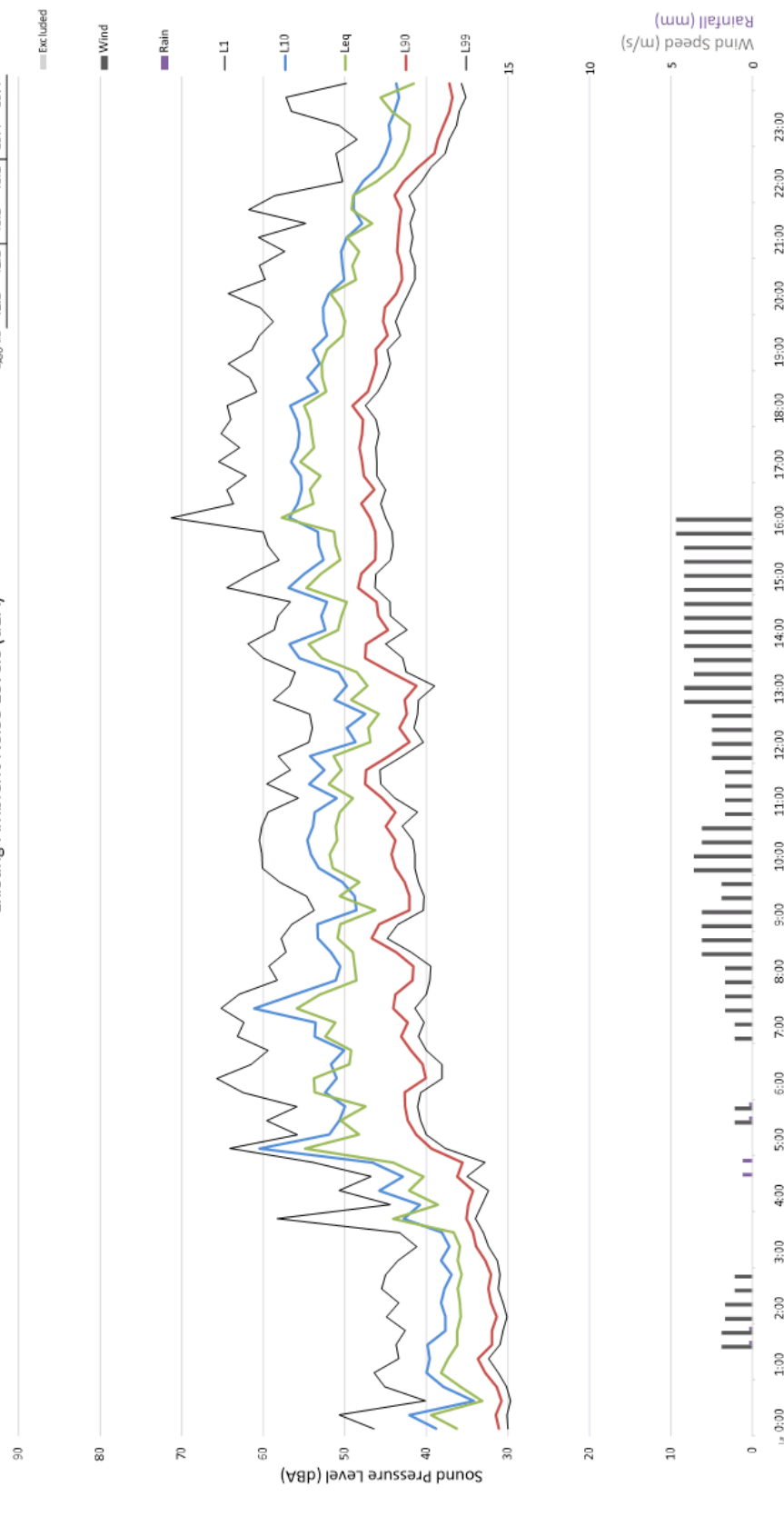
BOM weather data Campbelltown IDN50901

## PKA Acoustic Consulting

06/12/2018 Thursday

Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
$L_{eq}$ dB	52.0	52.0	51.4	51.4	49.3	49.3
$L_{90}$ dB	42.1	42.1	43.1	43.1	36.4	36.4



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

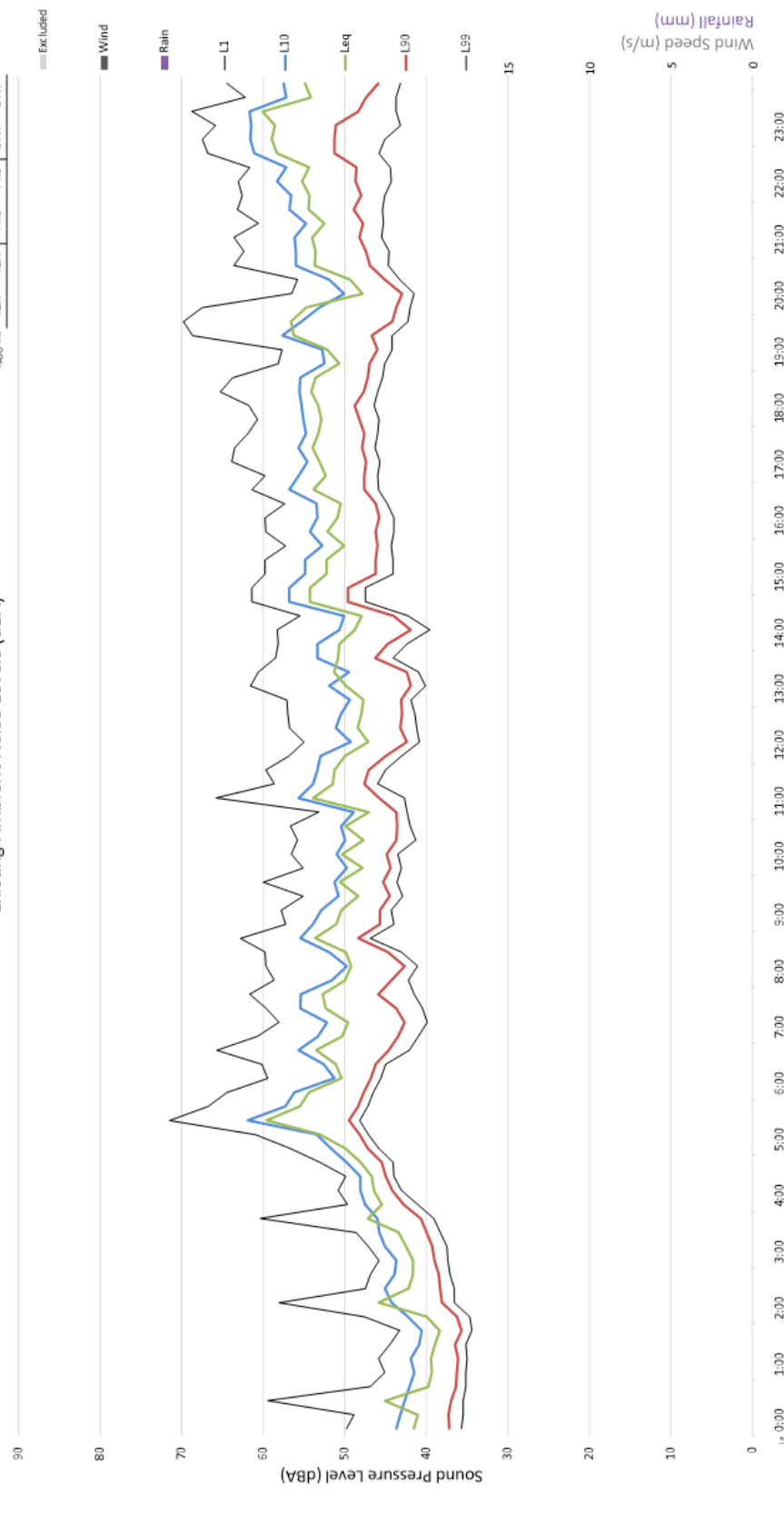
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

07/12/2018 Friday

## Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
L <sub>eq</sub> dB	51.2	51.2	53.5	53.5	52.3	52.3
L <sub>90</sub> dB	42.7	42.7	44.0	44.0	37.7	37.7



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

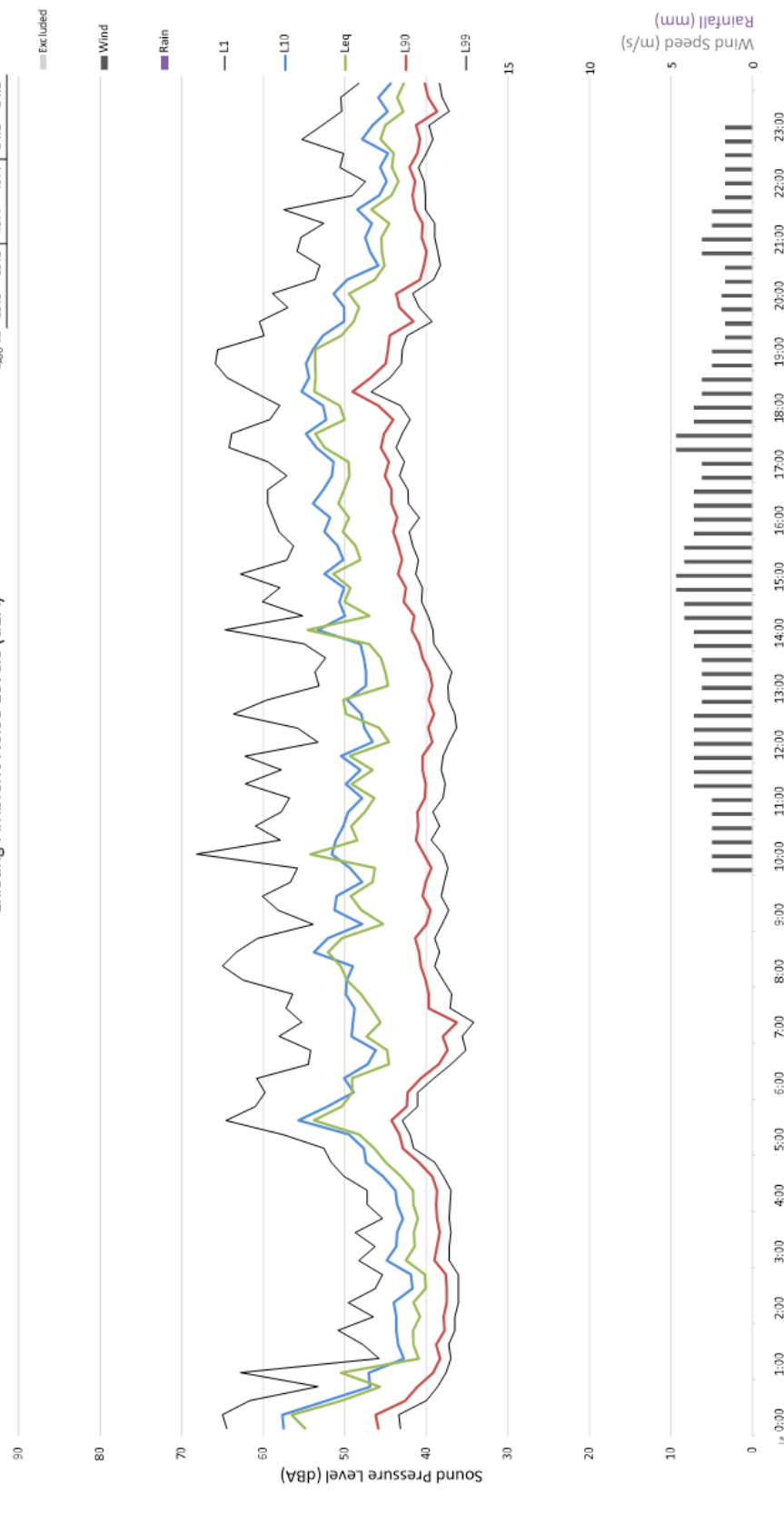
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

08/12/2018 Saturday

Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00	
	Measured	Corrected	Measured	Corrected	Measured	Corrected
L <sub>eq</sub> dB	49.5	49.5	50.3	50.3	46.5	46.5
L <sub>90</sub> dB	39.3	39.3	40.4	40.4	34.1	34.1



## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

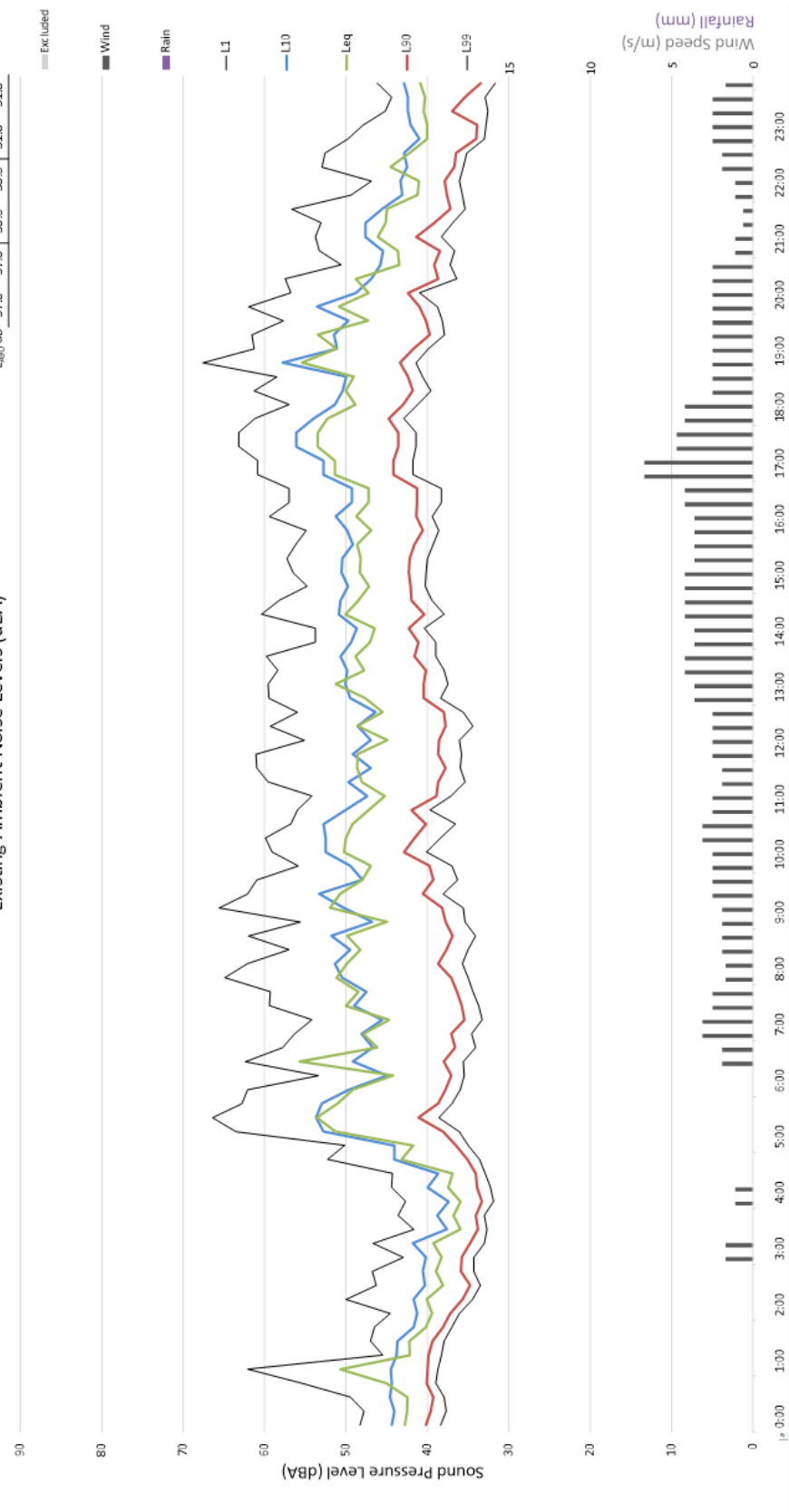
BOM weather data: Campbelltown IDN50901

## PKA Acoustic Consulting

	Daytime		Evening		Nighttime	
	08:00 - 18:00	18:00 - 22:00	18:00 - 22:00	22:00 - 06:00	06:00 - 08:00	08:00 - 22:00
Measured	49.2	49.2	49.8	49.8	45.0	45.0
Corrected	49.2	49.2	49.8	49.8	45.0	45.0

09/12/2018 Sunday

## Existing Ambient Noise Levels (dBA)





## 11406 Weldon Children's Services, St Andrews

Project Address: 4 Stranrear Drive, St Andrews

Logger Location: At sensitive residential boundary to the south

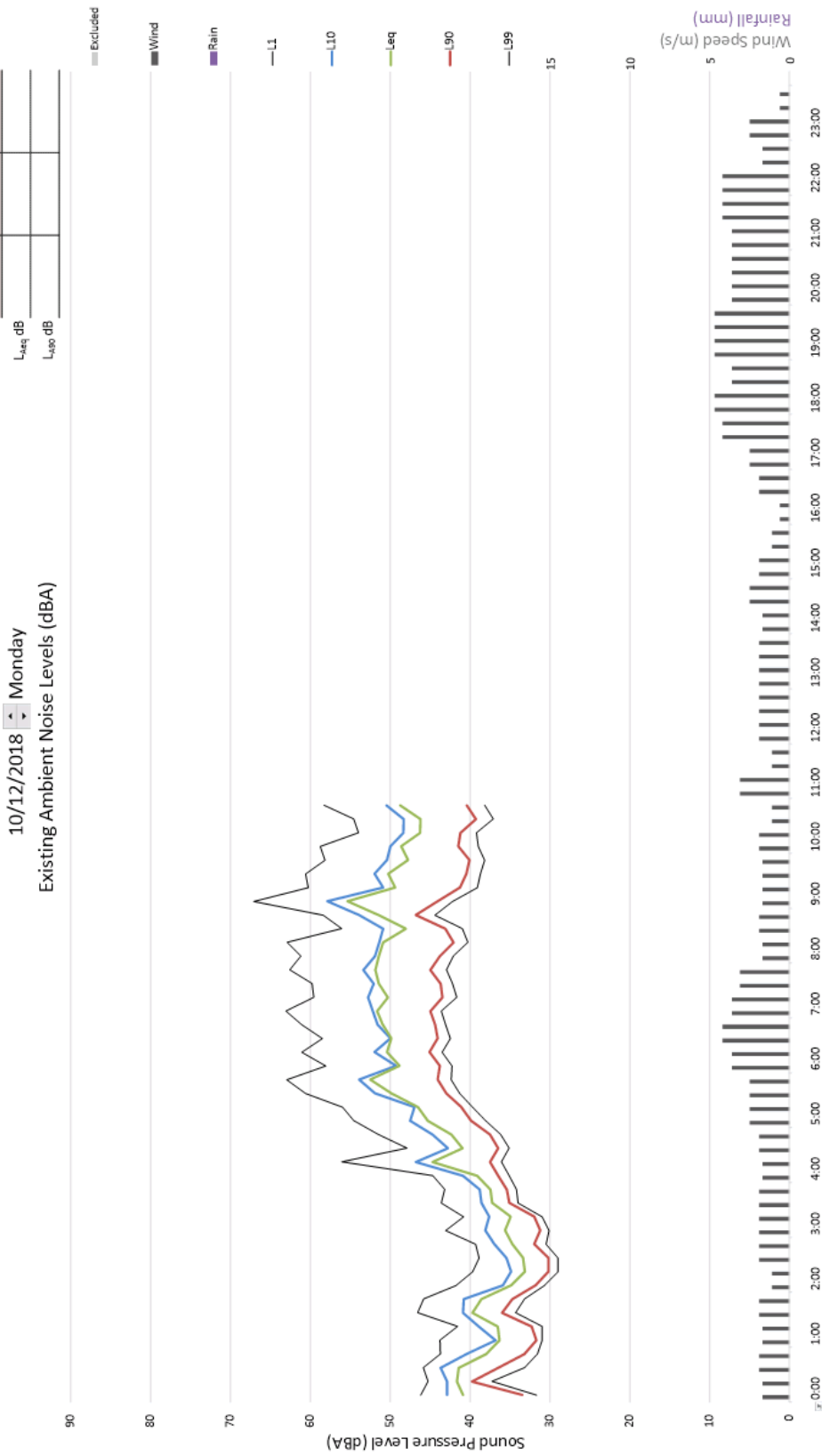
BOM weather data: Campbelltown IDN60901

**PKA** Acoustic Consulting

Daytime	Evening	Nighttime
07:00 - 18:00	18:00 - 22:00	22:00 - 07:00
Measured	Corrected	Measured
Corrected	Corrected	Corrected

10/12/2018 Monday

Existing Ambient Noise Levels (dBA)



## **PKA ACOUSTIC CONSULTING**

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## ASBESTOS BUILDING MATERIALS REGISTER & SURVEY

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4 Stranraer Drive, St Andrews NSW 2566

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Report Number: ES1915066 (Revision 0)  
Date of Issue: 21 April 2019

Prepared for:  
**Weldon Children's Services**  
23 Weldon St  
BURWOOD, NSW 2134

Site Address: 4 Stranraer Drive, St Andrews NSW 2566

Report By:  
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Register ES1915066 - 4 Stranraer Drive, St Andrews NSW 2566

Weldon Children's Services

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Asbestos Register ES1915066 | 21 April 2019

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www.asbestex.com.au

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Register ES1915066 - 4 Stranraer Drive, St Andrews NSW 2566  
Weldon Children's Services

**Survey Ref:** ES1915066 (Revision 0)

**Your Ref:** Weldon Children's Services

**Report Number:** ES1915066

**Report TAT:** STANDARD

## ASBESTOS BUILDING MATERIALS SURVEY

4 Stranraer Drive, St Andrews NSW 2566

21 April 2019

Dear Kira Robson Architects,

We refer to your request to conduct an Asbestos Building Materials Survey for the above-mentioned site. Detailed below is a report of the location, condition, extent and recommendations with possible asbestos materials within the areas and building inspected.

### 1. SCOPE

Asbestex Consulting Pty Ltd (Asbestex) was requested by Kira Robson Architects to conduct an asbestos survey and register of the structure located at 4 Stranraer Drive, St Andrews NSW 2566. Asbestex has been instructed to locate and comment on potential ACM's (Asbestos Containing Material's) present within the proposed childcare centre.

### 2. LIMITATIONS

This assessment constitutes an Asbestos Register of the entire building identified. Inspections/Assessments are conducted in a conscientious and professional manner. The nature of the task, however, and the likely disproportion between any damage or loss which might arise from the work and any report prepared as a result and the cost of our services is such that Asbestex cannot guarantee that all asbestos materials/issues of concern have been identified.

Thus, while we carry out the work to the best of our ability, we totally exclude any loss or damages which may arise from services we have provided to Weldon Children's Services and/or associated parties. Where potential ACD's are identified these are normally reported on to the best of the consultant's ability. Analysis was requested by the client, however, there is no guarantee that all such materials have been identified and/or addressed.

All work conducted, and reports produced by Asbestex are prepared for a Client's objective and are based on a specific scope, conditions and limitations, as agreed upon between Asbestex and the Client. Information and/or report(s) prepared by Asbestex may therefore not be suitable for any use other than the intended objective. No parties other than the Client should use any information and/or report(s) without first conferring with Asbestex.

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Register ES1915066 - 4 Stranraer Drive, St Andrews NSW 2566  
Weldon Children's Services

### 3. INSPECTION METHODOLOGY

The onsite works was an inspection and assessment conducted primarily of the internal and external areas of the structure, namely the current single level brick veneer structure known as 4 Stranraer Drive, St Andrews NSW 2566 ('The Site').

Four (4) presumed asbestos samples were taken from the site for further PLM asbestos analysis and identification. A photographic register is located in the 'The Asbestos Register'.

### 4. INSPECTION AND SITE DETAILS

The site is located at 4 Stranraer Drive, St Andrews NSW 2566 [Figure 1]. The site is in use as a single level brick veneer structure formally in use as private residential premises. For the ease of reporting the building is oriented to the West and fronting on towards Stranraer Drive. At the time of the assessment, the building was unoccupied. The inspection was undertaken by Asbestos Consultant, Michael Elkor of Asbestex Consulting on 17 May 2019, at approximately 11:00hrs.

The building was inspected so far as reasonably practicable to determine possible ACM within the immediate building area. The building was accessible at the time of inspection. The exterior roofing of the structure was not accessed due to height restrictions ie. No harness points / roof safety rails. The sub-floor area of the structure was not accessed due to confined space restrictions.



Figure 1. 4 Stranraer Drive, St Andrews NSW 2566 (Google Earth Images 2018)



Register ES1915066 - 4 Stranraer Drive, St Andrews NSW 2566

Weldon Children's Services

## 5. ASBESTOS EFFECTS ON HEALTH

Asbestos is formed in fibre bundles and, as it is further processed or disturbed, the fibre bundles become progressively finer and more hazardous to health. The finer fibres are classified as most hazardous to human health, invisible to the naked eye and, when inhaled, penetrate the deepest part of the lungs (respirable fibres). Significant health risks may arise from the inhalation of airborne asbestos fibres. Compared with straight amphibole fibres, such as amosite and crocidolite, chrysotile fibres are curly and less likely to penetrate the deepest parts of the lung. Breathing in fibres brings a risk of asbestosis, lung cancer and mesothelioma.

Evidence suggests that asbestos causes gastrointestinal and laryngeal cancers in humans, but to a far lesser extent than lung cancer. Usually, asbestos related diseases have a delay or latency period of 15 to 40 years between first exposure and the onset of symptoms and detection of the disease. Asbestos-related diseases can appear or progress even after a person is no longer exposed.

**Asbestosis** is the scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some cases, death. Minor changes in X-ray images may be detected for many years without any symptoms of asbestosis or progression of the disease.

**Lung cancer** is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

**Mesothelioma** is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). The risk of mesothelioma is less with chrysotile than with other types of asbestos. Both pleural and peritoneal mesothelioma can result from exposure to amosite and crocidolite. Exposure of humans to chrysotile alone has caused few pleural mesotheliomas and has never produced peritoneal mesothelioma without exposure to either amosite or crocidolite. Mesothelioma rarely occurs in less than 15 years from first exposure, and most cases occur over 30 years after first exposure.

As for many cancer-causing substances, no safe level of exposure for lung cancer or mesothelioma has been identified. However, the amount of asbestos fibre in the air that people inhale is the important factor in determining the level of health risk. The highest risks involve inhaling air that contains a high concentration of asbestos fibre.

Asbestos fibres may be released into the air whenever they are disturbed, and especially during the following activities:

- any direct action on ACM, such as drilling, boring, cutting, filing, brushing, grinding, sanding, breaking, smashing or blowing with compressed air (State legislation prohibits most of these actions);
- the inspection or removal of ACM from workplaces (including vehicles, plant and equipment);
- the maintenance or servicing of materials from vehicles, plant, equipment or workplaces; - the renovation or demolition of buildings containing ACM.

Non-friable (bonded) ACM (Asbestos Containing Material) that has been subjected to extensive weathering, damage or deterioration also has a higher potential to release asbestos fibres into the air and be classified as friable under certain circumstances.





Register ES1915066 - 4 Stranraer Drive, St Andrews NSW 2566  
Weldon Children's Services

## 6. ASBESTOS CLASSIFICATION

Under NSW OHS legislation, material that contains asbestos is referred to as Friable or Non-Friable (bonded).

## 7. NON-FRIABLE (BONDED) ASBESTOS MATERIAL

Bonded ACM is any material or product that contains asbestos in a bonded matrix. It may consist of Portland cement or various resins/binders and cannot be crushed by hand when dry. This term is restricted to material that cannot pass a 7mm x 7mm sieve. Asbestos cement (AC) products and electrical meter boards in good condition are examples of bonded asbestos material. Many products made from bonded asbestos material are still found in Australian buildings, motor vehicles and plant components. These products can include:

- Flat (fibro), corrugated or compressed asbestos cement sheeting
- Asbestos cement pipes such as electrical, water, drainage and flue pipes
- Vinyl Floor Tiles

Non-Friable ACM in sound condition, even if broken or fragmented, represents a low human health risk. An asbestos removal contractor with a SafeWork NSW Class B licence for non-friable asbestos is required for its removal.

## 8. FRIABLE ASBESTOS MATERIAL – AF/FA

Friable asbestos material or Asbestos fines (AF) is any material or product that contains asbestos and is in the form of a powder, or can be crumbled, pulverized or reduced to powder by hand pressure when dry. These free fibres, fibre bundles or fragments of ACM can pass a 7mm x 7mm sieve. Can pose a considerable risk if made airborne. Examples of friable asbestos include:

- Sprayed limpet
- Asbestos Loose-fill insulation
- Asbestos cloth and rope
- Millboard
- Pipe lagging
- Boiler lagging
- Asbestos Dust
- Insulation Rope

Any asbestos cement products that have been subjected to substantial weathering, or damaged by hail, fire damage or water blasting, are considered to be friable asbestos and an asbestos removal contractor with a SafeWork NSW Class A licence AS1 for friable asbestos is required for its removal or handling.

## EXAMPLES OF NON-FRIABLE & FRIABLE ASBESTOS BUILDING PRODUCTS



1. Non-Friable Fibre Cement Sheet





2. Friable (Loose) Asbestos based loose-fill insulation




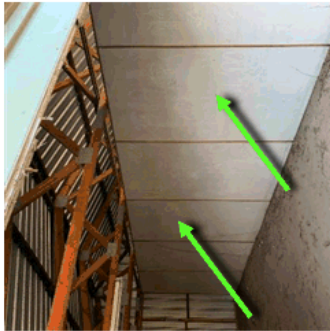
## 9. ASBESTOS REGISTER

No visible asbestos containing materials were located on building materials at the time of inspection. It should be noted however that if there is a likelihood of discovering further asbestos containing materials during demolition or refurbishment works due to the age of the structure.

Sample No.	Sample Location	Approx. Area	Asbestos Detected / Likelihood	Material Condition	Asbestos Classification	Recommended Control Measure*	Photographic Location
AS6486	INTERIOR – Laundry and WC Rooms Fibre Cement Wall Linings	30m <sup>2</sup>	Chrysotile (White) Asbestos Detected	Good / Sealed	Non-Friable (Bonded) Class B	<b>P4*</b>  Labelling recommended. Keep painted or sealed. Do not drill, cut or create dust. Periodically review and monitor.	
AS6487	INTERIOR – Bathroom, WC Room and Vanity Room Fibre Cement Wall Linings	40m <sup>2</sup>	Chrysotile (White) Asbestos Detected	Good / Sealed	Non-Friable (Bonded) Class B	<b>P4*</b>  Labelling recommended. Keep painted or sealed. Do not drill, cut or create dust. Periodically review and monitor.	



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AS6488	EXTERIOR – Eaves Lining Fibre Cement Sheet	n/a	No Asbestos Detected. Use Caution other sheets may contain asbestos.	Good	n/a	n/a	
AS6489	INTERIOR – Free Standing Shed Partition Wall Lining Fibre Cement Sheets	n/a	No Asbestos Detected.	n/a	n/a	n/a	



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n/a	INTERIOR – Kitchen and Main Hall - Vinyl Floor Tiles	150m <sup>2</sup>	Presumed to Contain Asbestos.	Good / Sealed	Non-Friable	<div>P4*</div> <p>           Labelling recommended.            Keep painted or sealed. Do            not drill, cut or create dust.            Periodically review and            monitor.         </p>	
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## 10. ASBESTOS MANAGEMENT PLAN

Sample No.	Sample Location	Recommended Control Measure	Person Responsible + Work To Be Done	Date To Commence	Expected Time To Complete	Work Completed By	Signed Off Date
AS6486	INTERIOR – Laundry and WC Rooms Fibre Cement Wall Linings	P4					
AS6487	INTERIOR – Bathroom, WC Room and Vanity Room Fibre Cement Wall Linings	P4					
n/a	INTERIOR – Kitchen and Main Hall - Vinyl Floor Tiles	P4					

**Procedures for detailing accidents, incidents or emergencies of asbestos in the workplace** – any work with asbestos or ACM is to comply with the 'How to manage and control asbestos in the workplace - Code of Practice' (ISBN 978-0-642-33315-5); control of the workplace in accordance with the above Code of Practice.

**In the case of Emergencies, accidents or incidents relating to asbestos.**

**Contact: Michael Elkor (Asbestex Consulting Pty Ltd) Phone: 0416 747 474 or (02) 9008 0499**

Next Asbestos Register Revision Date: TBA



## 11. \*CONTROL MEASURES

The ultimate goal is for all workplaces or structures to be free of ACM (Asbestos Containing Material). Where practicable, consideration should be given to the removal of ACM during renovation, refurbishment, and maintenance, rather than other control measures such as enclosure, encapsulation or sealing.

The control measures required for identified and presumed ACM should be determined from the risk assessment and should follow the following principles:

These control measures reflect the following hierarchy of controls:

### **P1 - Elimination/removal (most preferred);**

If the ACM are friable or non-friable and not in a stable condition, and there is a risk to health from exposure, they should be removed by an asbestos removalist as soon as practicable.

### **P2 - Isolation/enclosure/sealing;**

If the ACM are friable or non-friable but are in a stable condition and are accessible, serious consideration should be given to their removal. If the removal is not immediately practicable, short-term control measures, such as sealing and enclosure, may be able to be used until removal is possible.

### **P3 - Engineering controls;**

If the ACM are not friable and are in a good, stable condition, minimising disturbance and encapsulation may be appropriate controls.

### **P4 - Safe Work Practices – Remain in-situ (administrative controls);**

Any remaining ACM should be clearly labelled, where possible, and regularly inspected to ensure they are not deteriorating or otherwise contributing to an unacceptable health risk.

## 12. SUGGESTED REMEDIATION ACTION PLAN AND SCOPE OF WORKS

The following works to be carried out to remove the ACM from the affected area of the site if found. Where practical, the work should be carried out in the order listed below in the second section. **In NSW you must use an Asbestos Licensed Removal Contractor.**

- Maintain and erect warning signs during work. All affected areas to be barricaded and covered with a suitable polythene barrier.
- Use of a dust suppression system during removal in order to minimize creation of dust and eliminate the potential of any loose asbestos fibres from becoming airborne. The removal of the ACM must be under moist or damp conditions. If this cannot be achieved, then asbestos removal by 'dry method' should be used.
- Manual removal of the ACM paying particular attention to any leakage of residue, dust or debris of the material during re-location. If the contractor observes any loose-fill or friable ACM – works to be stopped and re-assess the site and scope as required.
- Double encapsulation of the ACM with polythene sheeting and sealing the ACM to get an 'air-tight' rating. The use of heavy duty duct tape must be used around all openings of the polythene sheeting.





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- An asbestos wet wiping procedure to be conducted on the timber and immediate surrounding area of the work location. Each wet wipe must only be used for one swipe and disposed of in a suitable and approved labelled asbestos waste receptacle. Each waste receptacle must be double goose necked prior to transport.
- Removal of the ACM are to be carried out systematically and carefully. The only way to avoid this is to gently manoeuvre and place the ACM in containers to be loaded into a dedicated truck or skip bin. If the ACM are to be taken by hand to the load point then extreme care should be observed not to spill any contaminated material inside the dwelling or transit-route. All waste should be double bagged before transporting.

### 13. SUGGESTED WORK PROCEDURE

The following procedure is an outline of the method to be used to safely carry out the above work if a ACM is discovered during demolition of the site. This procedure does not override the requirements of the *Worksafe Australia Asbestos Code of Practice* or the *NSW Occupational Health and Safety Regulations 2011*. **Prior to the commencement of the work the licensed asbestos removal contractor should provide a comprehensive safe work method statement including risk and hazard assessment.**

1. SafeWork NSW, property occupier and neighbouring properties to be notified by postage mail (5) days prior to works by the licensed asbestos removal contractor. Notifications to remove asbestos are required by *clause 466 of the Work Health and Safety Regulation 2011*.
2. Barricades and warning signs are to be placed around the perimeter of the work area. Polythene plastic dust barriers should be used around the site to stop any dust moving out into adjacent areas.
3. It is recommended all seals and vents leading into occupied areas be sealed and made airtight. (Control) air monitoring should be carried out by a qualified asbestos occupational or environmental hygienist or Licensed Asbestos Assessor (LAA) inside the area concerned during the removal process for the detection and concentration of airborne asbestos fibre in compliance with the *WH&S Act 2011* and associated *Codes of Practice*.
4. All persons entering the work area are to wear disposable coveralls (Type 5-6) and appropriate respiratory protection (at least class P2). At the completion of the shift, disposable coveralls are to be bagged for disposal as asbestos contaminated waste.
5. Any asbestos contaminated material is to be placed into 0.2mm plastic bags for disposal as asbestos waste. All asbestos contaminated waste should be double bagged. The loaded truck should be covered with 0.2mm thick plastic and sealed in order stop any loose asbestos fibres or ACM from becoming air borne during transportation.
6. Upon completion of work in area, a visual inspection and/or clearance air monitoring shall be carried out to verify that all asbestos contamination has been removed without the release of asbestos fibre.
7. The removal contractor to submit proof of proper disposal (if applicable) of the contaminated waste at a landfill licensed to accept asbestos waste before clearance is issued.
8. Wet rags may be used to wet wipe PPE for reuse and dust from shoes etc.





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#### 14. COMMENTS

Materials which were not identified or concealed during this assessment but become exposed during demolition or building works and are suspected of containing asbestos should have their composition determined prior to works in these areas continuing. Removal of asbestos materials should be undertaken by an asbestos removal licence holder and in accordance with the regulations and requirements of the NSW Government and the SafeWork Australia Code of Practice - *How to Safely Remove Asbestos* - 2011.

This report should be made available to any visiting tradesmen for perusal, before they commence their work, so that precautions can be taken. The external ground areas should be checked for any asbestos contamination by systematic dust sampling and analysis. There are detailed site/work-specific requirements and precautions that must be taken in the management, control and removal of asbestos containing materials.

ACM need to be removed before further works are undertaken if they are likely to be disturbed by those works in accordance with the *Code of Practice for the Safe Removal of Asbestos* [NOHSC: 2002 (2005)].

The following are some general recommendations and precautions that should be considered. Detailed documents, which may include Management Plans, Technical Scope of Works, Risk Assessments and Safe Work Method Statements, should be prepared to appropriately address health and safety issues associated with specific work and site conditions.

- As a general rule, all asbestos should be removed as soon as practicable. Removal must be by a contractor licensed to undertake such works. In the interim, if there has been significant damage or disturbance to the asbestos, access to the site should be appropriately restricted (i.e. barricaded, etc.) and no access to the general public should be given. Persons wishing to access the site must complete a suitable and sufficient risk assessment, the results of which may include the use of appropriate Personal Protective Equipment (PPE) which may include disposable coveralls and respiratory protection (RPE).
- Access to locations potentially containing friable or bonded asbestos should be restricted (i.e. barricaded, etc.) until such time as the contamination has been removed by a licensed contractor and a clearance certificate has been issued by an occupational hygienist and LAA (licensed asbestos assessor).
- Access to any unsealed ACM should be appropriately restricted as contact with the ACM may result in the release of asbestos fibres and can be highly dangerous, particularly if the ACM is friable. Appropriate health and safety precautions (e.g. risk assessment, use of respiratory protection and disposable coveralls) must be taken when performing any work that may disturb the ACM.
- ACM are to be removed as soon as practicable. As part of good ongoing management, we recommend regular inspections of ACM left in-situ in the building to check the condition of these materials.
- The condition of the ACM's should continue to be monitored and recorded if not removed.
- If asbestos materials become damaged and/or produce visible dust or significant debris, then health and safety management works are likely to be required. A suitably qualified and experienced consultant, such as Asbestex, can advise and assist in carrying out such works.
- Any areas of the workplace that contain ACM including plant, equipment and components should be sign posted with appropriate warning signs to ensure that asbestos is not unknowingly disturbed without the correct precautions being taken. These signs should be placed at all the main entrance to the work areas where asbestos is present. The sign should read 'This site contains ACM' conforming to *Australian Standard 1319-1994 Safety Signs for the Occupational Environment*.



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## 15. RESPONSIBILITIES AND LICENCING

Persons in adjoining properties that might be affected by the asbestos removal activities must be consulted.

SafeWork NSW requires that certain asbestos removal work be licensed under the *Occupational Health and Safety Regulation 2011*.

An AS1 (Class A): Friable Asbestos Licence is required to remove any friable asbestos or non-friable asbestos which has become friable and any non-friable asbestos.

An AS2 (Class B) Non-Friable Asbestos Licence is required to remove any non-friable asbestos material over the amount of 10sqm.

The client is responsible for ensuring an asbestos removalist carries out the removal of ACM. The client should request details of the contractor's asbestos removal licence prior to any removal of ACM. A copy of the notification must be displayed at the place of work.

SafeWork NSW must be notified minimum [5] days before undertaking any friable asbestos removal work. The [5] day notification period may be waived by SafeWork NSW if the asbestos is a risk to occupants or workers. A copy of the notification must be displayed at the place of work.

The asbestos removalist must ensure the removal is adequately supervised and is carried out in a safe manner by ensuring that a nominated supervisor recognised by SafeWork NSW is on site at all times when licensed work is being carried out.

All persons involved in the removal of ACM must be competent for the tasks allocated to them. The licence holder must ensure asbestos workers have had training in safe work methods in asbestos work.

## 16. SITE PREPARATION

Preparation activities include minimising the number of people present and gathering the correct tools, PPE, decontamination materials, barricades, warning signs, etc. at the workplace before any work commences.

The responsible person should ensure the security and safety of the asbestos removal site and asbestos work area at all times, particularly if the removal process is to take place over several days or an extended period of time.

The asbestos removal site should be clearly defined to ensure that non-essential people do not enter and to clearly delineate the removal site and warn persons that asbestos removal work is being carried out (e.g. through the placement of barriers and signs or other warning devices). All barriers and warning signs should remain in place until a clearance to re-occupy has been granted.

Before removal tasks commence plastic sheeting (for containment) may need to be placed on the floor or other surfaces that may be contaminated with asbestos dust. If the removal work is not being carried out in an enclosure, the surfaces to be worked on should be cleaned, by either wet wiping or vacuuming, to minimise exposure from the disturbance of asbestos fibres that might be on the surfaces prior to the commencement of removal tasks.



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## 17. ASBESTOS REMOVAL EQUIPMENT

Care should be taken in selecting tools for asbestos removal tasks. In addition to having to be suitable for these tasks, all tools should prevent or minimise the generation and dispersion of airborne asbestos fibres as much as possible.

The use of power tools in asbestos removal work should be avoided because of the possibility of internal contamination, which commonly occurs with such devices. In general, manually operated hand tools are preferred. A constant low-pressure water supply is required for wetting down asbestos. This can be achieved with a mains-supplied garden hose fitted with a pistol grip.

If no water supply is readily available, a portable pressurised vessel, such as a pump-up garden sprayer, may be able to be used.

Asbestos vacuum cleaners should comply with the requirements of AS 3544-1988 *Industrial Vacuum Cleaners for Particulates Hazardous to Health* and AS 4260-1997 *High Efficiency Particulate Air Filters (HEPA) – Classification, Construction and Performance*.

**Warning: Domestic vacuum cleaners are unsuitable and should never be used, even if they have a HEPA filter.**

Asbestos vacuum cleaners should only be used for collecting small pieces of asbestos dust and debris. Larger pieces should never be broken into smaller sizes so they can be vacuumed.

## 18. PERSONAL PROTECTIVE EQUIPMENT (PPE)

All persons engaged in asbestos removal work should wear respiratory protective equipment (RPE) conforming to the requirements of AS/NZS1716-2003 *Respiratory Protective Devices*.

The selection, use and maintenance of respirators should be in accordance with AS/NZS1715-1994 *Selection Use and Maintenance of Respiratory Protective Devices*. Protective clothing such as Type-5 or Type-6 disposable coveralls should be provided and worn at all times during all work in the asbestos work area prior to the final clearance inspection. Protective clothing should be made from materials which provide adequate protection against fibre penetration. Coveralls should not have external pockets or Velcro fastenings because these features are easily contaminated and difficult to decontaminate. Disposable coveralls are preferred. They should never be reused, and must be disposed of as asbestos waste.

## 19. DECONTAMINATION

The type of decontamination required will depend on the type of asbestos (i.e. friable or non-friable); the work method used, and site conditions. Decontamination must include the asbestos work area, all tools and equipment and personal decontamination. All contaminated materials, including cleaning rags, plastic sheeting and PPE etc., must be disposed of as asbestos waste. Some asbestos removal work necessitates the use of decontamination units such as friable asbestos removal work.

## 20. ASBESTOS WASTE REMOVAL

Loose asbestos waste should not be allowed to accumulate within the asbestos work area. Asbestos waste should be collected in heavy-duty 200µm (minimum thickness) polythene bags that are no more than 1200 mm long and 900 mm wide.



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The bags should be labelled with an appropriate warning, clearly stating that they contain asbestos and that dust creation and inhalation should be avoided. If it is not feasible to use asbestos waste bags, drums or bins, because of the volume or size of the asbestos wastes, a waste skip, vehicle tray or similar container that has been double lined with heavy-duty plastic sheeting (200µm minimum thickness) may be used. Once the skip is full, its contents should be completely sealed with the plastic sheeting.

## 21. DISPOSAL OF ASBESTOS WASTE

All asbestos waste should be removed from the workplace by a competent person and transported and disposed of in accordance with all relevant State legislation and guidelines for the transport and disposal of asbestos waste.

All asbestos waste must be transported in a covered leak-proof vehicle and:

- not mixed with general building waste;
- not taken to a waste facility for recycling.

Only vehicles licensed by the DECC can transport friable asbestos waste in the metropolitan area. Asbestos in any form must be disposed of in a manner approved by the DECC and at a waste facility licensed by the DECC to accept asbestos waste. NSW licensed landfills that accept asbestos waste from the public are listed by region on the DECC website.

Vehicles and their containers must be cleaned before leaving the waste facility. Contact the DECC and/or the local council for details of waste facilities that can accept asbestos waste. To demonstrate proof of proper disposal, copies of asbestos waste disposal receipts are to be kept for inspection by SafeWork NSW, the DECC or the local council.

## 22. AIR MONITORING

Air monitoring should be performed whenever ACM are being removed, to ensure the control measures used by the licensed contractor are effective. Air monitoring should be performed in accordance with the *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres* [NOHSC: 3003 (2005)].

## 23. CLEARANCE TO REOCCUPY

A visual inspection involving an examination of the asbestos work area should be carried out, prior to the resumption of normal work in the area by unprotected personnel, to confirm that the asbestos removal work has been completed and there is no visual evidence of dust and debris.

Particular attention should be paid to ledges, the tops of air-conditioning ducts, cracks in the floor, folds in plastic sheeting and crevices or other areas which may have been overlooked during the initial clean-up. The clearance inspection must be conducted by a Licensed Asbestos Assessor who is independent from the person responsible for the removal work.

## 24. LEGISLATION, GUIDELINES AND REGULATIONS

The removal and disposal of asbestos containing construction materials in NSW is overseen by various authorities including SafeWork NSW (SafeWork), the Office of Environment and Heritage (NSW OEH), local government (council) by administering various legislation, regulations and codes of practice.

There is a concerted effort to harmonise the Occupational Health and Safety legislation around Australia using the National Work Health and Safety (WHS) Model. The new WHS legislation was adopted by NSW, QLD, ACT, NT and

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the Commonwealth, and the Work Health and Safety Act 2011 (WHS Act) and the Work Health and Safety Regulation 2011 (WHS Reg.) came into effect from 1 January 2012 in each State above. The term 'Person Conducting a Business or Undertaking' (PCBU) now captures a much wider range of person being responsible under the WHS legislation, and the definition of 'worker' includes contractors, sub-contractors, employees, volunteers, amongst other persons. The new legislation has also significantly increased the requirements in dealing with asbestos and ACM, and in essence requires all buildings built before 31 December 2003 to obtain an Asbestos Register in order to comply.

Statutory documents that are applicable to the work include (but are not limited to) the following:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2011*
- *Code of Practice for How to Safely Remove Asbestos [Safe Work Australia (2011)]*
- *Code of Practice for How to Manage and Control Asbestos in the Workplace [Safe Work Australia (2011)]*
- *Occupational Health and Safety Commission: 3003 (2005)]*
- *AS/NZS 1716-2003 - Respiratory Protective Devices*
- *AS/NZS 1715-1994 - Selection, Use and Maintenance of Respiratory Protective Devices*
- *AS 2601-2001 - The Demolition of Structures*
- *AS 1319-1994 Safety Signs for the Occupational Environment*

#### **24.1 The new Work Health and Safety legislation for Managers and Property Owners**

There is a concerted effort to harmonise the Occupational Health and Safety legislation around Australia using the National Work Health and Safety (WHS) Model. The new WHS legislation was adopted by NSW, QLD, ACT, NT and the Commonwealth, and the Work Health and Safety Act 2011 (WHS Act) and the Work Health and Safety Regulation 2011 (WHS Reg.) came into effect from 1 January 2012 in each State above. The term 'Person Conducting a Business or Undertaking' (PCBU) now captures a much wider range of person being responsible under the WHS legislation, and the definition of 'worker' includes contractors, sub-contractors, employees, volunteers, amongst other persons.

The new legislation has also significantly increased the requirements in dealing with asbestos and ACM, and requires all buildings built before 31 December 2003 to obtain an Asbestos Register in order to comply (see Annex B for a summary of the penalties that applies to asbestos non-compliance).

## **25. STATE: NEW SOUTH WALES**

The use of all forms of asbestos is no longer permitted. The use of all types of asbestos in the amphibole group was banned in Australia in the mid-1980s, and the manufacture and use of products containing chrysotile was prohibited nationally from 31 December 2003. Therefore, a building that is constructed prior to 2004 will require an asbestos assessment.

Under the Work Health & Safety Act 2011 and Work Health & Safety Act 2011 effective from 01 January 2012, all persons who conduct a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, that workers and other persons are not put at risk from work carried out as part of the business or undertaking. "Persons with management or control "duties include:

- Must ensure all asbestos at the workplace is identified by a competent person or presume its presence.
- May identify asbestos by arranging a sample of the asbestos to be analysed.
- Must ensure the presence and location of the asbestos at the workplace is clearly indicated (by a label if reasonably practicable).
- Must ensure an asbestos register for the workplace is maintained and reviewed at certain times and ensure it is readily available to workers who carry out, or intend to carry out work at the workplace, their health and safety representatives and other persons.
- Must ensure when management or control of the workplace is relinquished by a PCBU, a copy of the asbestos register is given to the person taking over management or control.

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- Must, where asbestos has been identified at the workplace, ensure that an asbestos management plan is developed and maintained. The plan must be reviewed and revised (if necessary) every 5 years.
- Must ensure a risk assessment is undertaken and reviewed by a competent person before the work is carried out
- Prior to demolition and refurbishment work, must review the asbestos register and ensure all asbestos that is likely to be disturbed is identified and removed as far as is reasonably practicable. A copy of the asbestos register must be given to the person carrying out demolition or refurbishment work.
- Must, if an emergency occurs and a building, structure or plant is to be demolished, ensure that before the demolition occurs, there is a procedure to eliminate or minimise the exposure to asbestos to below the exposure standard and notify the regulator about the emergency.

Please do not hesitate to contact me on (02) 9008 0499 or [consulting@asbestex.com.au](mailto:consulting@asbestex.com.au) if you require any further information in relation to this site.

Yours faithfully,

**Michael Elkor**  
*Accredited Asbestos Technician*



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## **Appendix A**

### *Asbestos Warning Labels*





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## **Appendix B**

### *Certificate of Analysis – Laboratory*


**Environmental**

## CERTIFICATE OF ANALYSIS

Work Order	: ES1915066	Page	: 1 of 3
Client	: ASBESTEX CONSULTING PTY LTD	Laboratory	: Environmental Division Sydney
Contact	: MR MICHAEL ELKORR	Contact	: Hayley Worthington
Address	: PO Box 2603 North Parramatta NSW 1750	Address	: 277-289 Woodpark Road Smithfield NSW Australia 2164
Telephone	: ----	Telephone	: +612 4014 2500
Project	: 4 Stranraer Dr, st Andrews NSW	Date Samples Received	: 17-May-2019 14:00
Order number	: ----	Date Analysis Commenced	: 21-May-2019
C-O-C number	: ----	Issue Date	: 21-May-2019 11:43
Sampler	: MICHAEL ELKORR		
Site	: Kira Robson		
Quote number	: NE/092/18		
No. of samples received	: 4		
No. of samples analysed	: 4		



Accreditation No. 825  
Accredited for compliance with  
ISO/IEC 17025 - Testing

This report supersedes any previous report(s) with this reference. Results apply to the sample(s) as submitted. This document shall not be reproduced, except in full.

This Certificate of Analysis contains the following information:

- General Comments
- Analytical Results
- Descriptive Results

**Additional information pertinent to this report will be found in the following separate attachments: Quality Control Report, QA/QC Compliance Assessment to assist with Quality Review and Sample Receipt Notification.**

### Signatories

This document has been electronically signed by the authorized signatories below. Electronic signing is carried out in compliance with procedures specified in 21 CFR Part 11.

Signatories	Position	Accreditation Category
Alana Smylie	Asbestos Identifier	Newcastle - Asbestos, Mayfield West, NSW

RIGHT SOLUTIONS | RIGHT PARTNER



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 Work Order : ES1915066  
 Client : ASBESTEX CONSULTING PTY LTD  
 Project : 4 Stranraer Dr, St Andrews NSW

### General Comments

The analytical procedures used by the Environmental Division have been developed from established internationally recognized procedures such as those published by the USEPA, APHA, AS and NEPM. In house developed procedures are employed in the absence of documented standards or by client request.

Where moisture determination has been performed, results are reported on a dry weight basis.

Where a reported less than (<) result is higher than the LOR, this may be due to primary sample extract/digestate dilution and/or insufficient sample for analysis.

Where the LOR of a reported result differs from standard LOR, this may be due to high moisture content, insufficient sample (reduced weight employed) or matrix interference.

When sampling time information is not provided by the client, sampling dates are shown without a time component. In these instances, the time component has been assumed by the laboratory for processing purposes.

Where a result is required to meet compliance limits the associated uncertainty must be considered. Refer to the ALS Contact for details.

Key : CAS Number = CAS registry number from database maintained by Chemical Abstracts Services. The Chemical Abstracts Service is a division of the American Chemical Society.

LOR = Limit of reporting

Δ = This result is computed from individual analyte detections at or above the level of reporting

Ø = ALS is not NATA accredited for these tests.

~ = Indicates an estimated value.

● EA200: Asbestos Identification Samples were analysed by Polarised Light Microscopy including dispersion staining.

● EA200 Legend

● EA200 'Am' Amosite (brown asbestos)

● EA200 'Ch' Chrysotile (white asbestos)

● EA200 'Cr' Crocidolite (blue asbestos)

● EA200: 'UMF' Unknown Mineral Fibres. "-" indicates fibres detected may or may not be asbestos fibres. Confirmation by alternative techniques is recommended.

● EA200: Negative results for vinyl tiles should be confirmed by an independent analytical technique.

● EA200: N/A - Not Applicable

### Analytical Results

Sub-Matrix: SOLID  
 (Matrix: SOLID)

Compound	CAS Number		Client sampling date / time		Client sample ID	
	LOR	Unit	Result	Result	Result	Result
<b>EA200: AS 4964 - 2004 Identification of Asbestos in bulk samples</b>						
Asbestos Detected	1332-21-4	0.1	g/kg	Yes	Yes	No
Asbestos Type	1332-21-4	-	---	Ch	Ch	-
Sample weight (dry)	-----	0.01	g	0.36	0.41	6.89
APPROVED IDENTIFIER:	-----	-	---	A. SMYLYE	A. SMYLYE	A. SMYLYE
Synthetic Mineral Fibre	-----	0.1	g/kg	No	No	No
Organic Fibre	-----	0.1	g/kg	Yes	Yes	Yes



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 Work Order : ES1915066  
 Client : ASBESTEX CONSULTING PTY LTD  
 Project : 4 Stranraer Dr, st Andrews NSW

### Analytical Results

#### Descriptive Results

Sub-Matrix: **SOLID**

Method: Compound	Client sample ID - Client sampling date / time	Analytical Results
<b>EA200: AS 4964 - 2004 Identification of Asbestos in bulk samples</b>		
EA200: Description	AS6486 - 17-May-2019 00:00	A collection of asbestos cement sheeting debris.
EA200: Description	AS6487 - 17-May-2019 00:00	A collection of asbestos cement sheeting debris.
EA200: Description	AS6488 - 17-May-2019 00:00	A collection of cement sheeting debris.
EA200: Description	AS6489 - 17-May-2019 00:00	Two pieces of cement sheeting.

**C2019043**

**BUILDING CODE OF AUSTRALIA 2019**

**REPORT**



**4 STRANRAER DRIVE ST. ANDREWS**

**Centre-Based Child Care Facility**

**25 June 2020**

**Revision 2**

C2019043 - BCA 2019 Report – 4 Stranraer Drive St. Andrews [Page 1 of 29](#)

360 Certification [Mosman Certifiers Pty Ltd], PO Box 94 Spit Junction NSW 2088  
ABN: 24 606 570 825, ACN: 606 570 825

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## 1.0 – Executive Summary

This BCA 2019 Report has been prepared to assess the proposed plans appurtenant to the Development Application for a *centre-based child care facility*.

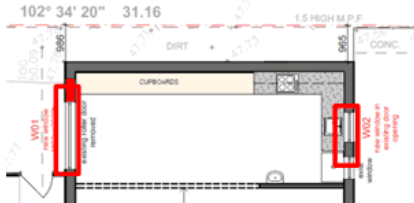
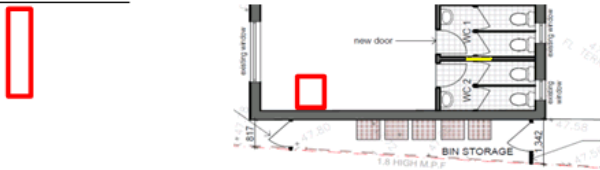
The assessment of the documentation has revealed that the building is primarily capable of complying with the *Deemed-to-Satisfy* [herein 'DTS'] provisions of the BCA 2019 (Volume 1, Class 2-9 Buildings) [herein 'BCA 2019'], and where necessary the Performance Requirements, without modification that would require the development consent to be modified.

### 1.1 – Design Considerations

No.	Recommendation	DTS Clause
1	<p>The fire hazard properties of floor linings, floor coverings, wall linings, ceiling linings and air-handling ductwork, must comply with this clause.</p> <p>The floor linings are to achieve a critical radiant flux <i>not less than 2.2</i> and a maximum smoke development rate not less than 750 percent-minutes. [Natural wool carpets and timber floors comply with this clause].</p> <p>Wall and ceiling linings to have a minimum GROUP No. of 1, 2 or 3. [Plasterboard wall and ceiling linings comply with this clause].</p>	C1.10
2	Electrical distribution boards that are located within a path of travel to an exit must be contained within non-combustible construction (metal cabinet) and smoke sealed.	D2.7
3	<p>The proposed thresholds are capable of complying with this clause and are subject to detailed design at construction certificate stage.</p> <p>The current floor level of 47.80 and adjoining landing of 47.76 must be a 1:8 threshold ramp that complies with AS 1428.1-2009.</p>	D2.15
4	The exit door is permitted not to swing in the direction of egress, as it is the only required exit from the building, and the building is less than 200m <sup>2</sup> , provided the door has a hold-open device.	D2.20
5	<p>The door hardware must be a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3—</p> <p>(A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and</p> <p>(B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm.</p> <p>Panic bars are not required due to the low population load.</p>	D2.21
6	<p>An access way is provided to the building from the street via a ramp.</p> <p>A landing needs to be provided on the inside of the entry gate for circulation space.</p> <p>The surface and edges of this path must comply with AS 1428.1-2009, which are subject to detailed designs at construction certificate stage.</p> <p>Cross section details must be shown on the construction certificate plans.</p>	D3.2
7	The ramp must comply with AS 1428.1-2009. Detailed designs are required at construction certificate stage.	D3.3

8	Hearing augmentation not required unless an inbuilt amplification system is proposed.	D3.7
9	Tactiles required to the main external ramp. Details to be shown on the construction certificate plans.	D3.8
10	On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1-2009.	D3.12
11	Portable fire extinguishers must be installed to the serve the subject building. PFE's to comply with Table E1.6 and AS 2444-2001.	E1.6
12	<p>The proposed use is Class 9b, which is subject to NSW Table E2.2b. Specifically, this requires that a building or part of a building used as an assembly building, must be provided with automatic shutdown of any air-handling system (other than non-ducted individual room units with a capacity not more than 1000 L/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 6 of AS 1668.1-2018), which does not form part of the smoke hazard management system, on the activation of— (i) smoke detectors installed complying with Clause 6(b)(i) of Specification E2.2a; and (ii) any other installed fire detection and alarm system, including a sprinkler system complying with Specification E1.5.</p> <p>The building will be serviced by natural and mechanical ventilation. It is assumed that the ventilation will be a ducted mechanical ventilation system or an A/C system greater than 1000 l/s.</p> <p>As such, the building will require an extended spacing smoke detection and alarm system in accordance with Clause 6(b)(i) of Specification E2.2a that is interfaced with the mechanical ventilation system or the A/C system, so that if smoke is detected, the systems automatically shutdown.</p>	NSW E2.2b
13	The new wet areas must be waterproofed in accordance with Table F1.7 and AS 3740-2010.	F1.7
14	<p>One accessible bathroom is required and provided.</p> <p>One male toilet must be ambulant.</p> <p>One female toilet must be ambulant.</p>	F2.4
15	<p>The door to a fully enclosed <i>sanitary compartment</i> must—</p> <p>(i) open outwards; or</p> <p>(ii) slide; or</p> <p>(iii) be readily removable from the outside of the <i>sanitary compartment</i>, unless there is a clear space of at least 1.2 m, measured in accordance with <a href="#">Figure F2.5</a>, between the closet pan within the <i>sanitary compartment</i> and the doorway.</p> <p>The doorways to the toilets must be lift off hinges. Details to be provided at construction certificate stage.</p>	F2.5
16	<p>Toilet doors do not open to hallways or the like. A such an air lock, hallway or the like not less than 1.1m<sup>2</sup> is required, or the sanitary compartment must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view.</p> <p>Full height cubicles will satisfy this clause subject to the room being provided with natural or mechanical ventilation.</p>	F4.8 F4.9

## 1.2 – Fire Engineering

No.	Recommendation	DTS Clause	Performance Requirements
1	<p>The following windows are within 3m of the northern and southern side boundaries respectively, and therefore require protection as per this clause.</p> <p><u>Northern Façade:</u></p>  <p><u>Southern facade</u></p>  <p>The proponent has indicated that they intend to address this item as a fire engineered performance solution based on radiant heat calculations.</p>	C3.2 C3.4	CP1

## 1.3 – Report Version

Revision	Date	Comments	Prepared & Approved
DRAFT	04 June 2019	DRAFT report.	Greg Evans, Accredited Certifier BPB 1870.
Revision 1	11 June 2019	Minor corrections and door swing adjustment.	Greg Evans, Accredited Certifier BPB 1870.
Revision 2	25 June 2019	Minor corrections and door swing adjustment.	Greg Evans, Accredited Certifier BPB 1870.

Greg Evans  
Director  
Accredited Certifier BPB 1870  
**360 Certification**

Date: **25 June 2020**

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[illegible]

- The *Deemed-to-Satisfy* provisions of BCA 2019 including NSW Variations and relevant Australian Standards;
- Were relevant, the *Performance Requirements* of BCA 2019;
- Plans prepared by Kira Robson Architect, DA00, DA01, DA02, DA03, DA04, Revision A, dated June 2019;
- The *Environmental Planning & Assessment Act 1979*;
- *Clause 131 and 143 of the Environmental Planning & Assessment Regulations 2000*;
- *Disability (Access to Premises — Buildings) Standards 2010*.

### 2.3 – Report Purpose

The BCA 2019 Report will:

- compare the proposed building against the *Deemed-to-Satisfy* provisions of BCA 2019 including NSW Variations and relevant Australian Standards;
- Identify DTS breaches that can be altered to comply with the DTS provisions of BCA 2019;
- Identify DTS breaches and relevant performance requirements to be considered for Performance Solutions by the fire engineering and other consultants.

### 2.4 – Report Methodology

This BCA 2019 report initially relies upon the plans of the proposed building, and a review of the structure against *Deemed-to-Satisfy* provisions of BCA 2019 and adopted Australian Standards.

Consideration can be given to the Performance Requirements of BCA 2019 where appropriate. Where relevant the assessment can include the following categories –

- Structural;
- Fire resistance and compartmentation;
- Occupant Access/Egress;
- Fire Safety/Protection Services
- Health & Amenity;
- Energy Efficiency.

Where compliance is not achieved with the relevant Deemed-to-Satisfy provisions, recommendations will be made to comply with the DTS or the relevant performance requirements.

### 2.5 – Exclusions, Assumptions and Limitations

- The report is limited to the existing building and excludes those existing elements unless directly relevant to the building use;
- This report does not imply, nor make reference to structural design or operating capability or design of any electrical, fire, hydraulic or mechanical services;
- Furthermore, limited reference is made to the Disability (Access to Premises — Buildings) Standards 2010 and the *Disability Discrimination Act 1992 (Cth)*;
- This report excludes a detailed Section J Assessment;
- Property protection, asset protection, environment protection, business interruption, issues associated with insurance or community impact are specifically excluded in this report;
- No liability is accepted for the accuracy of any documents / drawings provided by others which may form the basis of the analysis in this report;
- This report is specifically limited to the project / building and all contents (including data, methodologies, calculations and conclusions) in this report shall not be used for any other projects / buildings or any other purposes. No liability is accepted for the use of findings of this report by others;
- Modifications, changes or future developments to the building and / or any fire safety systems may invalidate the findings of this report. A re-assessment should be sought if these changes happen.



## 2.6 – Building Description

<b>Building Use</b>	<p><i>Centre-based child care centre</i> [Standard Instrument]</p> <p><i>centre-based child care facility means:</i> (a) a building or place used for the education and care of children that provides any one or more of the following: (i) long day care, (ii) occasional child care, (iii) out-of-school-hours care (including vacation care), (iv) preschool care, or (b) an approved family day care venue (within the meaning of the <a href="#">Children (Education and Care Services) National Law (NSW)</a>),</p> <p><i>Note: An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the <a href="#">Children (Education and Care Services) National Law (NSW)</a>) is provided.</i></p> <p><i>but does not include:</i> (c) a building or place used for home-based child care or school-based child care, or (d) an office of a family day care service (within the meanings of the <a href="#">Children (Education and Care Services) National Law (NSW)</a>), or (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.</p>								
<b>Use/Classifications</b>	<table><tr><th>Storey</th><th>Description</th><th>Classification(s)</th></tr><tr><td>Ground floor</td><td>Assembly building</td><td>9b</td></tr></table>			Storey	Description	Classification(s)	Ground floor	Assembly building	9b
Storey	Description	Classification(s)							
Ground floor	Assembly building	9b							
<b>Rise in Storeys</b>	The existing building has a <i>rise in storeys</i> of one as per Clause C1.2.								
<b>Storeys contained</b>	The existing building contains one storey.								
<b>Effective Height</b>	The building has an effective height of 0.00m.								
<b>Floor Area</b>	The floor area of the building is less than the maximum area permitted for Type 'C' construction of 2,000m <sup>2</sup> .								
<b>Volume</b>	The volume of the building is less than maximum permitted for Type 'C' construction of 12,000m <sup>2</sup> .								
<b>Car parking Spaces</b>	Nil.								
<b>Type of Construction</b>	The existing and altered building requires Type 'C' Construction.								
<b>Primary FRL's</b>	90 minutes as the building requires Type 'C' Construction.								
<b>Fire Compartments</b>	The whole building is one <i>fire compartment</i> .								
<b>Zoning</b>	R2 - Low Density Residential								
<b>Flood Prone</b>	No								
<b>Bush Fire Prone</b>	No								
<b>Acid Sulphate Soils</b>	No								
<b>Heritage</b>	No								
<b>Conservation Area</b>	No								

## 2.7 – Category 1 Fire Safety Provisions

A *change of building use* is a change of BCA Classification under *Environmental Planning & Assessment Act 1979*. Pursuant to clause 131 (*Complying Development Certificate applications*) or clause 143 (*Construction Certificate applications*) of the *Environmental Planning & Assessment Regulations 2000*, a *change of building use* requires compliance with CATEGORY 1 Fire Safety Provisions.

The proposed new use of the building as a *centre-based child care facility*, results in a:

- change in use in planning law from a dwelling house to *centre-based child care facility*;
- *change in building use* from Class 1a to Class 9b.

As such, the CATEGORY 1 Fire Safety Provisions have been reviewed as detailed in the table below:

<b>CAT 1 Fire Safety Measure</b>	<b>Description</b>	<b>Compliance Yes/No</b>	<b>Notes</b>
EP1.3	Hydrants	N/A	Fire hydrant coverage is only required when a building is greater than 500m <sup>2</sup> .  As the building is less than 500m <sup>2</sup> , the building does not require fire hydrant coverage.
EP1.4	Sprinklers	N/A	None installed, required or proposed.
EP1.6	Fire brigade intervention facilities.	N/A	The building does not require or proposed a fire control centre.
EP2.1	Smoke Detection	N/A	The proposed use does not have sleeping accommodation. As such, this does not apply to the building.
EP2.2	Untenable conditions	N/A  N/A  Subject to works	<u>Clause E2.2(a)(i):</u> The building does not require smoke detection as per this clause as the building is only two storeys.  <u>Clause E2.2(a)(ii)</u> The building does not have a Class 6 fire compartment greater than 2,000m <sup>2</sup> . As such, the Class 6 part does not require smoke detection per this clause.  <u>NSW Table E2.2b.</u> The proposed use is Class 9b, which is subject to NSW Table E2.2b. Specifically, this requires that a building or part of a building used as an assembly building, must be provided with automatic shutdown of any air-handling system (other than non-ducted individual room units with a capacity not more than 1000 L/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 6 of AS 1668.1-2018), which does not form part of the smoke hazard management system, on the activation of— (i) smoke detectors installed complying with Clause 6(b)(i) of Specification E2.2a; and (ii) any other installed fire detection and alarm system, including a sprinkler system complying with Specification E1.5.  The building will be serviced by natural and mechanical ventilation. It is assumed that the ventilation will be a ducted mechanical ventilation system or an A/C system greater than 1000 l/s.  As such, the building will require an extended spacing smoke detection and alarm system in accordance with Clause 6(b)(i) of Specification E2.2a that is interfaced with the mechanical ventilation system or the A/C system, so that if smoke is detected, the systems automatically shutdown.

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		N/A	<u>Clause E2.2(b)</u> Not applicable as the building is one fire compartment.
		N/A	<u>Clause E2.2(c)</u> Not applicable as the building is one fire compartment.
		N/A	<u>Clause E2.2(d)</u> Not applicable as no smoke control or stair pressurisation in the building required or proposed.
<b>EP3.1</b>	Stretcher facilities lifts	N/A	Not required as no lifts.
<b>P2.3.2</b>	Fire Detection and Early Warning	N/A	Not a Class 1 building.

### 3.0 - BCA 2019 Assessment

#### 3.1 – Structural & Fire Resistance (Section B & C of BCA 2019)

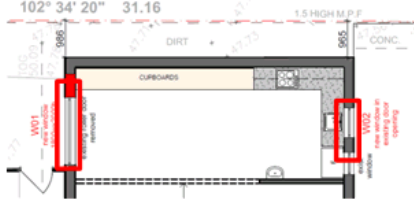

<b>Part B</b>	<b>Structural Provisions</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
B1.0	Deemed-to-satisfy provisions	Part applicable.	Note only.
B1.1	Resistance to actions.	Only minor internal structural adjustments proposed that will comply with this clause.	Yes
B1.2	Determination of individual actions.	Only minor internal structural adjustments proposed that will comply with this clause.	Yes
B1.3	*****	Blank clause.	N/A
B1.4	Determination of structural resistance of materials and forms of construction.	Only minor internal structural adjustments proposed that will comply with this clause.	Yes
B1.5	Structural software.	Note only.	Note only.
B1.6	Construction of buildings in flood hazard areas.	Only minor internal structural adjustments proposed that will comply with this clause.	Yes
<b>Part C1</b>	<b>Fire Resistance and Stability</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
C1.0	DtS Provisions.	Applicable <i>performance requirements</i> for <i>building solutions</i> .	Note only
C1.1	Type of construction required.	<p>Type 'C' construction required to comply with Clause 2 and 5 of Specification C1.1.</p> <p>The external walls are located within 3m of the side (north and south) boundaries and therefore require the following FRL from outside only.</p> <p>0m to 1.5m Load bearing 90/90/90 Non load bearing --/90/90</p> <p>1.5m to 3.0m Load bearing 90/90/90 Non load bearing --/90/90</p> <p>The existing walls are assumed to be brick veneer. Single brick generally achieves an 90 minute FRL in fire tests. As such, no further recommendation is made in relation to the external walls.</p> <p>The roof does not require an FRL.</p>	Yes
C1.2	Calculation of rise in storeys.	The existing building has a <i>rise in storeys</i> of one.	Yes
C1.3	Buildings of multiple classifications.	Not applicable as the building is only class 9b.	N/A
C1.4	Mixed type of construction.	The building is not subject to mixed types of construction.	N/A
C1.5	Two storey Class 2, 3 or 9c buildings.	Not a Class 2, 3 or 9c building.	N/A
C1.6	Class 4 parts of buildings.	No Class 4 parts.	N/A

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C1.7	Open spectator stands and indoor sports stadiums.	Not an open spectator stand or an indoor sports stadium.	N/A
C1.8	Lightweight fire rated construction.	No lightweight fire rated construction proposed.	Yes
C1.9	Non-combustible building elements	Not Type A or B construction, as such, not applicable.	N/A
C1.10	Fire hazard properties NSW Variations NSW C1.10(a)(v) NSW C1.10(b) NSW C1.10(c)(xiii).	The fire hazard properties of floor linings, floor coverings, wall linings, ceiling linings and air-handling ductwork, must comply with this clause.  The floor linings are to achieve a critical radiant flux <i>not less than 2.2</i> and a maximum smoke development rate not less than 750 percent-minutes. [Natural wool carpets and timber floors comply with this clause].  Wall and ceiling linings to have a minimum GROUP No. of 1, 2 or 3. [Plasterboard wall and ceiling linings comply with this clause].	Design consideration
C1.11	Performance of external walls in fire.	Not applicable as the building not constructed with concrete tilt up panels.	N/A
C1.12	****	Deleted clause.	N/A
C1.13	Fire-protected timber: Concession	Not proposed to comply with requirements for fire protective timber.	N/A
C1.14	Ancillary elements	Not applicable as the existing building only requires Type 'C' construction and therefore the external walls are permitted to be combustible.	N/A
<b>Part C2</b>	<b>Compartmentation and Separation</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
C2.0	DTS Provisions.	Applicable <i>performance requirements for building solutions.</i>	Note only
C2.1	Application of Part.	Applicable Yes or No	Applicable
C2.2	General floor area and volume limitations.	The existing building has an area and volume less than the maximum permitted for Type 'C' construction. (2,000m <sup>2</sup> and 12,000m <sup>3</sup> respectively)	Yes
C2.3	Large isolated buildings.	Not a large isolated building.	N/A
C2.4	Requirements for open space and vehicular access.	Not a large isolated building.	N/A
C2.5	Class 9a and 9c buildings. NSW Variations NSW C2.5(b).	Not a Class 9a or 9c building.	N/A
C2.6	Vertical separation of openings in external walls.	Spandrel separation not required as the building only requires Type 'C' construction.	N/A
C2.7	Separation by fire walls.	No fire walls separating fire compartments.	N/A
C2.8	Separation of classifications in the same storey.	The building is only Class 9b. As such, this clause does not apply.	N/A
C2.9	Separation of classifications in the different storey.	The building is only Class 9b. As such, this clause does not apply.	N/A
C2.10	Separation of lift shafts.	Not applicable as no lifts.	N/A

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C2.11	Stairways and lifts in one shaft.	Not applicable as no lifts.	N/A
C2.12	Separation of equipment.	<p>The following equipment must be fire separated from the building: -</p> <p>(i) lift motors and lift control panels; or</p> <p>(ii) emergency generators used to sustain emergency equipment operating in the emergency mode; or</p> <p>(iii) central smoke control plant; or</p> <p>(iv) boilers; or</p> <p>(v) a battery system installed in the building that has a total voltage of 12 volts or more and a storage capacity of 200 kWh or more.</p> <p>(vi) on-site fire pumps must comply with the requirements of AS 2419.1</p> <p>None of the above equipment within the building required or proposed.</p>	N/A
C2.13	Electricity supply system.	No electrical substation within the building. The main switchboard will not serve emergency equipment operating in the emergency mode.	N/A
C2.14	Public corridors in Class 2 and Class 3 buildings.	Not a Class 2 and 3 building.	N/A
<b>Part C3</b>	<b>Protection of Openings</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
C3.0	DTS Provisions.	Applicable <i>performance requirements for building solutions.</i>	Note only
C3.1	Application of part.	Applicable Yes or No.	Note only
C3.2	Protection of openings in external walls.	<p>The following windows are within 3m of the northern and southern side boundaries respectively, and therefore require protection as per this clause.</p> <p><u>Northern Façade:</u></p>  <p><u>Southern facade</u></p>  <p>The proponent has indicated that they intend to address this item as a fire engineered performance solution based on radiant heat calculations.</p>	Subject to fire engineering
C3.3	Separation of external walls and associated openings in different fire compartments.	The building is one fire compartment. As such, this clause does not apply.	N/A

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C3.4	Acceptable methods of protection.	Refer to Clause C3.2.	Subject to fire engineering
C3.5	Doorways in fire walls.	No <i>fire walls</i> or doorways in <i>fire walls</i> .	N/A
C3.6	Sliding fire doors.	No sliding fire doors.	N/A
C3.7	Protection of doorways in horizontal exits.	No horizontal exits.	N/A
C3.8	Openings in fire isolated exits.	No fire isolated exits.	N/A
C3.9	Service penetrations in fire isolated exits.	No fire isolated exits.	N/A
C3.10	Openings in fire isolated lift shafts.	No fire isolated lift shafts.	N/A
C3.11	Bounding construction: Class 2, 3, 4 & 9b buildings NSW Variation NSW C3.11(d).	Not a Class 2, 3, 4 or 9b building used as an entertainment venue.	N/A
C3.12	Openings in floors and ceilings for services.	The floors and ceilings do not require an FRL.	N/A
C3.13	Openings in shafts.	Not applicable as Type 'C' construction.	N/A
C3.14	*****	Blank clause.	N/A
C3.15	Openings for service installations	Not applicable as Type 'C' construction and the building is one fire compartment and the Class 9b part is located on the ground floor.	N/A
C3.16	Construction joints.	Construction joints in external walls that require an FRL must be fire stopped.	Yes
C3.17	Columns protected with lightweight construction to achieve an FRL.	No columns proposed to be fire stopped.	Yes

### 3.2 – Access & Egress (Section D, BCA 2019)

<b>Part D1</b>	<b>Provisions for Escape</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
D1.0	DtS Provisions	Applicable <i>performance requirements</i> for <i>building solutions</i> .	Note only.
D1.1	Application of Part	Part applicable	Note only.
D1.2	Number of exits required NSW Variation NSW D1.2(d)(vii).	The subject building only requires one exit as the building accommodates less than 50 persons as per Clause D1.2(d)(vi).	Yes
D1.3	When fire-isolated stairways and ramps are required.	No fire isolated stair required.	N/A
D1.4	Exit travel distances	The exit travel distance complies with this clause as occupants are within 20m to a single exit.	Yes
D1.5	Distance between alternative exits	Alternative exists not relied upon.	N/A
D1.6	Dimensions of exits and paths of travel NSW Variations NSW D1.6(f)(vii) NSW D1.6(i)	The dimensions of exits and paths of travel to exits generally complies with this clause and is subject to detailed design at construction certificate stage.  The aggregate egress width complies with this clause. The building is proposed to be used for 22 students and 2 staff.	Yes

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D1.7	Travel via fire-isolated exits.	No fire isolated exits.	N/A
D1.8	External stairways or ramps in lieu of fire-isolated exits	No external stair in lieu of a fire isolated stair.	N/A
D1.9	Travel by non-fire-isolated stairways or ramps.	No internal stair serving the building.	N/A
D1.10	Discharge from exits NSW Variation NSW D1.10(f).	The discharge of the exits complies with this clause as occupants discharge directly to Stranraer Drive via an accessible ramp that generally complies with AS 1428.1-2009.	Yes
D1.11	Horizontal exits.	No horizontal exits are provided / required.	N/A
D1.12	Non-required stairways, ramps or escalators.	No non-required stairways, ramps or escalators.	N/A
D1.13	Number of persons accommodated. NSW Variation NSW Table D1.13.	The building is proposed to be used for 22 students and 2 staff.	Yes
D1.14	Measurement of distances	Note only.	Note only.
D1.15	Method of measurement	Note only.	Note only.
D1.16	Plant rooms and lift machine rooms: Concession.	No plant concession required.	N/A
D1.17	Access to lift pits	No lifts required or proposed.	N/A
D1.18 BCA 2019 A1	Egress from early childhood centres	Egress from the single storey building is direct to open space, which is then connected to a road.	Yes
<b>Part D2</b>	<b>Construction of Exits</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
D2.0	DTS Provisions.	Applicable <i>performance requirements for building solutions</i> .	Note only.
D2.1	Application of part NSW Variation NSW D1.2(c).	Part applies.	Note only.
D2.2	Fire-isolated stairways and ramps.	No fire isolated stairways.	N/A
D2.3	Non-fire-isolated stairways and ramps.	No internal non fire isolated stairs.	N/A
D2.4	Separation of rising and descending stair flights.	No rising and descending stair flights.	N/A
D2.5	Open access ramps and balconies.	No open access ramps or balconies used to comply with the requirements of Table E2.2a.	N/A
D2.6	Smoke lobbies.	No smoke lobbies utilised.	N/A
D2.7	Installations in exits and paths of travel.	Electrical distribution boards that are located within a path of travel to an exit must be contained within non-combustible construction (metal cabinet) and smoke sealed.	Design consideration
D2.8	Enclosure of space under stairs and ramps.	No stairs serving the building.	N/A
D2.9	Width of stairways.	No stairways serving the subject building.	N/A
D2.10	Pedestrian ramps.	No internal pedestrian ramps serving as exits.	N/A
D2.11	Fire-isolated passageways.	No fire isolated passageways proposed or required.	N/A
D2.12	Roof as open space.	The roof is not utilised as open space for the purpose of this clause.	N/A
D2.13	Goings and risers. NSW Variation NSW 2.13(a)(ix), (x), xi	No stairs serving the subject building.	N/A
D2.14	Landings.	No stairs serving the subject building.	N/A

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D2.15	Thresholds. NSW Variation NSW D2.15(d)(e).	The proposed thresholds are capable of complying with this clause and are subject to detailed design at construction certificate stage. The current floor level of 47.80 and adjoining landing of 47.76 must be a 1:8 threshold ramp that complies with AS 1428.1-2009.	Design consideration
D2.16	Balustrades or other barriers. NSW Variation D2.16(g)(iv) & (v).	No stairs serving the subject building.	N/A
D2.17	Handrails.	No stairs serving the subject building and the proposed use is at ground floor where hand rails not required.	N/A
D2.18	Fixed platforms, walkways' stairways and ladders.	No fixed platforms, walkways and ladders proposed or required.	N/A
D2.19	Doorways and doors. NSW Variation NSW D2.19(b)(v).	At present, no revolving, sliding or tilt up doors proposed in an exit or in the path of travel to an exit.	N/A
D2.20	Swinging doors.	The exit door is permitted not to swing in the direction of egress, as it is the only required exit from the building, and the building is less than 200m <sup>2</sup> , provided the door has a hold-open device.	Design consideration
D2.21	Operation of latch. NSW Variation NSW D2.21(c) & (d).	The door hardware must be a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3— (A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and (B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm.  Panic bars are not required due to the low population load.	Design consideration
D2.22	Re-entry from fire-isolated exits.	Building not >25m in effective height.	N/A
D2.23	Signs on doors.	No fire isolated stairs.	Yes
D2.24	Protection of openable windows. Class 2, 3, 4 or 9b building. <a href="http://www.legislation.nsw.gov.au/#/view/act/2015/50/part6/div3/sec118">http://www.legislation.nsw.gov.au/#/view/act/2015/50/part6/div3/sec118</a>	Not a Class 2, 3, 4 or 9b building with a floor area higher than 2m above the ground level.	N/A
D2.25	Timber stairways: Concession	Not applicable as timber stairs.	N/A
NSW D2.101	Doors in path of travel in an entertainment venue.	Not an 'entertainment venue', as defined by the EP & A Regs. 2000.	N/A
<b>Part D3</b>	<b>Access for People with Disabilities</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
D3.0	DTS Provisions.	Applicable <i>performance requirements for building solutions.</i>	Note only.



D3.1	General building access requirements.	<p>Disabled access is a requirement of BCA 2019 and Federal legislation.</p> <p>In this instance, disabled access must be provided from the principal pedestrian entry at the property boundary to and through the primary entry of the building and generally throughout the building.</p>	Yes
D3.2	Access to buildings.	<p>An access way is provided to the building from the street via a ramp.</p> <p>A landing needs to be provided on the inside of the entry gate for circulation space.</p> <p>The surface and edges of this path must comply with AS 1428.1-2009, which are subject to detailed designs at construction certificate stage.</p> <p>Cross section details must be shown on the construction certificate plans.</p>	Design consideration
D3.3	Parts of buildings to be accessible.	The ramp must comply with AS 1428.1-2009. Detailed designs are required at construction certificate stage.	Design consideration
D3.4	Exemptions.	Disabled access need not be provided to non-accessible toilet facilities.	Yes
D3.5	Accessible car parking.	No accessible car parking space is required.	N/A
D3.6	Signage.	No applicable as exit signage not required.	N/A
D3.7	Hearing augmentation.	Hearing augmentation not required unless an inbuilt amplification system is proposed.	Design consideration
D3.8	Tactile indicators.	Tactiles required to the main external ramp. Details to be shown on the construction certificate plans.	Design consideration
D3.9	Wheelchair seating in Class 9b assembly buildings.	No fixed seating proposed as part of the building fit-out.	N/A
D3.10	Swimming Pools.	No pools proposed.	N/A
D3.11	Ramps.	No ramps proposed as variation between the Roads and the premises has a gradient of 1:20 or more,	N/A
D3.12	Glazing on an accessway.	On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1-2009.	Design consideration

### 3.3 – Services and Equipment (Section E, BCA 2019)

<b>Part E1</b>	<b>Fire Fighting Equipment</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
E1.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i>	Note only
E1.1	*****	Blank clause.	N/A
E1.2	*****	Blank clause.	N/A
E1.3	Fire hydrants.	Fire hydrant coverage is only required when a building is greater than 500m <sup>2</sup> .  As the building is less than 500m <sup>2</sup> , the building does not require fire hydrant coverage.	N/A
E1.4	Fire hose reels.	Fire hose reels not required as no internal hydrants and no fire compartment greater than 500m <sup>2</sup> .	N/A
E1.5	Sprinklers NSW Variation NSW Table E1.5	No sprinklers required.	N/A
E1.6	Portable fire extinguisher.	Portable fire extinguishers must be installed to the serve the subject building. PFE's to comply with Table E1.6 and AS 2444-2001.	Design consideration
E1.7	*****	Blank clause.	N/A
E1.8	Fire control centres.	Not required as less than 25m in effective height.	N/A
E1.9	Fire precautions during construction.	Not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway or exit.	Yes
E1.10	Provision for special hazards.	Not required or proposed.	N/A
<b>Part E2</b>	<b>Smoke Hazard Management</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
E2.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i>	Note only
E2.1	Application of Part.	Part applies.	Applicable
E2.2	General requirements.	<u>Clause E2.2(a)(i):</u> The building does not require smoke detection as per this clause as the building is only two storeys.  <u>Clause E2.2(a)(ii)</u> The building does not have a Class 6 fire compartment greater than 2,000m <sup>2</sup> . As such, the Class 6 part does not require smoke detection per this clause.  <u>NSW Table E2.2b.</u> The proposed use is Class 9b, which is subject to NSW Table E2.2b. Specifically, this requires that a building or part of a building used as an assembly building, must be provided with automatic shutdown of any air-handling system (other than	N/A  N/A  Design consideration

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		<p>non-ducted individual room units with a capacity not more than 1000 L/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 6 of AS 1668.1-2018), which does not form part of the smoke hazard management system, on the activation of— (i) smoke detectors installed complying with Clause 6(b)(i) of Specification E2.2a; and (ii) any other installed fire detection and alarm system, including a sprinkler system complying with Specification E1.5.</p> <p>The building will be serviced by natural and mechanical ventilation. It is assumed that the ventilation will be a ducted mechanical ventilation system or an A/C system greater than 1000 l/s.</p> <p>As such, the building will require an extended spacing smoke detection and alarm system in accordance with Clause 6(b)(i) of Specification E2.2a that is interfaced with the mechanical ventilation system or the A/C system, so that if smoke is detected, the systems automatically shutdown.</p> <p><u>Clause E2.2(b)</u> Not applicable as the building is one fire compartment.</p> <p><u>Clause E2.2(c)</u> Not applicable as the building is one fire compartment.</p> <p><u>Clause E2.2(d)</u> - Not applicable as no smoke control or stair pressurisation in the building required or proposed.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
E2.3	Provision of special hazards. NSW variations NSW Table E2.2a NSW Table E2.2b	The building is not considered to be subject to the provision of special hazards.	N/A
<b>Part E3</b>	<b>Lift Installations</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
E3.0	DtS Provisions	Applicable <i>performance requirements</i> for <i>building solutions</i> .	Note only
E3.1	Lift installations.	No lit existing, required or proposed.	N/A
E3.2	Stretcher facility in lifts.	No lit existing, required or proposed.	N/A
E3.3	Warnings against the use of lifts in fire.	No lit existing, required or proposed.	N/A
E3.4	Emergency lifts.	No lit existing, required or proposed.	N/A
E3.5	Landings.	No lit existing, required or proposed.	N/A
E3.6	Passenger lifts.	No lit existing, required or proposed.	N/A
E3.7	Fire service controls.	No lit existing, required or proposed.	N/A
E3.8	Aged care buildings.	No lit existing, required or proposed.	N/A
E3.9	Fire service recall operation switch.	No lit existing, required or proposed.	N/A
E3.10	Lift car service drive control switch.	No lit existing, required or proposed.	N/A
<b>Part E4</b>	<b>Emergency Lighting, Exit Signs and Warning Systems</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>

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E4.0	DtS Provisions	<i>Applicable performance requirements for building solutions.</i>	Note only.
E4.1	*****	Blank clause.	N/A
E4.2	Emergency lighting requirements.	Emergency lighting is not required as the building is less than 300m <sup>2</sup> , and occupants discharge directly to open space.	N/A
E4.3	Measurement of distance.	Noted.	Note only.
E4.4	Design and operation of emergency lighting.	Emergency lighting is not required as the building is less than 300m <sup>2</sup> , and occupants discharge directly to open space. However, if installed for other reasons, including for insurance purposes, the emergency lighting must be installed in accordance with AS 2293.1-2005.	N/A
E4.5	Exit signs.	Exit signs are not required as occupants discharge directly to open space and the building does not require emergency lighting. However, if installed for other reasons, including for insurance purposes, the exit signs must be installed in accordance with AS 2293.1-2005.	N/A
E4.6	Direction signs. NSW Variation NSW E4.6	If the exit is not readily apparent, additional directional exit signs must be installed to guide occupants to the exit.  Directional exit signs not required as the exit will be readily apparent.	N/A
E4.7	Class 2 & 3 buildings and Class 4 parts: Exemption.	Not a Class 2, 3 or 4 building.	N/A
E4.8	Design and operation of exit signs.	Exit signs are not required as occupants discharge directly to open space and the building does not require emergency lighting. However, if installed every required exit sign must comply with— AS 2293.1; or for a photoluminescent exit sign, Specification E4.8; and be clearly visible at all times when the building is occupied by any person having the right of legal entry to the building.	N/A
E4.9	Sound systems and intercom systems for emergencies	Not a class 9b with a rise-in-storeys more than 2.	N/A

### 3.4 – Health & Amenity (Part F, BCA 2019)

Part F1	Damp and Waterproofing	Clause Requirements/Comments	Compliance																																				
F1.0	DtS Provisions	Applicable <i>performance requirements for building solutions.</i>	Note only																																				
F1.1	Stormwater drainage.	No changes to the stormwater system.	N/A																																				
F1.2	*****	Blank clause	N/A																																				
F1.3	*****	Blank clause	N/A																																				
F1.4	External above ground membranes.	No changes to external membranes.	N/A																																				
F1.5	Roof coverings.	No changes to roof coverings.	N/A																																				
F1.6	Sarking	No changes to sarkings.	N/A																																				
F1.7	Waterproofing of wet areas in buildings.	The new wet areas must be waterproofed in accordance with Table F1.7 and AS 3740-2010.	Design consideration																																				
F1.8	*****	Blank clause.	N/A																																				
F1.9	Damp-proofing	No changes to damp-proof courses.	N/A																																				
F1.10	Damp-proofing of floors on the ground.	No changes to damp-proof courses.	N/A																																				
F1.11	Provision of floor wastes.	Not a Class 2, 3 or 4 building.	N/A																																				
F1.12	Sub-floor ventilation.	No changes to the sub-floor ventilation.	N/A																																				
F1.13	Glazed assemblies.	New glazed members will comply with this clause and AS 1428.1-2009.	Yes																																				
Part F2	Sanitary and Other Facilities	Clause Requirements/Comments	Compliance																																				
F2.0	DtS Provisions	Applicable <i>performance requirements for building solutions.</i>	Note only																																				
F2.1	Facilities in residential buildings.	Not a residential building.	N/A																																				
F2.2	Calculation of number of occupants and facilities.	The building is proposed to be used for 22 students and 2 staff.	Noted																																				
F2.3	Facilities in Class 3-9 buildings.	<p>The following facilities are required. Employees: &lt; 2 (1 male &amp; 1 Female)</p> <table><tr><th colspan="3">Male</th></tr><tr><td>WC's</td><td>UR</td><td>WB</td></tr><tr><td>1</td><td>0</td><td>1</td></tr><tr><th colspan="3">Female</th></tr><tr><td>WC's</td><td>UR</td><td>WB</td></tr><tr><td>1</td><td>-</td><td>1</td></tr></table> <p>This is adequately covered with one unisex accessible toilet, which is counted once for each sex as per Clause F2.2(c).</p> <p>Children: 22 (Male 11, 11 Female).</p> <table><tr><th colspan="3">Male</th></tr><tr><td>WC's</td><td>UR</td><td>WB</td></tr><tr><td>1</td><td>1</td><td>1</td></tr><tr><th colspan="3">Female</th></tr><tr><td>WC's</td><td>UR</td><td>WB</td></tr><tr><td>2</td><td>--</td><td>2</td></tr></table> <p>2 WC's and basins are proposed for both males and females (total of 4</p>	Male			WC's	UR	WB	1	0	1	Female			WC's	UR	WB	1	-	1	Male			WC's	UR	WB	1	1	1	Female			WC's	UR	WB	2	--	2	Yes
Male																																							
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		WC's and 4 basins), which complies with this clause.	
F2.4	Accessible sanitary facilities.	One accessible bathroom is required and provided.  One male toilet must be ambulant.  One female toilet must be ambulant.	Design consideration
F2.5	Construction of sanitary compartments.	The door to a fully enclosed <i>sanitary compartment</i> must— (i) open outwards; or (ii) slide; or (iii) be readily removable from the outside of the <i>sanitary compartment</i> , unless there is a clear space of at least 1.2 m, measured in accordance with Figure F2.5, between the closet pan within the <i>sanitary compartment</i> and the doorway.  The doorways to the toilets must be lift off hinges. Details to be provided at construction certificate stage.	Design consideration
F2.6	Interpretation: Urinals and washbasins.	Noted only.	Yes
F2.7	Microbial. NSW Variation NSW F2.7	Not applicable in NSW.	N/A
F2.8	Waste management.	Not Class 9a	N/A
F2.9	Accessible adult change facilities	Not applicable as not a large venue as per Clause F2.9(b)(i)-(v).	N/A
<b>Part F3</b>	<b>Room Heights</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
F3.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Applies
F3.1	Height of rooms and other spaces.	The height of rooms are required to be 2.4 meters in height in habitable rooms and 2.1m in non-habitable rooms. It is noted that that normal internal heights are 2.4 metres or more.	Yes
<b>Part F4</b>	<b>Light and Ventilation</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
F4.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Applicable
F4.1	Provision of natural light.	Natural lighting not required.	N/A
F4.2	Methods and extent of natural lighting.  $\text{Average Daylight Factor} = \frac{W}{A} \frac{T \theta}{(1 - R^2)}$  $W$ = the net area of the light transmitting area of the window (m <sup>2</sup> ); and $A$ = the total area of the internal wall, floor and ceiling surfaces (m <sup>2</sup> ); and $T$ = the diffuse light transmittance of the <i>window</i> ; and $\theta$ = visible sky angle in degrees, measured in a vertical plane normal to and from the centre of the <i>window</i> ; and $R$ = the area-weighted average reflectance of area $A$ .	Natural lighting not required, as the building will not be used as a general-purpose classroom in a primary or secondary school or a playroom in an early childhood centre.	N/A
F4.3	Natural light borrowed from adjoining room.	Borrowed light not required as direct natural lighting provided.	N/A

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F4.4	Artificial lighting.	Artificial lighting will comply with this clause, Part J6 and AS 1680.0-2009.	Yes
F4.5	Ventilation of rooms. NSW Variation F4.5(b).	The building must be provided with natural or mechanical ventilation as per AS 1668.2-2012.	Yes
F4.6	Natural ventilation.	The main floor area is approximately 160m <sup>2</sup> , which requires 8m <sup>2</sup> of natural ventilation.  This is adequately provided by the existing or modified windows and doorways.	Yes
F4.7	Ventilation borrowed from adjoining room.	Borrowed ventilation not relied upon.	N/A
F4.8	Restriction of position of water closets and urinals.	Toilet doors do not open to hallways or the like. A such an air lock, hallway or the like not less than 1.1m <sup>2</sup> is required, or the sanitary compartment must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view.  Full height cubicles will satisfy this clause subject to the room being provided with natural or mechanical ventilation.	Design consideration
F4.9	Airlocks.	Toilet doors do not open to hallways or the like. A such an air lock, hallway or the like not less than 1.1m <sup>2</sup> is required, or the sanitary compartment must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view.  Full height cubicles will satisfy this clause subject to the room being provided with natural or mechanical ventilation.	Design consideration
F4.10	*****	Blank clause.	N/A
F4.11	Carparks	No car parks.	N/A
F4.12	Kitchen and local exhaust ventilation.	No commercial kitchens.	N/A
<b>Part F5</b>	<b>Sound Transmission and Insulation</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
F5.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Noted.
F5.1	Application of Part.	Applies to Class 2, 3 or 9c building.	N/A
F5.2	Determination of airborne sound insulation ratings.	Applies to Class 2, 3 or 9c building.	N/A
F5.3	Determination of impact sound insulation ratings.	Applies to Class 2, 3 or 9c building.	N/A
F5.4	Sound insulation of floors.	Applies to Class 2, 3 or 9c building.	N/A
F5.5	Sound insulation of walls.	Applies to Class 2, 3 or 9c building.	N/A
F5.6	Sound insulation of internal services.	Applies to Class 2, 3 or 9c building.	N/A
F5.7	Sound insulation of pumps.	Applies to Class 2, 3 or 9c building.	N/A
<b>Part F6</b>	<b>Condensation Management</b>		

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F6.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Note only
F6.1	Application of Part	Not applicable as not a sole-occupancy unit of a Class 2 or 4 part.	N/A
F6.2	Pliable building membrane.  Sydney East – CZ 5 Sydney West – CZ 6	Not applicable as not a sole-occupancy unit of a Class 2 or 4 part.	N/A
F6.3	Flow rate and discharge of exhaust systems	Not applicable as not a sole-occupancy unit of a Class 2 or 4 part.	N/A
F6.4	Ventilation of roof spaces	Not applicable as not a sole-occupancy unit of a Class 2 or 4 part.	N/A

### 3.5 – Ancillary Provisions (Part G, BCA 2019)

<b>Part G1</b>	<b>Damp and Waterproofing</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G1.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Note only
G1.1	Swimming Pools NSW G1.1(a) and (b)	No swimming pool proposed.	N/A
G1.2	Refrigerated chambers, strong rooms and vaults.	No refrigerated or cooling chamber, strongroom or vault proposed.	N/A
G1.3	Outdoor play spaces	Not a Class 9b building used as an early childhood centre.	N/A
NSW G1.101	Provision of cleaning windows	(a) A building must provide for a safe manner of cleaning any windows located 3 or more storeys above ground level. (b) A building satisfies (a) where— (i) the windows can be cleaned wholly from within the building; or (ii) provision is made for the cleaning of the windows by a method complying with the <i>Work Health and Safety Act 2011</i> and regulations made under that Act.	N/A
<b>Part G2</b>	<b>Boilers, pressure vessels, heating appliances, fireplaces, chimneys and flues.</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G2.0	DtS Provisions	Applicable <i>performance requirements for building solutions</i> .	Note only
G2.1	****	Deleted clause.	N/A
G2.2	Installation of appliances	G2.2 Installation of appliances The installation of a stove, heater or similar appliance in a building must comply with: (a) * * * * * (b) Domestic solid-fuel burning appliances — Installation: AS/NZS 2918. (c) For boilers and pressure vessels: Specification G2.2.  At present none of the above equipment proposed.	N/A
G2.3	Open fireplaces	No open fire place proposed.	N/A

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G2.4	Incinerator rooms	No incinerator rooms proposed.	N/A
<b>Part G3</b>	<b>Atrium construction</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G3.1	DtS Provisions	Applicable <i>performance requirements</i> for <i>building solutions</i> .	Note only
G3.2	Dimension of atrium well	No atrium proposed.	N/A
G3.3	Separation of atrium by bounding walls.	No atrium proposed.	N/A
G3.4	Construction of bounding walls	No atrium proposed.	N/A
G3.5	Construction of balconies	No atrium proposed.	N/A
G3.6	Separation of roof	No atrium proposed.	N/A
G3.7	Means of egress	No atrium proposed.	N/A
G3.8	Fire and smoke control systems	No atrium proposed.	N/A
<b>Part G4</b>	<b>Construction in Alpine Areas</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G4.0	DtS Provisions	Not an alpine area	N/A
<b>Part G5</b>	<b>Construction in Bush Fire Prone Area.</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G5.0	DtS Provisions	Not a Bush Fire Prone Area	N/A
<b>Part G6</b>	<b>Occupiable outdoor areas</b>	<b>Clause Requirements/Comments</b>	<b>Compliance</b>
G6.1	DtS Provisions	Note this clause does not apply as the occupiable open space is connected to open space.	N/A
G6.2	Fire hazard properties	(a) Subject to (b), a lining, material or assembly in an occupiable outdoor area must comply with C1.10 as for an internal element. (b) The following fire hazard properties of a lining, material or assembly in an occupiable outdoor area are not required to comply with C1.10: (i) <i>Average specific extinction area</i> . (ii) <i>Smoke-Developed Index</i> . (iii) Smoke development rate. (iv) Smoke growth rate index (SMOGR <sub>RC</sub> ).	N/A

### 3.6 – Energy Efficiency. (Section J, BCA 2019)

The following BCA 2019 Section J National provisions will be applicable to the Class 9b parts

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Item	Comment
Building Fabric	The external walls are not proposed to be modified.
Glazing	The adjusted glazing must comply with Section J1.5 of BCA 2019.
Building Sealing	If the existing sealing of the doors and windows are to be adjusted, they must comply with Part J3 of BCA 2019.
Air-Conditioning and Ventilation System	If proposed to be altered, the air-conditioning and ventilation system to the building must be designed to comply with Part J5 of BCA 2019.
Artificial Lighting and Power	The maximum lighting power levels and control systems are applicable and must be designed to comply with Part J6 of BCA 2019.
Hot Water Supply	Hot water supply systems must be installed in accordance with Part J7 of BCA 2019 and AS/NZS 3500.4.
Access for Maintenance	The building is to have facilities for maintenance and energy monitoring in compliance with Part J8 and the NSW variations for a building greater than 500m <sup>2</sup> , but less than 2,000m <sup>2</sup> .

## 4.0 – Proposed Fire Safety Schedule

Measure	Standard of Performance
Automatic smoke detection and alarms system For auto shutdown of the mechanical ventilation system.	BCA Clause E2.2(a)(ii), NSW Table E2.2b, Clause 6(b)(i) of Spec. E2.2a, AS 1670.1-2018.
Portable fire extinguishers	BCA Clause E1.6, AS 2444-2001

## 5.0 – Conclusion

This BCA 2019 Report has been prepared to assess the proposed plans appurtenant to the Development Application for a *centre-based child care facility*.

The assessment of the documentation has revealed that the building is primarily capable of complying with the *Deemed-to-Satisfy* [herein 'DTS'] provisions of the BCA 2019 (Volume 1, Class 2-9 Buildings) [herein 'BCA 2019'], and where necessary the Performance Requirements, without modification that would require the development consent to be modified.

Prepared by:

Greg Evans  
Director  
Accredited Certifier BPB 1870  
**360 Certification**

Date: **25 June 2020**



## **6.0 – References Documents & Plans**

See attached plans.

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**Chapman Planning Pty Ltd**

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**Operational Plan of Management – Out of School Hours Childcare Facility****St Andrews Cottage – 4 Stranraer Drive, St Andrews****25 June 2020**

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**1. Introduction**

This plan of management is for the operation of the Out of School Hours (OOSH) Childcare Facility proposed at 4 Stranraer Drive, St Andrews.

The proposed centre caters for 22 x children over preschool age 6-12 years old. In preparing this document consideration was given to the requirements of:

- Australian Children's Education and Care Quality Authority (ACEQA)
- National Quality Framework
- Education and Care Services National Regulation
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Childcare Planning Guideline
- Campbelltown Development Control Plan 2015

The out of school hours childcare facility has a maximum capacity of 22 x children over preschool age and will be serviced by 2 x staff members (1 x educator and 1 x director/nominated supervisor).

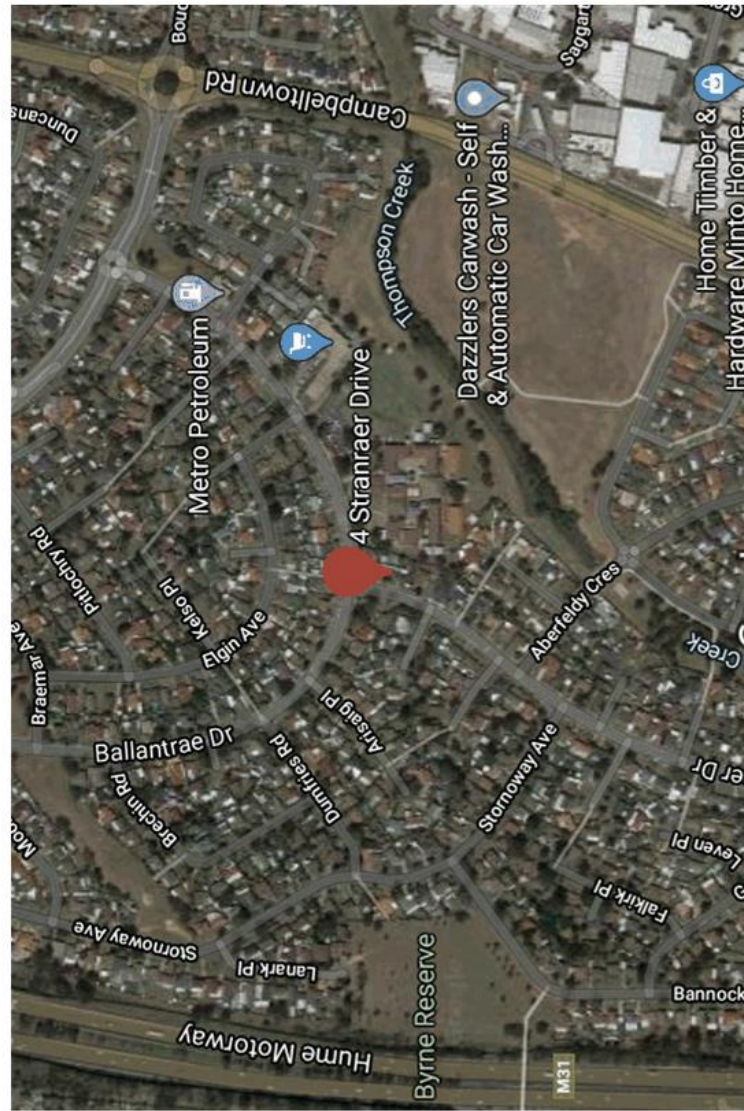
The car parking provided consists of 1 x car space within the existing driveway on the site.



The Out of School Hours (OOSH) Childcare Facility was approved on (INSERT DATE OF DA CONSENT) and is subject to compliance with the conditions of consent of Development Application No. 4618/2018/DA-C and the accompanying expert reports submitted with the development application.

The conditions of consent are attached to this plan of management.

The location of the facility is shown on the below map.



Source: Google Maps

## **2. Maximum capacity**

The OOSH Childcare Facility has a maximum capacity of 22 x children and will be serviced by 2 x staff members as per the following ratio.

- 6 – 12 years of age (over preschool age) 1:15: 2 staff required (22 children over preschool age)

## **3. Hours of operation**

The OOSH Childcare Facility will operate from 6:30 am to 11:00 am, and 2:30 pm to 6:30 pm, Monday to Friday.

Hours between 9:00am – 11:00am and 2:30pm – 3:00pm are for administration purposes only with no children on premises during school days.

Vacation care will be provided during school holidays between 6:30 am to 6:30pm Monday to Friday.

## **4. Design of Centre**

The childcare operator shall be responsible to ensure no obstructions are put in place to ensure there is a minimum of 3.25m<sup>2</sup> of unencumbered internal area and 7m<sup>2</sup> of unencumbered external play area per child on site.

The premises is capable of facilitating direct supervision of children at all times, with the provision of an unencumbered internal area and windows located to maximize visibility of external areas.

1 x administration desk is located within play area to accommodate sign in /out of children whilst maintaining supervision of children. Any staff/parent meetings will be held between 9:00am – 11:00am and 2:30pm – 3:00pm when children are no in attendance.

## **5. Site Access**

Pedestrian and vehicular access to the site will be maintained separately.

All pedestrian traffic to the site will be required to be undertaken through the pedestrian gate central to the site. The driveway access will be utilized by centre director only with vehicle required to enter prior to centre opening and leave after centre closing. The vehicle gate will remain closed at all times car is parked on site to ensure pedestrian traffic is directed through separate entry.

## **6. Food Preparation Facilities**

The kitchen facility shall be designed in accordance with NCC Building Code of Australia 2015 Part F2.3 Facilities in Class 3 to 9 NCC Buildings.

The kitchen shall include a sink, separate hand washing facilities, refrigerator and cooking facilities.

## **7. Use of Toilet Facilities**

The OOSH childcare facility will include a minimum of:

- 2 x bathrooms containing 2 x toilet stalls each.
- 1 x unisex accessible bathroom.

The OOSH staff will ensure that internal arrangement of play areas and bathroom facilities will not obstruct view lines to the bathroom facilities and ensure dignified supervision of children is maintained at all times. The design will maintain passive surveillance across the facility.

When use of toilets is required. Children will be required to seek permission from a staff member and will be given a "toilet pass" to aid supervision of children. The staff member will be responsible for supervision of the child from indoor/outdoor play area to the children toilets and their return.

## 8. Staffing Arrangements

All Educators employed within the facility will meet minimum qualification requirements. Educators within the facility will also be employed to ensure the minimum number of educator to children ratios set by the Education and Care Services National Regulations are also met.

All Educators will maintain qualifications in First Aid, Asthma and Anaphylaxis, Child Protection and will engage in regular Professional development opportunities to meet the National Quality Standards quality area four.

All staff must agree to follow the code of conduct/code of ethics that applies to management, educators, coordinators and staff members which clearly explains the responsibilities of all parties in relation to one another, to children and families using the service. The approved provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, co-ordinator or other individual as educational leader at the service to lead the development and implementation of education programs in the service.

Preparation of light snacks are to be undertaken by a member of staff. A separate Chef shall not be employed. The Director of the Centre is to be a member of the staff. A Director shall not be separately employed.

### Staff Arrival

The centre will operate between 6:30am – 11:00am (before school) and 2:30pm – 6:30pm (after school) Monday to Friday, and will be an Out of School Hours Childcare facility. All of the educators will be provided with a roster and the shifts allocated fortnightly.

Vacation care will be provided during school holidays between 6:30am – 6:30pm Monday to Friday.

Opening shift commences at 6:30am

Closing shift finishes at 6:30pm

Staff arrivals and departures will be coordinated with the capacity of the centre. Children's arrival will be at 6:30am and children's departures at 6:30pm.

Staff shifts will be split into an AM shift and a PM shift. Staff arrival/departure is as follows:

Arrival before school:

Educator – 6:30am to 10:30am

Nominated Supervisor – 6:30am to 11:00am

Departure after school:

Educator – 2:45pm to 6:30pm

Nominated Supervisor – 2:30pm to 6:30pm

## **9. Parking**

The centre includes the provision of 1 x car space within the existing driveway on the subject site. The staff parking space will be allocated to the centre director.

There will be 2 x staff at the premises associated with the site operations including an educator and director/nominated supervisor.

The director/nominated supervisor will be required to arrive prior to children arrival ensuring that no vehicles will be moving on premises during children arrival.

## **10. Parent/Children Arrival and Departure Policy**

The accompanying Kids@Weldon - Arrival and Departure Policy at **Annexure 1** details the arrival and departure procedures undertaken by staff throughout operation of the premises.

Before school arrival:

Parents will park in the surrounding street network and walk children to OOSH facility at 6:30am for signing in through an attendance record. The record will be verified by both staff, in accordance with Kids@Weldon – Arrival and Departure policy.

**Before school departure:**

Centre staff will sign out all children from the OOSH facility and walk the children to St Andrews Public School for school start. The responsible educator will conduct a roll call and sign out the children to the school.

**After school arrival:**

Centre staff will meet all children at the St Andrews Public School gates for signing in through an attendance record. The record will be verified by both staff, who will then walk the children to the OOSH facility in accordance with Kids@Weldon – Arrival and Departure policy and conduct a further check-in roll call.

**After school departure:**

Parents will park within the surrounding street network and must sign children out of the facility before collecting them and returning to their vehicle or walking home. Centre staff will sign out all children from the OOSH facility in accordance with the accompanying Kids@Weldon – Arrival and Departure Policy.

During transport to and from school both staff members will be required to be present. Children will be asked to form a line and a staff member will be located at the front and the back of the group of children to ensure all children are accounted for.

**11. Outdoor Play Area**

To mitigate acoustic privacy impacts to adjoining neighbours progressive indoor and outdoor play shall be utilized. With the play areas to be utilized in a timed manner to minimise external noise generated.

Staff will be responsible for the organization of progressive outdoor play area. The children will be separated into two separate groups allowing for the use of both the indoor and outdoor areas with smaller groups to mitigate acoustic impacts.

## 12. Daily Routine

The OOSH Childcare Facility will operate in accordance with the standard routines developed by Kids@Weldon head office.

The specific order of these daily routines is subject to a monthly review by head office and feedback from individual directors across all Weldon facilities.

A sample of before and after school care daily routines is provided at **Annexure 2**.

## 13. Emergency procedures

The accompanying Kids@Weldon – Emergency Evacuation/Lockdown Policy at **Annexure 3** will be implemented throughout the use of the facility. This plan and the procedures will be checked by ECECD (Early Childhood Education and Care Directorate) before a license to operate the centre will be approved.

The indoor space and outdoor play area will have an emergency pack which will include the below items as indicated within the Weldon Emergency bag Checklist. Staff will take the emergency pack should an emergency evacuation be necessary.

### Contents for Emergency pack

- |                         |   |
|-------------------------|---|
| - Emergency Torch       | - 1 Litre Water   |
| - Batteries for Torch   | - Disposable cups   |
| - Keys to gate/building | - Spare clothing (age appropriate)                        |
| - Hand Sanitizer        | - Snacks (age appropriate)                                |
| - Disposable Gloves     | - Story Books/Puppets (age appropriate)                   |
| - Disposable Wipes      | - Evacuation Ropes  |
| - Plastic Bags          | - Green bag containing 1 x Asthma Inhaler and 1 x Epi Pen |
| - Tissues               |   |
| - SPF 30+ Sunscreen     |   |



Management will ensure staff are appropriately trained to use fire safety equipment and fully understand the evacuation procedures in the case of a fire emergency. In addition, practice evacuation drills will occur every 2 months to ensure that all staff and children are proficient in the procedures.

#### **14. Noise Management**

The childcare centre will implement the following noise management controls

- Crying children should be taken inside the Centre and comforted;
- The behaviour of children should be monitored and modified as required by adequately trained educators;
- Parents and guardians should be informed of the importance of noise minimisation when entering site, dropping off or picking up children;
- The collection of children in evenings shall be staggered to ensure all children do not leave together.
- During transport of children between St Andrews School and Centre educators are trained to monitor children to ensure no shouting or yelling.
- Carers and staff should be educated to control the level of their voice while outside;
- Amplified music should be avoided outside;
- A contact phone number for the Centre's director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the Centre;
- Whilst parking car on site, staff are trained to minimise vehicle parking noise including minimising engine revving, prolonged idling, and car door slamming.

### 15. Traffic and Parking

Traffic and parking impacts have been addressed by the submitted Traffic Impact Assessment prepared by SBMG Planning. The submitted report provides the following with regard to the traffic generation from the proposal.

*Given the nature of the facility all these movements are to be made outside of normal school drop-off hours. Given the current local traffic volumes when drop-offs to the OOSHC are required, an additional 11 vehicles per hour at most is considered to be very low impact. The same analysis can be done for pick-up volumes with an additional 19 vehicles per hour at most the additional impact to the local area is minimal.*

Parent pick-up parking demand will be adequately accommodated within the surrounding street network as demonstrated by the submitted Traffic Impact Assessment.

### 16. Waste Collection

The centre waste will be managed in accordance with the submitted waste management plans and the following waste management procedures:

- The staff will empty bins internal to the centre to the waste bins within dedicated bin storage area.
- The centre staff will be responsible to movement of the bins from bin storage area to the street for collection.

### 17. Safety and Security

A safety induction procedure is to be developed on the site by the operator of the centre.

Educators will have the direct supervision of all children at the centre at all times and a sign in/out record will be maintained throughout the day to identify the number of children in the facility at all times. The sign in/out record will be stored electronically.

Educators will be required to ensure all children have signed out and left the centre before movement to St Andrews School or end of day departure and reconfirm this with a secure sign in/out system. Clear pathways that are regularly maintained and cleaned will provide safe access for all children and staff within the facility.

### **18. Maintenance and Cleaning**

The centre will be cleaned and maintained by staff on a daily basis between 9:00am and 3:00pm.

All areas of the premises will be monitored by Kids@Weldon Head office which includes a maintenance team that managed all Kids@Weldon premises including gardening, electrical tagging, removal of large rubbish items, pest control, fire extinguisher and compliance checks.

Pest control by a professional contractor shall be carried out at least once a year.

A log book will be kept on premises detailing commercial cleaning and pest control schedule.

### **19. Complaint Recording and Handling Process**

Complaint recording is to be conducted in accordance with Kids@Weldon – Complaints and Feedback Policy at **Annexure 4** submitted to Council. The contact details of the business are to be clearly displayed within entry. The staff are responsible for recording any complaints in a complaints register (“the Complaints Register”) which is to be available to surrounding neighbours and Council upon request. The Complaints Register shall detail how and when any complaints are dealt with. The Complaints Register will contain:

- a. Complaint date and time;
- b. Name of person/police/council making the complaint;
- c. Contact details;
- d. Nature of the complaint;
- e. Action taken (by whom and when); and
- f. Outcome and/or further action required.

Action will be taken by the manager within 24 hours of notification. The centre director will escalate the complaint to a representative of Kids@Weldon Executive committee. The Complaints Register is to be made available to Police and Council upon request.

## 20. Fire Safety/Certification

A copy of the annual fire safety compliance statement shall be displayed in a prominent location. Essential fire safety measures are to comply with the Environmental Planning and Assessment Regulation 2000

The staff contact phone number must be clearly displayed within the entrance of the premises. Other emergency contact details (police, fire ambulance) as well as utility information are to be displayed within site office.

Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire safety consultant. Annual certification required of any of the equipment is to be managed by Kids@Weldon head office compliance team.

## 21. Workplace Health & Safety

Kids@Weldon – Work Health and Safety Policy at **Annexure 5** details the considerations made with regard to WHS during the operation of the facility. Weldon has a WH&S committee that meets regularly and the committee comprises of Directors, Educators, Executive members and other staff. There are documented processes and procedures for identifying, reporting and fixing WH&S hazards. In summary, educators within the facility will:

- Take reasonable care for the health and safety of themselves and those under their supervision, and take reasonable care that their acts or omissions do not adversely affect the health and safety of others
- Comply with reasonable instructions or lawful direction as far as they are reasonably able, including wearing personal protective equipment supplied by the employer as required
- Cooperate in following all Kids@Weldon WHS, guidelines and procedures
- Report incidents and hazards in accordance with Kids@Weldon procedures
- Participate in training and consultation with the support of Kids@Weldon and other appropriate organisations
- Meet their obligations under the return to work program (agreed on between employer and employee) and other guidelines to support their return to the workplace following injury or illness

## 22. Use of this Plan of Management

A copy of this plan of management shall be maintained on premises at all times.

All staff members shall be provided a copy of this plan of management upon acceptance of a role at the childcare centre.

This plan of management shall be reviewed twice per year as part of a staff meeting to be held between director and educators. The key operational practices and any inefficiencies shall be reviewed, with the plan of management to be updated accordingly.

Upon plan of management being updated, a new copy shall be issued to all staff members.

If the updated plan of management results in a change to external measures or new practices which will impact the adjoining properties. A copy of the plan of management must be provided to adjoining properties.

### List of Annexures

- **Annexure 1:** Kids@Weldon – Arrival and Departure Policy
- **Annexure 2:** Kids@Weldon – Sample Before and After School Care Daily Routine
- **Annexure 3:** Kids@Weldon – Emergency Evacuation/Lockdown Policy
- **Annexure 4:** Kids@Weldon – Complaints and Feedback Policy
- **Annexure 5:** Kids@Weldon – Work Health and Safety Policy
- **Annexure 6:** Kids@Weldon – Emergency Bag Checklist
- **Annexure 7:** Conditions of Consent Development Application No. 4618/2018/DA-C

## Quality Area Two: Children's Health and Safety Arrival and Departure



### Arrival and departure

- Signing in and signing out
- Authorisation for collecting children
- Late collection of children

### Policy information

Kids@Weldon staff have a shared responsibility with families to ensure the safe arrival to and departure from our education and care programs and the completion of statutory documentation. Practical and safe approaches will promote a smooth transition between home and/or school and Kids@Weldon. The required signed attendance record supports each family's claim for Commonwealth Child Care Benefit and confirms a child's presence or absence from the program, which is critical information should a serious incident occur and we are required to evacuate or lock down the premises. The attendance record verifies a child's arrival and departure at a Kids@Weldon program and continues their safe care and custody.

### Our policy in action

We will:

- Ensure the safe and documented arrival and departure of children attending our programs
- Support children in settling into our early childhood and school age programs each day through continuity of educators and positive interactions within the community of the service
- Ensure that records of children's arrival and departure are implemented through an effective record keeping system in compliance with legislated requirements

### Statutory legislation and considerations

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000
- Family Assistance Law

### Strategies for policy implementation

As the approved provider or our delegated authority will:

- Ensure a record of attendance is kept at each program, which includes the full name of each child attending, arrival and departure times, digital signature of the person who delivers and collects the child or the nominated supervisor or educator.
- Ensure that a child will leave the program only with a parent, authorised nominee, an authorised delegate as a part of an excursion or because the child requires medical care  
(This does not include a parent who is prohibited by a court order from having contact.)

## Quality Area Two: Children's Health and Safety Arrival and Departure



### Attendance record – signing in and signing out

#### Our responsible person will:

- Review the Sign In and Out record.
  - Where parents or authorised persons have not signed in an educator/staff member will note that the child is in attendance on the attendance record
  - Ensure that two staff members verify all children have been signed out of the program. If a child is not signed out educators/ staff members will check all areas of the centre to ensure no child is still in attendance. This will be confirmed via a statement on the Sign In/Out device
  - Where a child does not attend for any reason the responsible person will enter the type of absence/allowable absence on the attendance record and ensure the family verifies the absence by signing the attendance record.
  - Families will be digitally prompted to confirm absence on Programs Sign In/Out device
- Request a '**signed authority to release**' form from the family prior to allowing anyone other than those listed on the enrolment form to collect a child from the service or the family will have provided details of the person collecting the child over the telephone. The person collecting the child will need to be able to verify those details with a driver's license or other form of photograph identification
- Allow a child to leave the centre only with an authorised person who appears able to appropriately care for the child. Educators and staff will always act in the interest of safety for the child, themselves and other children in the education and care program. It is at the educators' discretion to determine if they believe an authorised person is unable to appropriately care for the child based on the individual case and circumstances

#### OOSH specific:

- Where a child is attending before school care, the educator responsible for escorting the child/children to school will sign the child/children out of the Kids@Weldon program and deliver the child/children to school, the responsible educator will undertake a 'roll call' on leaving the child/children on the school grounds
- Where a child is attending after school care, the educator responsible for collecting the child/children from school will undertake a 'roll call' prior to leaving the school premises and again on arriving at the Kids@Weldon program, the responsible educator will then sign the child/children into care
- Kindergarten age children will be escorted to and collected from their classrooms for their first month of term

#### Parents/guardians or delegated authority will:

- Sign each child in and out of the program upon arrival and at the time of departure, on the record of attendance / sign in, sign out device with a full signature. Failure to complete the attendance records will impact on the families eligibility to claim Child Care Benefit
- Note and sign times with regard to departure to and arrival from school times
- Remain responsible for their child whilst they are on a Kids@Weldon premises



## Quality Area Two: Children's Health and Safety

### Arrival and Departure



#### Arrival and departure – the experience for child and family

##### Our responsible person will:

- On orientation and on the first day of attendance, remind families that all children need to be signed in and out as a part of regulatory and funding obligations. Families will also be informed that sign on device will be used for emergency evacuations and need to be completed to ensure the safety of children
- Develop staffing rosters that provide for continuity of care for children and families

##### Educators and staff will:

- Set the environment with familiar areas for children to enjoy as they are settling into care/preparing for the school day. Changes in the environment will be discussed with children and families to promote consistency and to help children feel secure in their environment
- Greet families and find out about the child's needs for the day
- Support children to participate in an activity, assisting with separation for both adults and children and to say goodbye
- Welcome families at the conclusion of the day and communicate about the child's day. Any important messages will be passed on to families, including any changes in the child's routine, accident reports or medication needs

##### Parents/guardians or delegated authority will:

- Communicate any changes in routines to educators, this communication may include:
  - information about medication
  - changes to home/care routines
  - a change in the time of arrival or departure for their child/children
  - a known authorised adult is picking up their child/children
  - a person other than a known authorised adult is picking up their child/children, in this situation additional documentation/information is required refer below: authorisation for collecting children

All changes must be known by educators to ensure the safety and wellbeing of each child

#### Authorisation for collecting children

- The names and contact number of all persons authorised to collect the child/children from the centre must be included on the Enrolment Form. Any changes to these authorities must be advised in writing to the program by the parent/guardian as soon as possible
- If the enrolling parent/guardian arranges for an authorised person to collect their child from a Kids@Weldon program, they must contact the service to advise of this arrangement and confirm who will collect the child. If this person is unknown to educators, the person will be asked to provide photo identification
- Children will not be released to any person under the age of 18 years unless an authorisation has been provided by the parent/guardian or the parent of the child is under the age of 18 years

## Quality Area Two: Children's Health and Safety

### Arrival and Departure



Kids@Weldon

- If Kids at Weldon has not been notified and someone other than the parent/guardian arrives to collect the child the nominated supervisor/educator will contact the parent/guardian to obtain his or her authorisation. The child will not be released until the parent /guardian's authorisation has been obtained.
- If the authorised person is not known to the service, the parent/guardian will be asked to provide a description of the person concerned, who will also be required to provide proof of their identity, a copy of which will be required by Kids at Weldon and placed on the child's file

### Late Collection

- Kids@Weldon hours of opening are clearly displayed at the entry to the program
- Special circumstances i.e. traffic accident or vehicle breakdown, will be given consideration in relation to the administration of late collection fees
- If the parent/guardian has not contacted Kids@Weldon and the child has not been collected 15 minutes after the booked/advised collection time, the service will attempt to telephone the parent/guardian or if this is not possible, telephone the emergency contact people listed on the child's enrolment form, to arrange for the child's immediate collection
- If no-one can be contacted and the child has not been collected 30 minutes after the services normal closing time, educators will follow the Procedure for Late Collection.
- When a parent/guardian is continually and regularly late arriving at the centre to collect their child, the nominated/certified supervisor will discuss other childcare options with the family

### Procedure for late collection

Kids@Weldon will ensure the care of children not collected by the program's closing time. However, families are expected to abide by program opening and closing hours. A late collection fee is applicable to a child/children not collected by program closing time; exceptions will be made in extreme or emergency situations. For information as to the late collection fee charge refer to the *Fees policy*.

- If a child has not been collected 30 minutes after program closing time, and the parents /guardians of the child, nor other emergency contact person has been able to be contacted, the responsible person present will contact:
  - the nominated supervisor/coordinator and decide a course of action
  - contact the relevant child protection agency (child safety) to advise them of the situation and consult on what action to take
- In the interests of protecting the child and educators, two educators will remain at the program while the child is in attendance
- Educators will care for the child's needs (i.e. provide a snack) and reassure the child if he or she is anxious, provide the child with some activities and, if appropriate, settle the child down to sleep (young child)
- If the educators present are unable to remain at the centre to care for the child, the nominated supervisor/coordinator will attend the program
- Kids@Weldon may decide to contact the police to find out if the parent has been involved in an accident, or to ask the police to take action to try to locate the parent/guardian

## Quality Area Two: Children's Health and Safety

### Arrival and Departure



Kids@Weldon

- When the parent/guardian or emergency contact person arrives to collect the child they will be required to complete and sign the attendance record, and discuss the payment of the late fee
- Educators will advise the child protection agency/police (if contacted), and the nominated supervisor/coordinator that the child has been collected

#### Ongoing strategies to address late collection

- The arrival and departure policy will be highlighted to parents at the time of enrolment, be available on the Kids@Weldon website and provided in writing on request
- Families are required to update their own and their emergency contact numbers as they change. A system of regular reminders will be implemented through program newsletters, notices in the entry area, a letter to parents, or other means
- Families will be encouraged to name additional emergency contacts, who they expect would be available and able to assist in an emergency. This could include trusted neighbours, if the family does not have relatives or friends on hand to assist.
- Families will be advised to plan their day in order to ensure they collect their children prior to program closing time
- This policy will be reviewed regularly with educators, and an agreement reached as to how the staffing of late collections will be managed. Management understands that an educator's personal situation may limit their ability to remain at the program after hours, and will not impose pressure on educators to unwillingly take on these extra duties. Where families are continually late to collect children, the following process will be followed to address continuing issues:
  - The nominated supervisor/coordinator will speak with the parent to alert them to the grievance process, and to discuss any difficulties the parent is experiencing in collecting their child by program closing time. Strategies for the parent to adhere to program hours will be discussed, and the parent will be asked to give a commitment to implementing these strategies
  - On the next late collection, there will be a discussion with the parent and a letter will be sent advising them that another late collection of their child will result in the cancellation of their place at the program

#### Policy availability

- This policy will be readily accessible to educators/staff, families and visitors and ongoing feedback on this policy is invited

#### Review

- Management and staff will monitor and review the effectiveness of this policy regularly. Updated information will be incorporated as required

#### Evaluation

- Children will depart our programs with parents/guardians or delegated approved persons
- Arrival and departure times will provide an opportunity for the sharing of information between educators and parents
- Sign and sign out requirements for our funding bodies are met

## Quality Area Two: Children's Health and Safety Arrival and Departure



### Procedures

The following list of procedures supports the implementation of this policy.

- Enrolment Form
- Complaints
- Notification of complaints and incidents form (NI01)
- Late Collection Procedure (contained within policy)
- Orientation checklist – in enrolment form
- Attendance records

### Links to other policies

The following policies may be linked to this policy:

- Complaints and Feedback
- Confidentiality and Privacy
- Enrolment and Orientation
- Equal Opportunity
- Establishing a Protective Environment
- Fees Policy
- Partnerships and Communication with Families
- Supervision

### The National Quality Framework

Education and Care Services National Regulations 2011: 99; 158,168 (2) (f)

National Quality Standard for Early Childhood Education and Care and School Age Care (Nov 2010)

QA 2- Standard 2.2: Elements 2.2.1; 2.2.2, 2.2.3. QA 7 Standard 7.1 Elements 7.1.1, 7.1.2, 7.1.3

### Sources

- Department of Education, Employment and Workplace Relations
- Community Child Care Cooperative NSW – NQF Policies in a Box
- PSC National Alliance – IPSP Online Library - policies

### Policy Details

Date for review: August 2020

Policy code: 004Arrivalv1

## Before School Care Daily Routine

Time	Children
<b>6:30</b>	<p>Program open's</p> <p>Indoor free play and programmed activities – learning spaces set up:</p> <ul style="list-style-type: none"> <li>- Book / reading &amp; relaxing area</li> <li>- Art area</li> <li>- Dramatic play area</li> <li>- Construction area</li> <li>- Puzzles &amp; board games area</li> <li>- Outdoor play – Sports games</li> </ul> <p>Children's choice of activities both indoor and outdoor</p> <p>Progressive breakfast 6:30 – 8:30</p>
<b>8:20</b>	Last call for breakfast. Children have the opportunity to assist in packing away breakfast and build their independent skills by helping with wash the dishes/stacking the dish washer.
<b>8:30</b>	5 minute alert to children to finish what they are working on before needing to pack away.
<b>8:35</b>	<p>Children are given alert to complete or finish what they are working on before needing to pack away. Children have the opportunity to leave what they have created if they would like to continue working on it when they return to the program.</p> <p>Children start to help educators pack away.</p> <p>Children and educators engage in a group discussion about their weekly focus, children ideas and interest and share anything on their minds.</p>
<b>8:45</b>	<p>Roll call for all children. Years 1-6 make their way to school with their bags after putting sunscreen and a hat on.</p> <p>Kindy get their bags and make their way to their classrooms to put their bags away. Once re-grouped, they make their way to the morning assembly.</p>

## After School Care Daily Routine

Time	Children
<b>3:00</b>	<p>Kindy children are picked up from their classrooms, educators mark the roll and sign children in, hats on and sunscreen is applied.</p> <p>Kindy children engage in group discussion and then walked to the program, put their bags away, wash their hands, find an activity indoors/outdoors or enjoy progressive afternoon tea.</p> <p>Year 1,2 and 3,4,5,6 make their way to their respective pick up areas and get their names marked off the roll, put their hats and sunscreen on and engage in a group discussion about their day and what is programmed for the afternoon while waiting for all the children to arrive.</p> <p>Children make their way down to the program and put their bags away, wash their hands and engage in progressive afternoon tea or activities.</p> <p>Indoor free play and programmed activities – learning spaces set up:</p> <ul style="list-style-type: none"> <li>- Book / reading &amp; relaxing area</li> <li>- Art area</li> <li>- Dramatic play area</li> <li>- Construction area</li> </ul>

	<ul style="list-style-type: none"><li>- Puzzles &amp; board games area</li><li>- Outdoor, sports games on the school playground</li></ul> Children's choice of activities. Children also have the opportunity to engage in projects that are developed and that are led by the children.
<b>4:30</b>	Children have last call for afternoon tea before it is packed away.
<b>4.40</b>	Children assist educators in packing away afternoon tea
<b>5:30</b>	10 minute pack away alert Children begin tidying all outdoor areas by assisting educators
<b>5:45</b>	Wash hands, have communal late snack or engage in quiet activities indoors and outdoors Children engage in afternoon group discussion during late snack, review of day.
<b>6.15</b>	Children help tidy up play spaces not being used and any outdoor activities ready for down time before going home.
<b>6.30</b>	Program closed, confirm all children have gone home.



## Quality Area Two: Children's Health and Safety

### Emergency and Evacuation / Lock Down



### Emergency and Evacuation / Lock Down

#### Policy introduction

Emergency and evacuation situations in an education and care program can arise in a number of circumstances and for a variety of reasons. In the event of an emergency or evacuation / lock down situation, the safety and well-being of all staff, children, families and visitors to the program are paramount and as such, Weldon Children's Services is committed to identifying risks and hazards of emergency situations, and planning for their reduction or minimisation, and ongoing review of planned actions around handling these situations.

#### Our policy in action

##### We will:

- Conduct ongoing risk assessments and reviews of all potential emergency and evacuation/lock down situations, including medical emergency situations (see medical conditions)
- Develop specific procedures around each potential emergency situation and ensure full awareness by all [staff](#) through the provision of professional development
- Ensure regular rehearsal and evaluation of emergency and evacuation/lock down procedures

#### Statutory legislation and considerations

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Work Health and Safety (WHS) Regulation 2011 (regulation 43)

#### Strategies for policy implementation

#### A risk management approach to emergency and evacuation/lock down situations

##### As the approved provider we will and our nominated supervisor will:

- Work together with staff to *identify potential emergency situations* that may arise at a specific program to *identify all risks associated with such situations*. This risk assessment will be attached to this policy and reviewed at least on an annual basis
- Work together with staff to develop *procedures to manage all risks* associated with emergency and evacuation situations. These procedures will be attached to this policy
- Ensure the development of an *emergency evacuation floor plan/lock down plan*. These plans will be attached to this policy
- Ensure educators and staff have ready access to an operating telephone or similar means of communication and that emergency telephone numbers are displayed near telephones
- Ensure educators and staff have ready access to emergency equipment such as fire extinguishers and fire blankets, and that staff are adequately trained in their use
- Ensure that emergency equipment is tested as recommended by recognised authorities
- Ensure that up to date portable emergency contact lists are held in each room within each program and that the evacuation procedures include the carrying of this list by the room leader/educator to the evacuation point

##### Our educators/staff will:



## Quality Area Two: Children's Health and Safety

### Emergency and Evacuation / Lock Down



- Assist the nominated supervisor in identifying risks and potential emergency situations
- Assist the nominated supervisor in developing procedures to lessen the risks associated with emergency evacuations
- Ensure they are aware of the placement of operating communications equipment and emergency equipment, and are confident in their ability to operate them

### Communication and display of emergency and evacuation/lock down procedures

As the approved provider we and our nominated supervisor will:

- Ensure the emergency evacuation/lock down procedures and floor plans are displayed in a prominent position near each exit and that all educators and staff are aware of these
- Ensure that all staff are trained in emergency evacuation/lock down procedures
- Ensure that staff are aware of emergency evacuation points
- Ensure that families are regularly reminded of the emergency procedures at the program

Our educators/staff will:

- Contribute to the development of emergency and evacuation/lock down procedures
- Ensure that they are aware of the emergency evacuation/lock down procedures
- Ensure the emergency evacuation/lock down procedures and floor plans are displayed

### Scheduled and spontaneous rehearsals of responses to emergency situations

As the approved provider we and our nominated supervisor will:

- Provide educators and staff with specific procedures around all potential emergency situations
- Ensure that the evacuation procedures are in accordance with the evacuation floor plan
- Ensure that rehearsals of evacuation/lock down procedures are regularly scheduled, every three months as a minimum, and that the schedule maximizes the number of children and staff participating in the procedures
- Ensure staff are aware of when scheduled emergency evacuation/lock down drills are to take place
- Ensure that spontaneous rehearsals also take place to ensure staff participate in the simulation of an unplanned emergency evacuation/lock down event
- Provide staff with rehearsal evaluation/feedback forms after each scheduled and spontaneous rehearsal to assist in refining their risk management procedures around the safe evacuation of all staff, children and visitors to the program

Educators/staff will:

- Be aware of the upcoming scheduled emergency evacuations, and be ready in the event of a spontaneous simulation evacuation/lock down
- Will provide children with learning opportunities about emergency evacuation procedures
- Be alert to the immediate needs of children throughout the scheduled and spontaneous evacuation/lock down drills

## Quality Area Two: Children's Health and Safety Emergency and Evacuation / Lock Down



### Documentation and record keeping

As the approved provider we and our nominated supervisor will:

- Ensure all scheduled, spontaneous and actual evacuations/lock downs are documented and reviewed
- Ensure all staff are provided with feedback forms after each evacuation/lock down event
- Ensure all emergency contact lists are updated as required

### Policy availability

- This policy will be readily accessible to educators/staff, families and visitors and ongoing feedback on this policy is invited

### Review

- Management and staff will monitor and review the effectiveness of this policy regularly. Update information will be incorporated as required

### Evaluation

- Educators and staff respond in a timely manner to emergency evacuation/lock down situations
- Children, educators/staff, families and visitors participate in regular evacuation/lock down rehearsals

### Procedures

- Administer first aid
- Attendance record – sign in, sign out children
- Emergency evacuation / lock down evaluation
- Incident, injury, trauma, illness report
- Notification of serious incident
- Sign in, sign out – staff and visitors

### Links to other policies

- The following policies may be linked to this policy:
- Providing a Safe Environment
- Work Health and Safety

### The National Quality Framework

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011: 97 (2) (3) (4), 99 (4) (d) (ii), 168 (2) (e)

National Quality Standard for Early Childhood Education and Care and School Age Care (Nov 2010)

QA 2 -Standard: 2.2 Element 2.2.1, 2.2.2, and 2.2.3

Quality Area Two: Children's Health and Safety  
Emergency and Evacuation / Lock Down



**Sources**

- Community Child Care Cooperative NSW – NQF Policies in a Box
- PSC National Alliance – IPSP Online Library – policies
- Children's Services Central Emergency Situations

**Policy Details**

Date for review: April 2020

Policy code: 018Emergencyv1

## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



#### Complaints and Feedback Policy Introduction

Kids@Weldon values the **feedback** of educators, staff, families and the wider community in helping to create programs that meet the regulations, legislation and the needs of the enrolled children and families and work towards the highest standard of care. We encourage open communication by providing opportunities to respond and provide feedback on the programs and services we offer.

It is foreseeable that feedback will include divergent views, which may result in complaints and grievances. This policy details our organisation's procedures for receiving and managing informal and formal complaints and grievances from families. Families can lodge a complaint or grievance the understanding that it will be managed conscientiously and confidentially.

We have a positive approach to handling complaints in a way that upholds the rights of natural justice and supports partnerships and ongoing communication with families and most importantly, ensuring children's rights and interests are protected.

#### Our policy in action

We will:

- Provide opportunities for consultation, evaluation and review of the operation of our school-age and early years learning programs and other programs and services we offer
- Maintain procedures for making and resolving complaints
- Communicate the procedure for making a complaint
- Handle complaints diligently and confidentially

We will ensure that all persons making a complaint are guided by the following policy values:

- a. Procedural fairness and natural justice
- b. Code of ethics and code of conduct
- c. Culture free from discrimination and harassment
- d. Transparent policies and procedures
- e. Opportunities for further investigation
- f. Adhering to our program philosophy and our organisation values

#### Procedural fairness and natural justice

Our organisation believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- a. The right to be heard fairly
- b. The right to an unbiased decision made by an objective decision-maker
- c. The right to have the decision based on relevant evidence

## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



#### Strategies for policy implementation

Complaints and grievances can transpire in any organisation. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive environment. The Grievance Policy ensures that all persons are presented with procedures that:

- a. Value the opportunity to be heard
- b. Promote conflict resolution
- c. Encourage the development of harmonious partnerships
- d. Ensure that conflicts and grievances are mediated fairly
- e. Are transparent and equitable

#### Definitions

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor treatment, and any verbal or written complaint.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If an individual is in breach of the legislation or regulations or the code of ethics.

**Mediator:** A person who attempts to assist and support people involved in a conflict come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child may have been compromised. Any complaint of this nature must be reported by the Approved Provider, CEO or Area Manager to the Department of Early Childhood Education and Care within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact the Area Manager or the CEO in the first instance and they will make a call to the Department of Early Childhood Education and Care if confirmation is required. The Nominated Supervisor and the Responsible Person at the program on the day of the incident are responsible for documenting all the relevant details. Written reports must include:

- a. details of the event or incident
- b. the name of the person who initially made the complaint
- c. if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- d. contact details of the Nominated Supervisor and Approved Provider
- e. any other relevant information

## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



The documented details are to be completed and provided to the Area Manager for review so that they can report to the Department of Early Childhood Education and Care within the required timeframes. Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Regulation 12).

A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183.

### Statutory legislation and considerations

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2019
- Privacy Act 1988 (Cth.)

### Complaints

Everyone has the right to a positive and empathetic response to their concerns. Solutions will be sought to resolve all complaints, issues or concerns promptly and positively and recognise the importance of:

- procedural fairness and natural justice
- ethical conduct
- review and further investigation
- the opportunity for quality improvement

### Communication

- Our procedure for managing complaints will be made available to families through:
  - the enrolment and orientation process;
  - the parent handbook;
  - our website; and
  - The displayed process at each program
  - Access to policies
- Families will be provided with contact details for putting forward a complaint, including contact details of the regulatory authority
- Educators and staff will be provided with our procedure for managing complaints
- Educators and staff will be provided with training in complaints management



## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



- The Education and Care Services National Law Act 2010 and Education and Care Services National Regulations will be available at each of our program locations in hard copy and/or electronically

#### Making a complaint

- Families may make a complaint directly to their child's educator, the coordinator/director/nominated supervisor/responsible person, the executive management team, the CEO or the approved provider
- Educators/staff may wish to make a complaint about an aspect of our program delivery. He or she may make the complaint directly to the coordinator/ director / nominated supervisor / responsible person, the executive management team, the CEO or the approved provider – NOTE this is not a grievance procedure, matters of staff grievance should be dealt with under the grievance policy relating to staff
- As a starting point, we encourage families to raise concerns with the program coordinator/director/nominated supervisor/responsible person who will document and work through the issue with the family or escalate the concern/complaint to the Executive Management team or the CEO as appropriate
- Educators will discuss the complaints procedure with children and encourage them to raise any issues they have with the program. Children's complaints will be taken seriously, and resolutions will be sought

#### Dealing with complaints

- All complaints will be dealt with in a confidential manner
- A response will be made within 24 hours to the person complaining advising the next steps to be taken to reach a resolution
- No complainant will be disadvantaged as a result of making a complaint
- The rights of the person against who the complaint is lodged will be recognised and respected
- All confidential conversations/discussions with families will take place in a quiet area away from children, other families and educators/staff who are not involved
- Where a family/staff member wishes their complaint to remain confidential this will be honoured. However, families/staff members will be advised that issues cannot always be resolved if they choose to remain anonymous
- Where an educator/staff member believes information specific to the complaint needs to be disclosed to others to resolve an issue, or if the nature of a complaint requires that a third party has to be informed to meet legislative requirements, they will inform the family of this need before any further discussions on the matter taking place

#### Steps to managing complaints

- The receipt of the complaint will be acknowledged.
- The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction
- The person receiving the complaint will clarify issues by actively listening and questioning the complainant to further understand the issues



## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



- The person receiving the complaint will document the complaint and place the complaint on the complaints register
- If the issues are complex the complainant may be asked to put their concerns in writing
- Where possible, the problem will be resolved immediately. If this is not possible the complainant will be advised that the issue will be given a high priority/escalated and dealt with as soon as possible
- If the problem is about an issue that is outside the control of the program or service, the person receiving the complaint will explain this to the complainant and let them know who they should contact if they wish to take the matter further
- Any commitments made to the complainant in regards to addressing the issue will be followed up and the results given to the complainant as soon as possible
- Each complaint will be evaluated to determine how we responded and whether further action is required or whether preventative measures can be implemented

#### Escalation of complaints

- In situations where educators/staff feel the resolution of a complaint is beyond their control he or she will escalate the complaint following the steps listed below:-
- Where a complainant feels their complaint has not been resolved to their satisfaction, he or she may choose to follow the progressive steps listed below:-
  - Step One: raise a complaint with the coordinator/nominated supervisor/responsible person
  - Step Two: raise a complaint with the Executive Management team
  - Step Three: raise a complaint with the CEO
- In situations where the complainant is not satisfied with the resolution as provided by the CEO, the complainant may wish to contact the Chair of the Board in writing. The Chair can be contacted by email at [kids@weldon.com.au](mailto:kids@weldon.com.au)

#### Follow-up and review

- Each complaint will be viewed as an opportunity for improvement
- After the complaint has been dealt with it will be analysed to find out how the problem occurred and determine if the program or service should implement any changes to policy or operational procedures to avoid similar situations occurring in the future
- A member of the Executive Management Team will follow through to determine that complaints have been successfully resolved to everyone's satisfaction. Families will be contacted to determine if they are satisfied with the way the issue was resolved, and educators/staff will be consulted about the outcome from an operational viewpoint
- The complaints register will be updated to reflect the resolution
- The complaints procedure is reviewed and evaluated annually, or whenever an incident occurs, to ensure the processes are clear and non-discriminatory
- Any complaints that allege the service or program has contravened the Education and Care Services National Law Act 2010 or compromised the health, safety or wellbeing of any child within the service or program, will be reported to the regulatory authority as required under the Act. These allegations will be taken most seriously, and an immediate resolution will be sought.

## Quality Area Seven: Governance and Leadership

### Complaints and Feedback



#### Procedures

- Confidentiality Statement – Parent handbook
- Educator/staff Code of Conduct
- Code of Ethics
- Grievance procedures
- Orientation procedures
- Notification of Complaints and Incidents

#### Links to other policies

- The following policies may be linked to this policy:
- Community Involvement
- Confidentiality and Privacy
- Educator/Staff Grievances and Disputes
- Enrolment and Orientation
- Equal Opportunity
- Establishing a Protective Environment
- Guiding Children's Behaviour
- Interactions with Children
- Partnerships and Communication with Families
- Recruitment of Educators, Staff and Volunteers

#### National Quality Framework

Education and Care Services National Regulations 2019: 168 (2) (o), 173, 176

National Quality Standard for Early Childhood Education and Care and School Age Care

Q A 6 - Standard 6.1 Element 6.1, 6.1.2 Standard 6.2 Q A 7 - Standard 7.1 Element 7.1.2 Standard 7.2 Element 7.2.1

#### Sources

- PSC National Alliance – IPSP Online Library - policies
- Community Child Care NSW NQF in a Box – policies
- Mia Mia Child and Family Centre, Macquarie University

#### Policy Details

Date for review: May 2021

Policy code: 010Complaintsv2

## Quality Area Seven: Governance and leadership Work Health and Safety (WHS)



### Work Health and Safety

#### Policy introduction

Kids@Weldon believes that the provision of a safe working and learning environment for everyone within its programs and workplaces is an integral and essential part of its responsibility as a provider of education and care services. Through the provision of procedures, guidelines and other resources Kids@Weldon is able to provide safe workplaces and learning environments for employees and others undertaking work, children and visitors.

ty under the WHS Act 2011. While Kids@Weldon has the primary duty of care, all employees have responsibilities while undertaking their duties to follow reasonable instructions and lawful directions in accordance with Kids@Weldon policy and procedures. All instructions and directions should be carried out so far as they are reasonably able; assisting in preventing harm to themselves and others.

#### Our policy in action

##### Kids@Weldon is committed to:

- Providing everyone in its workplaces with a safe and healthy working and learning environment
- Promoting dignity and respect in all workplaces and taking action to prevent and respond to bullying in its workplaces
- Adopting a preventative and strategic approach to health and safety and using measurable objectives and targets to monitor performance
- Supporting and promoting health and wellbeing
- Providing return to work programs to facilitate safe and durable return to work for employees, where possible, for both work related and non-work related health conditions
- Meaningful consultation with employees, their representatives and others on work health and safety (WHS) issues
- Providing appropriate information, training and instruction to facilitate safe and productive work environments
- Providing an effective and accessible safety management system for all employees and others to guide safe working and learning in all places of work
- The reporting of incidents in accordance with statutory and regulatory obligations and internal policy requirements so that action can be taken to manage the incident, prevent further incidents, and provide support where required
- Providing a program of continuous improvement through engaging with industry, new technology and considering changes to legislation and recognised standards

#### Statutory legislation and considerations

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

Education and Care Services National Law 2010

Quality Area Seven: Governance and leadership  
Work Health and Safety (WHS)



Education and Care Services National Regulations 2011

### Strategies for policy implementation

#### As the approved provider we will ensure:

So far as is reasonably practicable, the health and safety of employees, others undertaking work and others in workplaces operated by Kids@Weldon

That appropriate systems are in place, responsibilities appropriately defined and managers, nominated supervisors, responsible people and educators receive the training and resources they need to carry out their WHS responsibilities

#### The nominated supervisor/responsible person will ensure:

This policy is implemented in their workplaces and area of control

Safe systems of work and WHS procedures and guidelines are implemented, risks are managed so far as is reasonably practicable and that they strive for continuous safety improvement

Employees and others undertaking work are supervised and receive the instruction, information and training necessary to safely perform their duties

Meaningful consultation takes place with employees, their representatives and others on work health and safety (WHS) issues

Workplace incidents are reported and investigated to ascertain the circumstances leading up to the incident, and appropriate action is taken to prevent further incidents from occurring

Effective emergency response plans and procedures are in place which include the provision of first aid and actions to support the resumption of normal operations

Compliance requirements are adhered to and appropriate document management processes are in place

Employees with injury or illness are managed in accordance with an agreed return to work program between the employer and employee

Where the nominated supervisor/responsible person is unable to ensure any of these provisions they should escalate them for appropriate action and support

#### Educators and staff will:

Take reasonable care for the health and safety of themselves and those under their supervision, and take reasonable care that their acts or omissions do not adversely affect the health and safety of others

Comply with reasonable instructions or lawful direction as far as they are reasonably able, including wearing personal protective equipment supplied by the employer as required

Cooperate in following all Kids@Weldon WHS, guidelines and procedures

Report incidents and hazards in accordance with Kids@Weldon procedures

Participate in training and consultation with the support of Kids@Weldon and other appropriate organisations

Meet their obligations under the return to work program (agreed on between employer and employee) and other guidelines to support their return to the workplace following injury or illness

## Quality Area Seven: Governance and leadership

### Work Health and Safety (WHS)



Kids@Weldon

Visitors, families, outside providers or others conducting business within Kids@Weldon workplaces will:

- Take reasonable care of their own WHS, and that their acts or omissions do not adversely affect the health and safety of others
- Report WHS issues in accordance with Kids@Weldon policy and procedures
- Participate in consultation in WHS matters affecting them

### Policy Availability

This policy will be readily accessible to all educators, staff, families and visitors, and ongoing feedback on this policy will be invited

### Review

Management and staff will monitor and review the effectiveness of this policy regularly. Updated information will be incorporated as required

### Evaluation

Management, Educators and Staff respond in an effective manner to any WHS incident, hazard or risk, and documentation is completed, shared, and stored as appropriate  
Plans to effectively manage WHS are developed in consultation with Management, Educators, Staff and Families, and implemented appropriately  
Regular reviews of procedures and policy are implemented

### Procedures

The following list of procedures supports the implementation of this policy:

- Work Health and Safety Management Plan
- Safety Management Plan
- Hazard Identification Form
- Risk Assessment Form
- Emergency Evacuation and Lock-Down
- Emergency Evacuation and Lock-Down Evaluation
- Medical Risk Minimisation
- Incident, Injury, Trauma and Illness Report
- Notification of Serious Incident and Complaints
- Induction Checklist

### Links to other policies

The following policies may be linked to this policy:

- Educational Programme
- Guiding and Supporting Behaviour
- Transportation and Bus Runs

## Quality Area Seven: Governance and leadership Work Health and Safety (WHS)



Emergency and Evacuation  
Physical Activity  
Incident, Injury, Trauma and Illness  
First Aid  
Infectious Diseases  
Medical Conditions  
Clothing and Accessories for children  
Sun Smart  
Water Safety  
Providing Child Safe Environments  
Toxic Chemicals  
Pregnancy and Immunisation  
Induction  
Nominated supervisor, Certified Supervisor, Responsible Person & Educational Leader  
Interactions with Children  
Family Participation and Communication  
Governance and Management

### The National Quality Framework

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

National Quality Standard for Early Childhood Education and Care and School Age Care

### Sources

NSW Department of Education and Communities - Work Health and Safety (WHS) Policy

### Policy Details

Date for review: May 2020

Policy code: 048WHSv1





Kids@Weldon

## Emergency Bag Checklist

Program: \_\_\_\_\_ Date Checked: \_\_\_\_\_

All programs are required to store their emergency kits out of reach of children where they are readily identifiable with a yellow exclamation mark and able to be accessed as required by an adult. All programs are to have 1 emergency bag on site with a Weldon asthma inhaler & epi pen in a small green bag inside. All kits are to be checked monthly with a copy uploaded to Team Site.

Item	Program bag quantity	No: of items in bag at time of	Expiry Date / Update	No: of items required to be ordered
<i>Quantity</i>				
Emergency Torch	1		-	
Battery (AA or AAA)	2			
Keys (to gates or doors if required)				
Hand sanitiser	1			
Disposable Gloves	10		-	
Disposable Wipes	1 packet			
Plastic Bags	2		-	
Tissues (9pack)	1			
SPF 30+ Sunscreen 110ml	1			
1 Ltr Water	1 per 30 children			
Disposable cups	25		-	
Spare clothing – age appropriate	6			
Snacks/ biscuits – age appropriate	6			
Story Books/ Puppets – age appropriate	4		-	
<b>Early years learning only</b>				
Evacuation Ropes	Approp			
Nappies	3 approp sizes			

 Does this portable evacuation bag need to be restocked: **YES** **NO**

Small green bag				
Item	Program bag quantity	Items in bag	Expiry date	Items require to be ordered
<i>Quantity</i>				
Asthma Inhaler	1			
Epi pen	1			

 Does this small green bag need to be restocked: **YES /** **NO**

Location of this Green Bag \_\_\_\_\_





# Traffic Impact Assessment

## **4 Stranraer Drive, Saint Andrews** Out of School Hours Care Facility



Prepared for: Weldon Children's Services

Wednesday, 10 June 2020

Document Number: SBMG01888-00 R2

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## Revisions

Rev	Date	Description
0	12/06/19	Issue for submission
1	19/11/19	Revised access proposal
2	10/06/20	Revised access proposal from comments provided 05/06/20

## 1 Introduction

This traffic and parking impact assessment report has been developed to accompany the DA of 4 Stranraer Drive, St Andrews NSW. It includes assessment against the criteria provided by Campbelltown Council, such as; potential cumulative impact on the locality, the need for local traffic improvements in the locality and how parents, children and staff are anticipated to access the site via the adjoining St Andrews Public School. Council's Development Control Plan (DCP) and the RTA Guide to Traffic Generating Development have been considered during preparation of the traffic impact assessment.

The proposed development of the property includes, alterations and additions to an existing building for use as an Out of School Hours Care (OOSHC) facility.

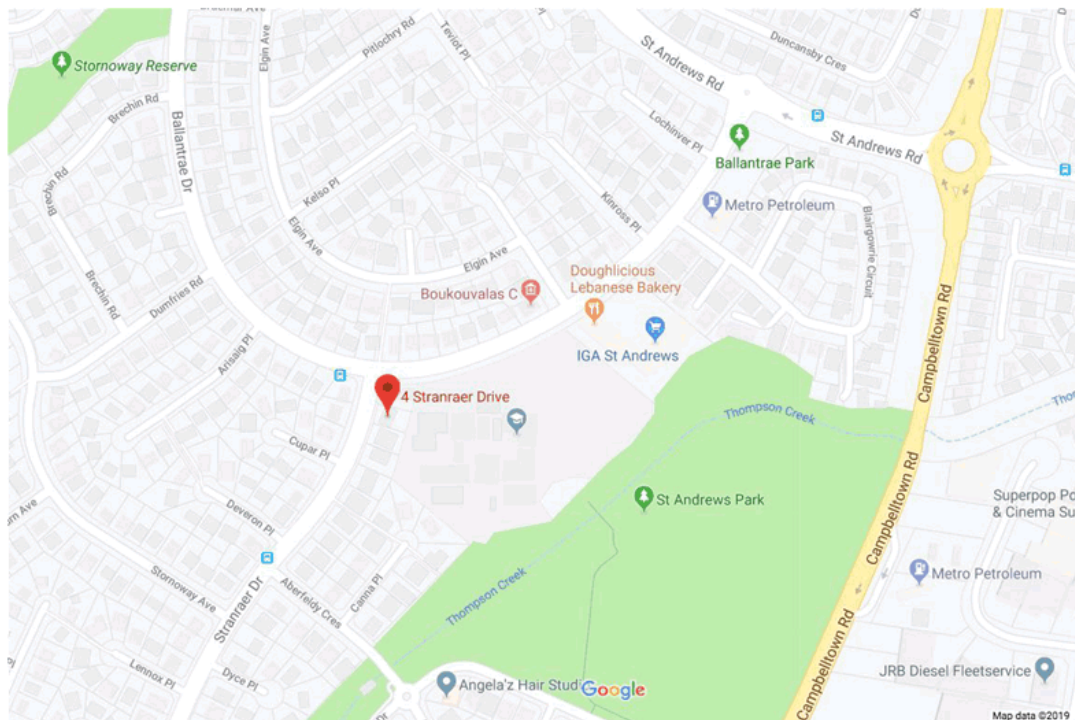
As part of the traffic impact assessment a parking observations were conducted on 8<sup>th</sup> May 2019 & 11<sup>th</sup> November 2020 at peak periods to determine weekday impacts to surrounding residents and adjacent schools.

This report is based on information collected from site and the applicant. The report specifically addresses:

- Current traffic and parking conditions including active transport at the site location
- Parking observation results and analysis
- Expected traffic generation
- Impact of the proposed development
- Mitigation measures to minimise perceived and actual impact during operations

## 2 Location

The proposed is located at 4 Stranraer Drive, St Andrews as shown below.



Above: Development Location Map – Source: <https://www.google.com.au>

### 3 Existing Conditions

4 Stranraer Drive is located near the intersection of Stranraer Drive and Ballantrae Drive adjacent to an existing long day care centre (not operating) and St Andrews Public School (SAPS). A Children's Crossing is located adjacent to the subject site providing access for pedestrians to crossing Stranraer Drive. During School Zone hours 'Children Crossing' Flags are displayed to warn approaching motorists of the increased frequency of children crossing at this location.

The local area is characterised as a low to medium traffic area due to the following locational features:

The site is located on the edge of residential zone

A small-scale shopping centre is located approx. 200m east along Ballantrae Drive containing a small supermarket (IGA), pharmacy, bakery and other specialty retail tenancies.

A small service station (Metro) located approx. 320m east along Ballantrae Drive.

A large school (St Andrew Public School) located at the rear boundary to the subject site. Long Day Care Centre (not currently operating) adjacent to the site

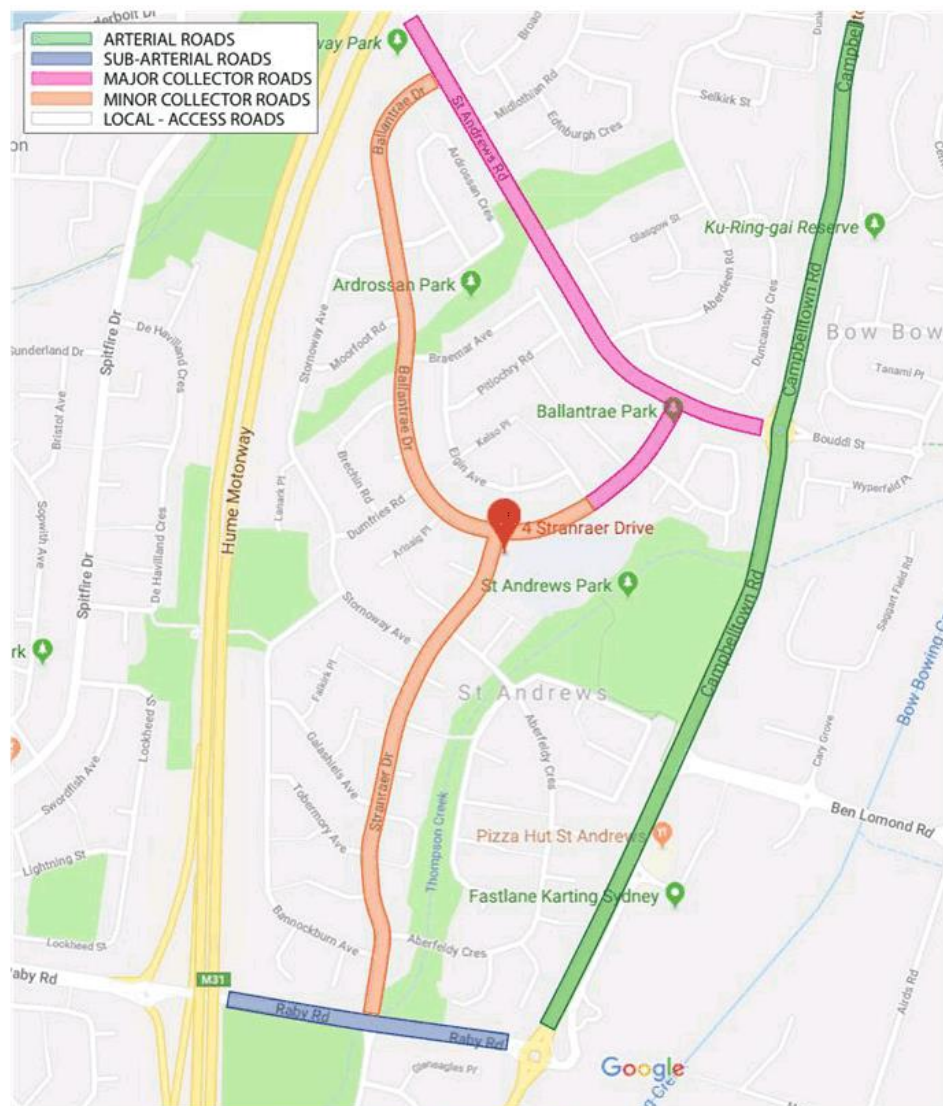
There is a unique weekday local traffic variability around the site due to the proximity to SAPS with associated morning drop-off and afternoon pick-up periods. To investigate this variability site visits were conducted by Sbmj during a weekday morning drop-off and an afternoon pick-up period. The St Andrews Public School was observed to have traffic generation limited to a period of approx. one hour in the morning and one hour in the afternoon.

Therefore, the existing local traffic conditions at the subject site are summarised in two distinct types:

1. Low local traffic generated by residential and small-scale retail land uses.
2. High local traffic during the periods 8.30am to 9.00am and 2.30pm to 3.30pm Monday to Friday.



## 3.1 Road Network



Above: Road Hierarchy Map – Source: <https://www.google.com.au>

### 3.1.1 Stranraer Drive

Stranraer Drive is a local 2 lane road with unrestricted parking along both sides except for 'No Stopping' zones near the Ballantrae Drive Intersection. Along the eastern side (site frontage) the 'No stopping' Zone starts at the Ballantrae Intersection and travels south for approx. 57m at which point the kerb restrictions are removed and on-street parking is permitted. The 'No Stopping' zone along the western side of Stranraer Drive travel between Ballantrae Drive and Cupar Place.

A 'Children's Crossing' is located just south of the subject site with concrete islands on each side of the road narrowing the travel path for vehicles to approx. 8m (full road width is 12.5m). Flags showing 'Children Crossing' are displayed during School Zone hours in both directions in addition to the fixed children crossing ahead sign located 47m south of the crossing for northbound traffic.

The sign posted speed limit is 50km/h with a School Zone speed limit of 40km/h operating between 8:00am and 9:30am in the morning and 2:30pm and 4:00pm in the afternoon on school days.

### 3.1.2 Ballantrae Drive

Ballantrae Drive is a local 2 lane road with unrestricted parking along both sides except along the St Andrews Public School and adjacent Long Day Care facility (non-operational) frontage. As shown on the image below all parking restrictions are limited to school days and during school or School Zone hours. Unrestricted parking is permitted at all other times.



Above: Existing Parking restrictions along Ballantrae Drive

The sign posted speed limit is 50km/h with a School Zone speed limit of 40km/h operating between 8:00am and 9:30am in the morning and 2:30pm and 4:00pm in the afternoon on school days.

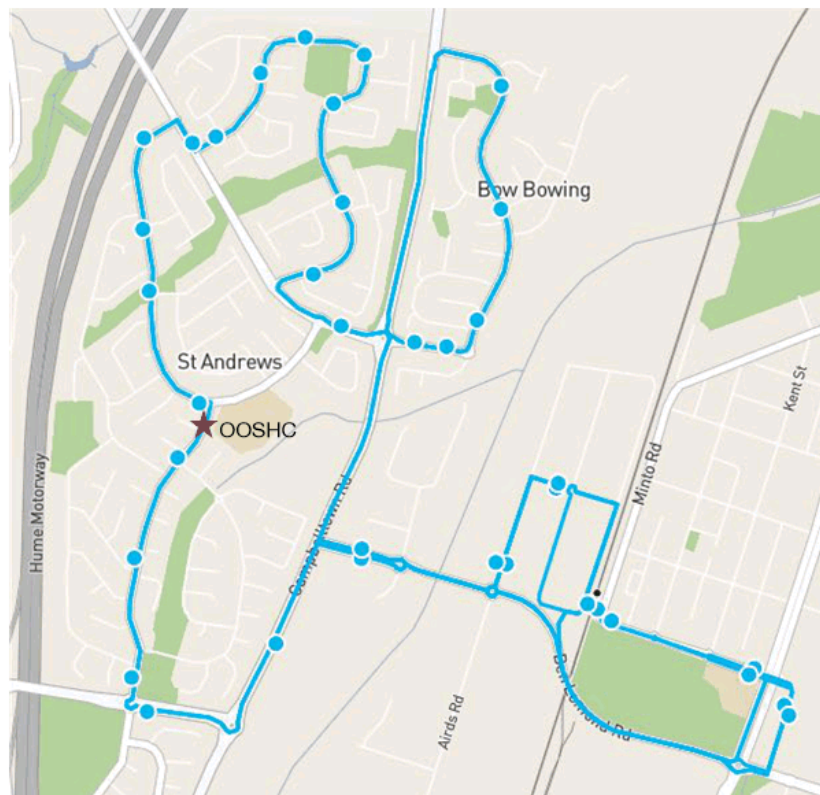
### 3.2 Existing Parking Opportunities

Parking demands within the local area significantly decreases, the further away the street is from the shopping centre. All requirements for staff parking at SAPS are catered for within the school grounds, limiting the current parking demands along Stranraer Drive and surrounding local streets to scattered parking for surrounding residential parking. The unrestricted parking spaces opposite the school do have consistent use during site visits, however there are many available parking opportunities within a short walk (100m radius) from the subject site.

### 3.3 Public Transport

A bus service (route 875 shown on image below) does operate along both Stranraer Drive and Ballantrae Drive, however the route travel in a northern direction past the subject site and turn left onto Ballantrae Drive. The closest two stops are as follows:

- 2566159 – Southern side of Ballantrae Drive approx. 23m west of Stranraer Drive Intersection
- 2566160 – Western side of Stranraer Drive approx. 12m south of Deveron Place.



Above: Route 875 – Source: <https://transportnsw.info/routes/details/sydney-buses-network/875/21875>



### 3.4 Active Transport

Active transport includes cycling and walking. The places at OOSHC are expected to be made wholly with students from St Andrews Public School who are commonly children within the local area. Although these attending children may live within 'walking' distance from the subject site, the nature of the facility is to provide extended care aligned with working hours. It is anticipated that all students will be driven to and from the subject site to allow parents/carers to drop-off and pick-up the children when traveling to and from work. It is therefore expected that active transport will not be used as a common mode of transport to and from the OOSHC facility.

#### 3.4.1 Cycling Facilities

Limited dedicated cycling facilities exist within the local area however, the local road network provides wide cycle friendly streets.

#### 3.4.2 Walking Facilities and Pedestrian Access

Concrete footpaths are provided along both sides of Stranraer Drive and Ballantrae Drive allowing all-weather access from on-street parking locations surrounding the subject site. The 'Children's Crossing' point provides a marked crossing location on Stranraer Drive and the raised 'Wombat crossing' on Ballantrae Drive providing a marked crossing location for pedestrians needing access to the subject side from the northern side.



Above: Children's Crossing location on Stranraer Drive adjacent to the subject site - Source: <https://www.google.com.au>



Above: Wombat Crossing location on Ballantrae Drive in-front of St Andrews PS - Source: <https://www.google.com.au>

An existing barrier is install around the south-eastern corner at the intersection Ballantrae Drive and Stranraer Drive to remove the ability for pedestrians to cross close to the intersection and promote the use of the marked crossing points.



Above: Image of existing barrier facing south east - Source: <https://www.google.com.au>



## 4 Traffic and Parking Assessment and Impacts

### 4.1 Parking Demand

There are 22 Licenced places available for students, which requires 2 staff.

The primary staff parking area is to be accommodated within the subject property utilising the existing driveway. The additional space required for the second staff member will use existing on-street parking, however this will only be required during the OOSHC operating hours (See 5.3 for proposed operating hours).

As determined by using the RTA Guide to Traffic Generating Developments (Issue 2.2) the parking demand is calculated at 0.23 cars per child at any one time, which for this site is ( $22 \times 0.23 = 5.06$ ) 7 vehicles on average and then length of stay is 6.8 minutes.

Note: The calculations above use calculation based on the survey results of all centres which include pre-school, long-day care and before / after care and as stated in the guide Before / after school care was found to be the lowest across all three categories.

### 4.2 Parking Analysis

#### 4.2.1 Existing restrictions



Above: Existing kerb restrictions surrounding the subject site

#### 4.2.2 Weekday Parking Analysis

During site visits, there are many parking opportunities within short walking distance (100m radius) from the proposed development. As you move further away from the school the more parking is available.

The main access to the OOSHC facility will be via a dedicated pedestrian gate off Stranraer Drive which is away from the kerb restrictions associated with the St Andrews Public School.

#### 4.2.3 Weekend Parking Analysis

Not applicable as OOSHC will not operate on weekends.

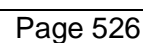
#### 4.2.4 School Holidays Parking Analysis

Analysis has not been carried out during school holidays, however the demand and impact will be much lower as a reduced number of students use the facility for vacation care. Should the numbers remain at 22 the parking requirements will be similar to school days, but the cumulative impact will be significantly lower as the normal school traffic will be removed.

## 5 Development Proposal

The proposed development of the 4 Stranraer Drive, St Andrews include:

- No alterations to the existing conditions proposed within the subject site.
- Existing structures to be retaining.



## 5.1 Safety

There are safety concerns regarding sight distances and visibility between vehicular and pedestrian traffic within the subject site as the existing access point is shared. These risks are mitigated by adding a pedestrian gate from Stranraer Drive with an accessible ramp to the building. This access will be separated from the staff parking area by a fence and safety gate.

Should a vehicle need to move within the subject site during OOSHC operating hours, the safety gate will be closed providing separation between the driveway and the pedestrian travel path within the property boundary.

The existing driveway or the proposed pedestrian ramp can also be used where required by emergency services.

### 5.1.1 Pedestrian Access via Stranraer Drive

Pedestrian access to the site is provided from the Stranraer Drive frontage using a separate access gate from the existing driveway with an accessible ramp to the building. Students are escorted from the access gate and dropped off inside the building by a parent/carer (registered in the Weldon system) to reduce any risk of students being hit from moving vehicles within the subject site (details of Weldon's drop-off and pick-up policy are located within the centres Plan of Management).

### 5.1.2 Student Safety – Drop-off and Pick-up

All parking for parents/carers is provided by utilising the existing on-street parking areas along Stranraer Drive and surrounding streets. To address safety concerns relating to students walking between the centre and the parking spaces, especially at evening collection times during daylight saving periods, all students will be required to be signed in and out of the Centre by a parent / carer (registered in the Weldon system). This will ensure students have supervision when traveling between the building and parking location during both drop off and pick up times (details of Weldon's drop-off and pick-up policy are located within the centres Plan of Management).

## 5.2 OOSHC Facility Operations

The proposed development has identified this location due to fill a need within the St Andrews Public School community for convenient before and after school care. Due to the number of students at the school (approx. 900) it is anticipated that the facility will reach its capacity of 22 places as soon as it is operating. The current needs of many potential OOSHC students are to use an off-site facility and must travel to and from these care centres each day. Once the proposed development is operational, these students will be able to walk from / to the OOSHC, which may either reduce the number of off-site trips required or allow this place to be filled by another student. Whilst this may have positive flow on effects, this change in activity for 22 students is expected to have little impact to the current traffic conditions for the schools 900 student population.



### 5.3 OOSHC Facility Proposed Operating Hours

During School Terms:

Before School: Monday – Friday 6:30am – 9:00am

Staff arrival/departure times - 6:15am to 9:00am (educator)  
- 6:15am to 11:00am (Nominated supervisor)

After School: Monday – Friday 2:30pm – 6:30pm

Staff arrival/departure times - 2:45pm to 6:30pm (educator)  
- 2:00am to 6:30pm (Nominated supervisor)

During School Holidays:

Vacation Care hours – 6.30am to 6.30pm Monday – Friday

Staffing arrangements – 2 staff – one a Nominated Supervisor and the other an educator

### 5.4 Traffic Generation

As determined by using the RTA Guide to Traffic Generating Developments (Issue 2.2) the traffic generation rates for child care centres are as follows with calculation for the proposed development

Before / After School Care	7:00am – 9:00am	2:30pm – 4:00pm	4:00pm – 6:00pm
Number of Children	22	22	22
Peak Vehicle Trips / Child	0.5	0.2	0.7
Proposed Development Traffic Generation Rate	11 (11 vehicles / hr)	4.4 (5 vehicles / hr)	15.4 (16 vehicles / hr)

Peak Vehicle Trips / Child Data Source: RTA Guide to Traffic Generating Developments (Issue 2.2) Table 3.6

The predicted volume of traffic generated during normal operation of the OOSHC is consistent with practical experience of other similarly sized childcare facilities within the Weldon Children's Services business.

During morning Drop-off 11 vehicles will enter the locality at any one time as a result of the OOSHC operations. Given the nature of the facility all these movements are to be made outside of normal school drop-off hours. Given the current local traffic volumes when drop-offs to the OOSHC are required, an additional 11 vehicles per hour at most is considered to be very low impact. The same analysis can be done for pick-up volumes with an additional 19 vehicles per hour at most the additional impact to the local area is minimal.

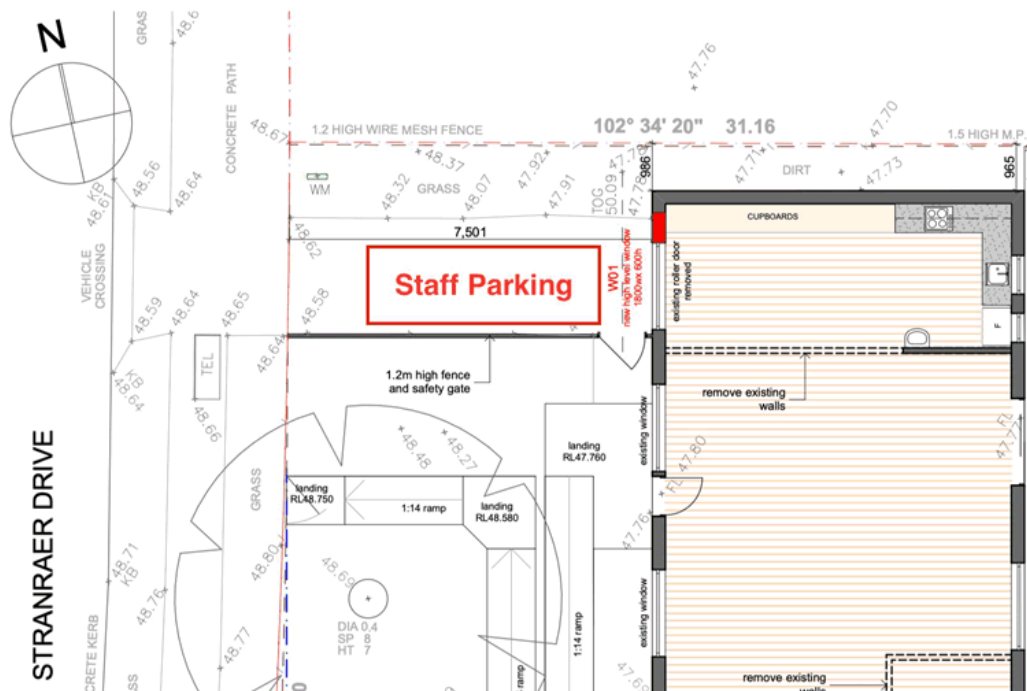


## 5.5 Parking Generation

### 5.5.1 Parking Provisions

The subject site has a single existing driveway accessible from Stranraer Drive.

Staff parking for 1 vehicle is to be accommodated within the driveway of the subject site separated from the pedestrian ramp to the building by a 1.2m fence with safety gate.



Above: Image of existing parking facilities within the subject site.

There is a shortfall of 6 car parking spaces as required by the Campbelltown (Sustainable City) Development Control Plan (CDCP) 2015 and calculated in Parking Demand (see item 4.1), however the site observations show that adequate street parking opportunities exist and should these children be dropped off at SAPS drop-off time onsite parking is also not provided.

**8.4.1 Car Parking – Design Requirements b) A minimum of one (1) on site car parking space shall be provided for every four (4) children approved to attend the Centre-based Child Care Facility.**

Source: <https://www.campbelltown.nsw.gov.au/files/assets/public/document-resources/builddevelop/dcps/dcp-2015-v1-parts-1-18/part8childcarecentres.pdf>

Even if the maximum number of vehicles per hour during peak time all arrived at once there would be a requirement for 18 parking spaces. Sufficient parking opportunities are available within 100m of the subject site and additional parking available beyond this short walking distance.

Furthermore, these parking requirements fall outside of normal school pick-up and drop-off periods resulting in zero additional parking demand for St Andrews Public School students.

### 5.5.2 Accessible Parking

While no accessible parking spaces are provided within the footprint of the proposed development, all street parking have adjacent concrete footpaths with kerb ramps installed at both marked road crossing points. Access to the subject site will be provided via the existing conditions using the concrete driveway off Stranraer Drive.

## 6 Conclusion

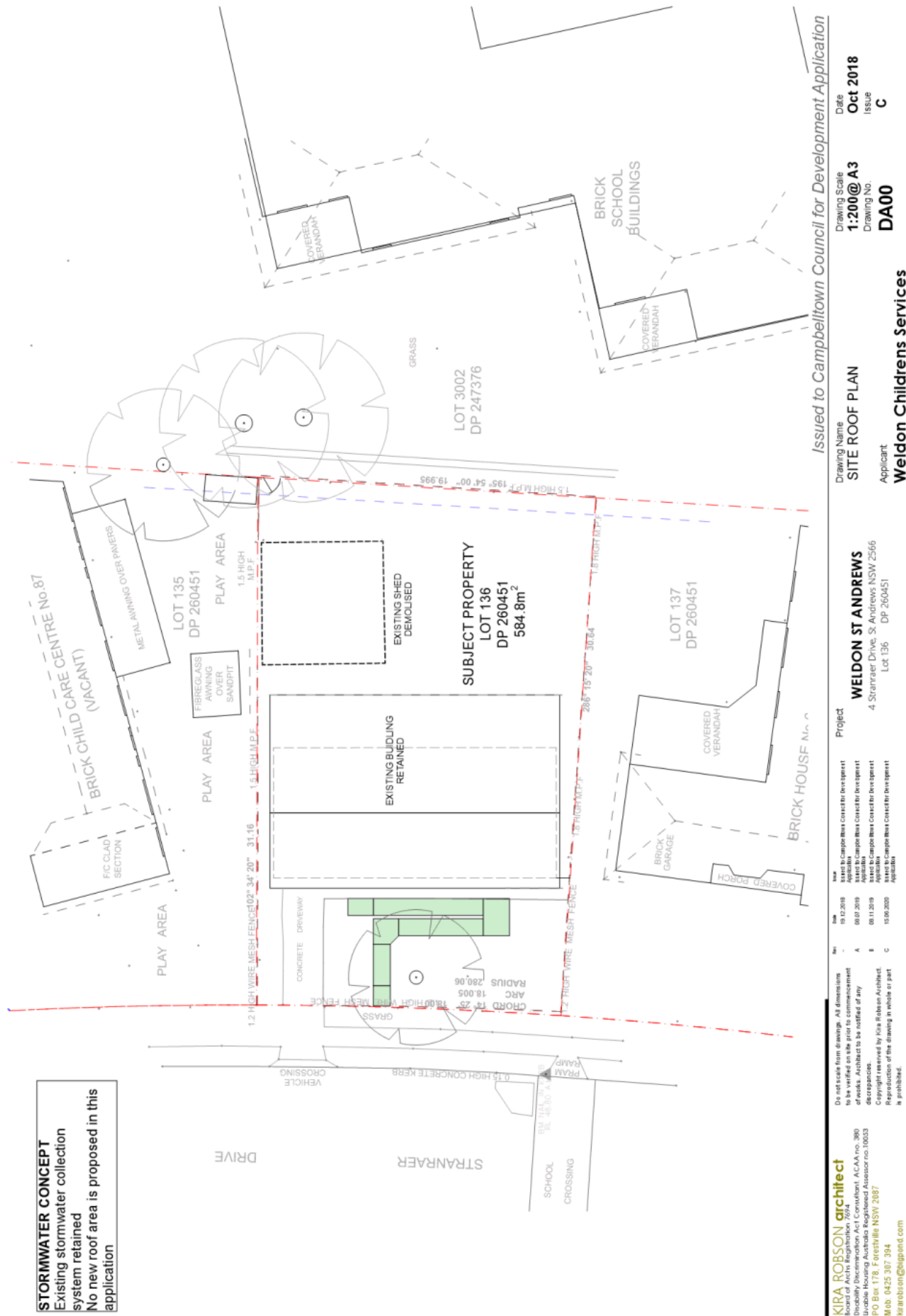
Based on the information collected during site visits, it is found that the proposed development will not adversely impact traffic and parking in the immediate vicinity of the site. Furthermore, it is expected that demand for on-street parking may even decrease during the St Andrews Public School drop off and pick up period as parents will come earlier to drop off or later to pick up their children from the OOSHC facility.

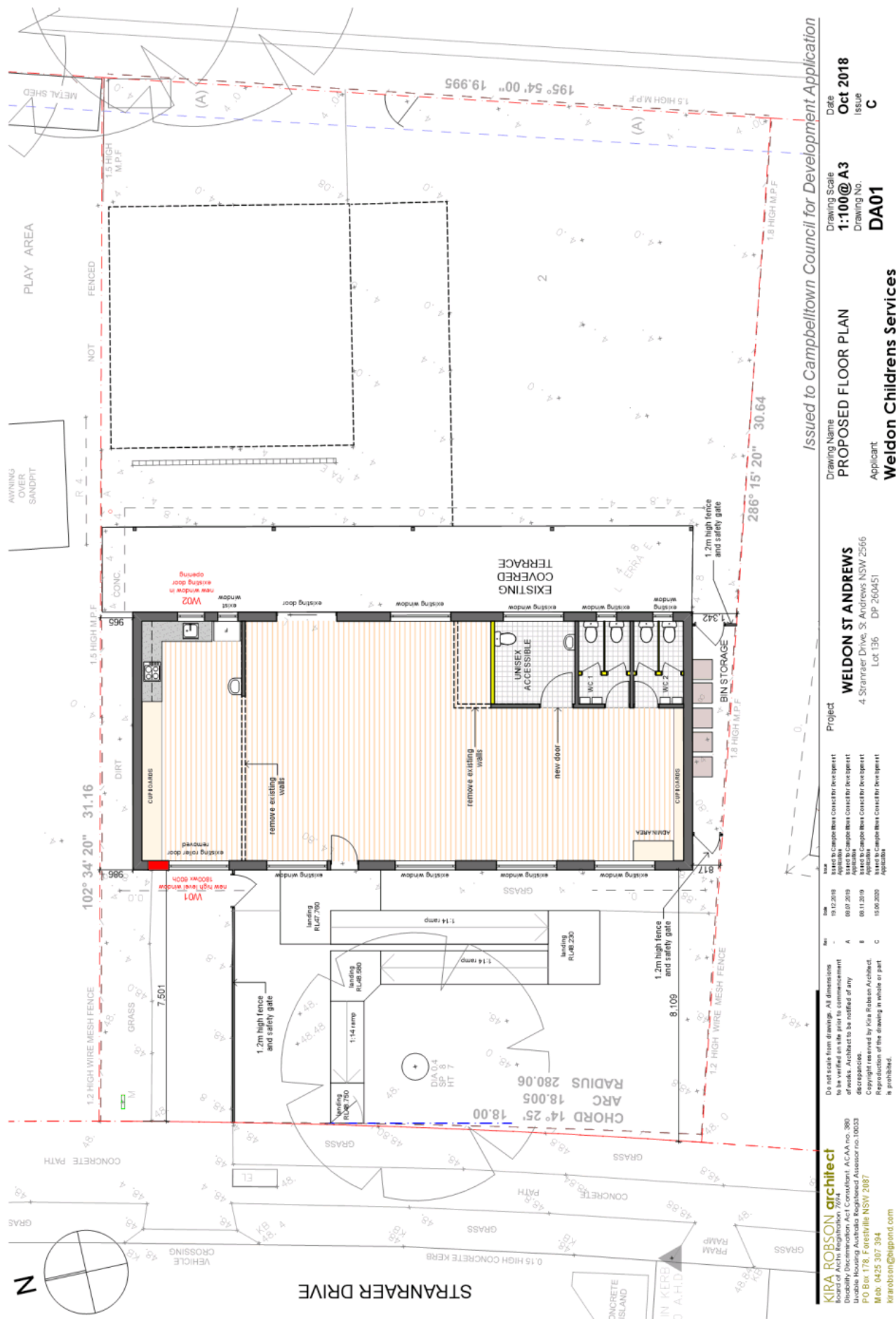
The additional parking demands outside of the school peak periods will be easily absorbed by the existing on-street parking facilities. Excellent existing pedestrian facilities surrounding the subject site also provide access for parents, carers and children accessing the OOSHC.

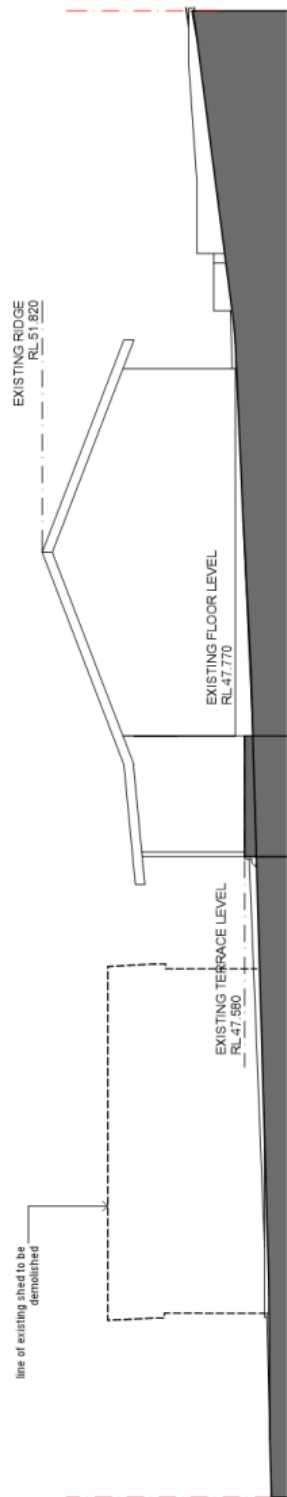
## Appendix A

Site Plans (8 pages)

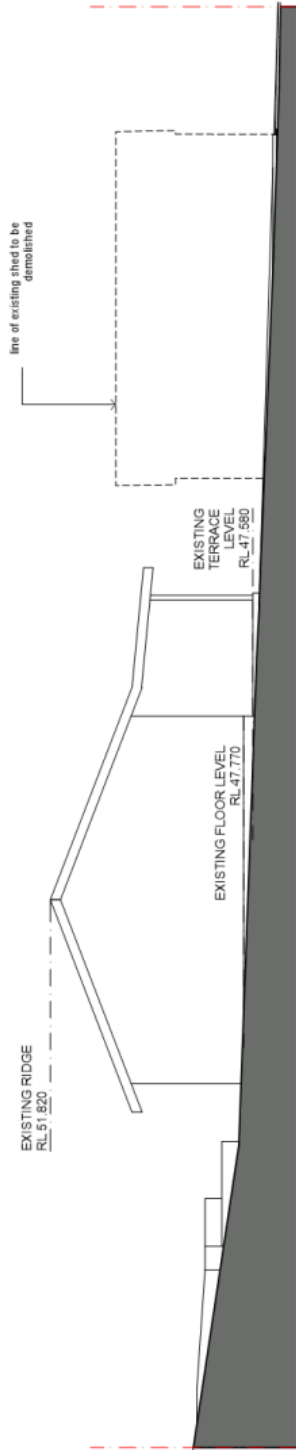
# **Appendix A**







NORTH ELEVATION



SOUTH ELEVATION

**KIRA ROBSON architect**

Board of Architects Registration 7094  
Disability Discrimination Act Consultant ACAA no. 380  
Disability Housing Australia Registered Assessor no.10033  
PO Box 118, Forestville NSW 2087  
M 02 9425 307 394  
k.robson@bigpond.com

Do not scale from drawing. All dimensions to be verified on site prior to commencement of works. Architect to be notified of any discrepancies.  
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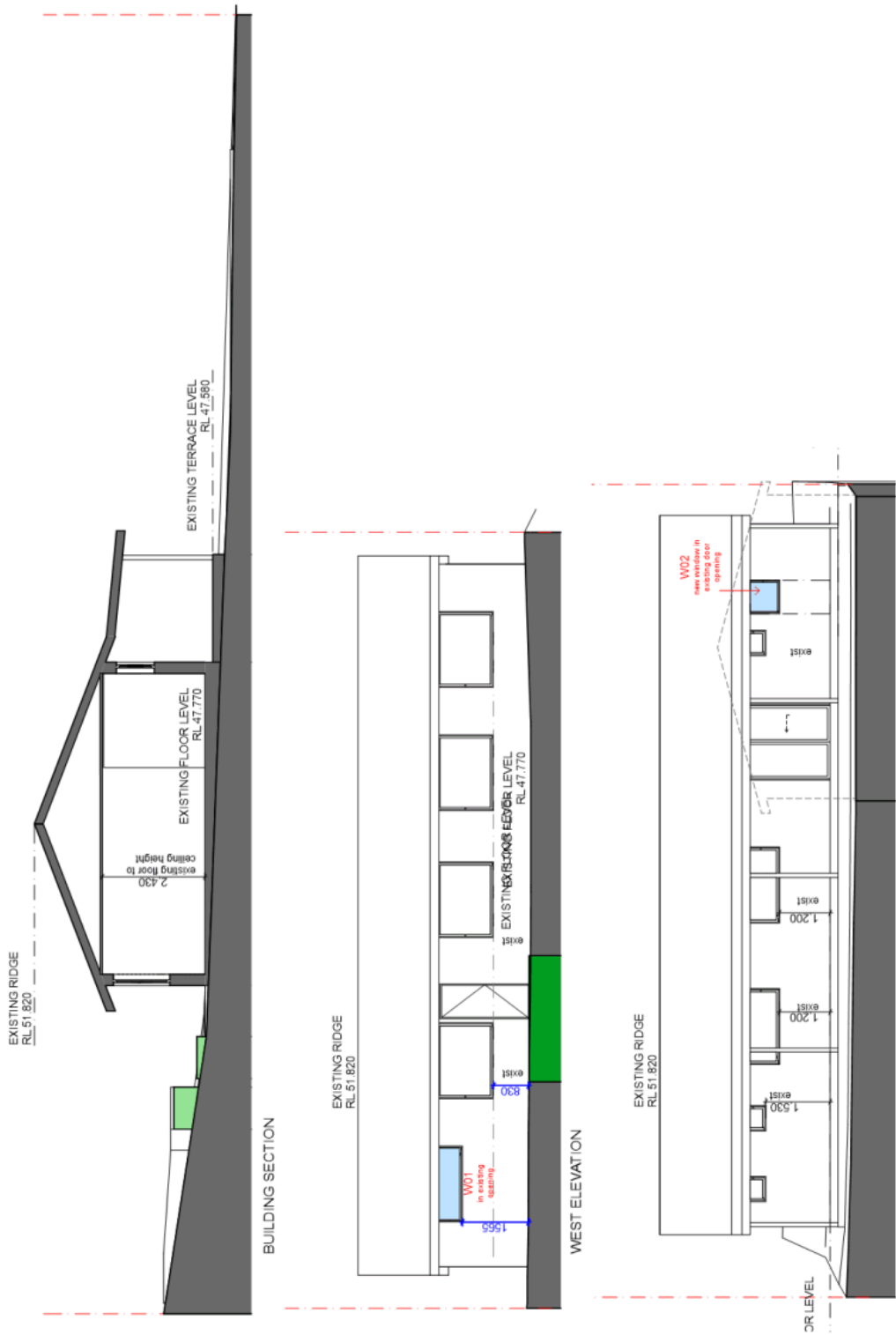
Rev	Date	Issue
A	19.12.2018	Issued to Council for Development
B	08.07.2019	Issued to Council for Development
C	08.11.2019	Issued to Council for Development
C	15.09.2020	Application

**Project**  
**WELDON ST ANDREWS**  
4 Stranraer Drive, St Andrews NSW 2566  
Lot 136 DP 260451

**Drawing Name**  
**NORTH SOUTH ELEVATIONS**  
**Applicant**  
**Weldon Childrens Services**

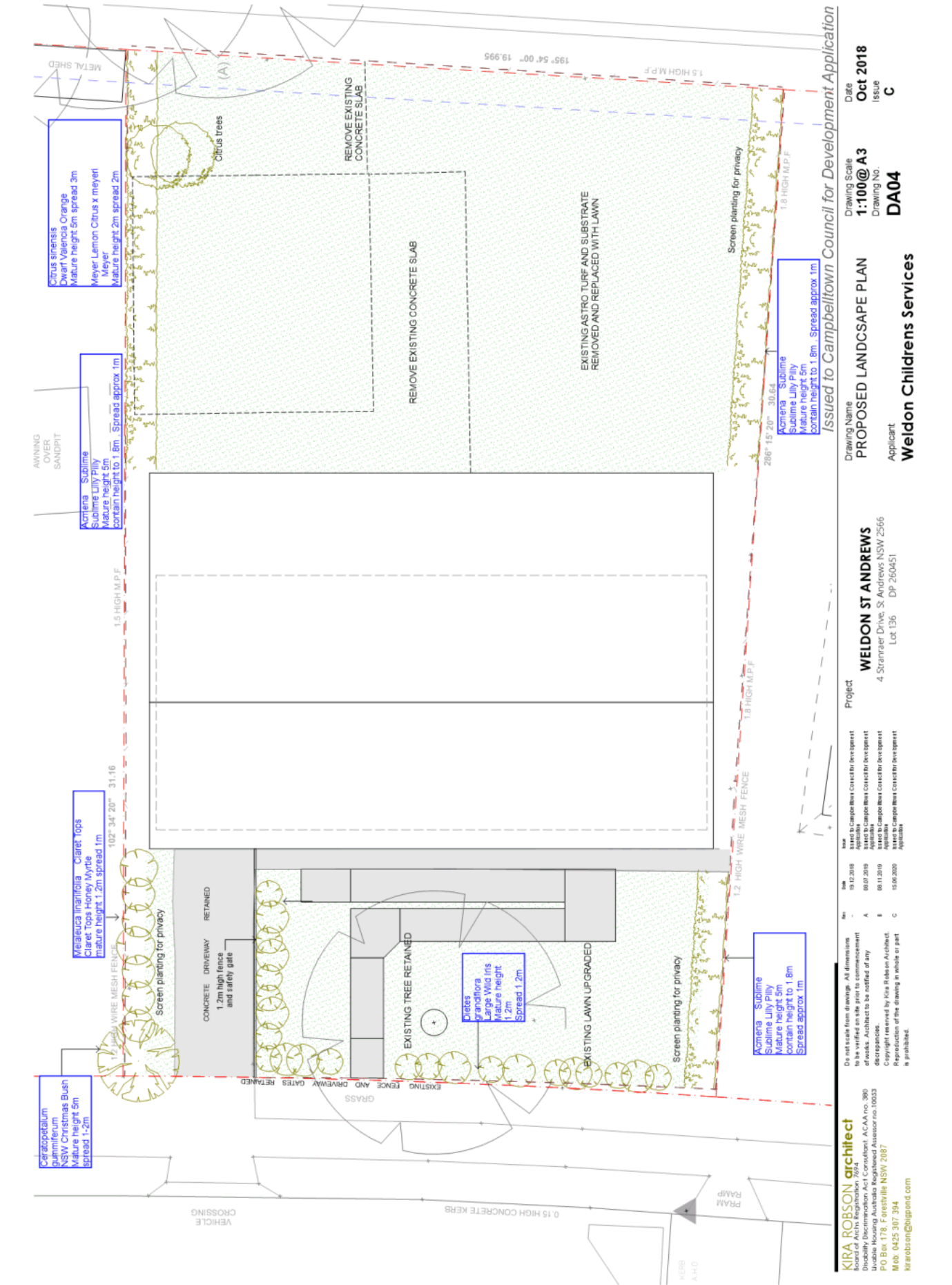
**Drawing Scale**  
**1:100@ A3**  
**Drawing No.**  
**DA02**

**Date**  
**Oct 2018**  
**Issue**  
**C**



<b>KIRA ROBSON architect</b> Board of Architects Registration 7094 Disability Discrimination Act Consultant ACAA no. 380 Disability Housing Australia Registered Assessor no.10053 PO Box 118, Forestville NSW 2057 M 02 9425 307 394 k.robson@bigpond.com		Do not scale from drawing. All dimensions to be verified on site prior to commencement of works. Architect to be notified of any discrepancies. Copyright reserved by Kira Robson Architect. Reproduction of the drawing in whole or part is prohibited.		Rev	Date	Issue	Project	Drawing Name <b>EAST WEST ELEVATIONS AND SECTION</b> Applicant <b>Weldon Childrens Services</b>		Drawing Scale <b>1:100@ A3</b> Drawing No. <b>DA03</b>	Date <b>Oct 2018</b> Issue <b>C</b>
				1	19.12.2018	Issue	WELDON ST ANDREWS				
				A	08.07.2019	Issue	4 Stranraer Drive, St Andrews NSW 2566				
				B	08.11.2019	Application	Lot 136 DP 260451				
				C	15.09.2020	Application					







**Weldon Childrens Services**

Drawing Name	Drawing Scale	Date
<b>SITE ANALYSIS PLAN</b>	<b>1:200@ A3</b>	<b>Oct 2018</b>
Applicant	Drawing No.	Issue
	<b>DA05</b>	<b>A</b>

Project  
**WELDON ST ANDREWS**  
4 Stranraer Drive, St Andrews NSW 2566  
Lot 136 DP 260451

Project	Project Manager	Project Sponsor	Project Steering Committee
Project A	John Doe	Jane Smith	Project A Steering Committee
Project B	John Doe	Jane Smith	Project B Steering Committee
Project C	John Doe	Jane Smith	Project C Steering Committee
Project D	John Doe	Jane Smith	Project D Steering Committee
Project E	John Doe	Jane Smith	Project E Steering Committee
Project F	John Doe	Jane Smith	Project F Steering Committee
Project G	John Doe	Jane Smith	Project G Steering Committee
Project H	John Doe	Jane Smith	Project H Steering Committee
Project I	John Doe	Jane Smith	Project I Steering Committee
Project J	John Doe	Jane Smith	Project J Steering Committee
Project K	John Doe	Jane Smith	Project K Steering Committee
Project L	John Doe	Jane Smith	Project L Steering Committee
Project M	John Doe	Jane Smith	Project M Steering Committee
Project N	John Doe	Jane Smith	Project N Steering Committee
Project O	John Doe	Jane Smith	Project O Steering Committee
Project P	John Doe	Jane Smith	Project P Steering Committee
Project Q	John Doe	Jane Smith	Project Q Steering Committee
Project R	John Doe	Jane Smith	Project R Steering Committee
Project S	John Doe	Jane Smith	Project S Steering Committee
Project T	John Doe	Jane Smith	Project T Steering Committee
Project U	John Doe	Jane Smith	Project U Steering Committee
Project V	John Doe	Jane Smith	Project V Steering Committee
Project W	John Doe	Jane Smith	Project W Steering Committee
Project X	John Doe	Jane Smith	Project X Steering Committee
Project Y	John Doe	Jane Smith	Project Y Steering Committee
Project Z	John Doe	Jane Smith	Project Z Steering Committee

Do not scale from drawings. All dimensions to be verified on site prior to commencement of works. Architect to be notified of any discrepancies.

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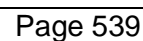
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Rev	Date
-	19.12.2018
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#### **4.5 Demolition of existing structures and construction of two storey semi-detached dwellings - 26 Brenda Street, Ingleburn.**

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

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

##### **Referral Criteria**

This proposal is for a site that does not achieve the minimum qualifying site area standard under Clause 4.1C of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) by more than 10 percent. Therefore under Section 4.8 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the determining authority is the Campbelltown Local Planning Panel.

##### **Executive Summary**

- This development application proposes the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 26 Brenda Street, Ingleburn.
- The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015.
- The proposed development generally complies with the CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015).
- The subject site comprises two existing Torrens titled allotments with a total site area of 449.6sqm. Under Clause 4.1C of the CLEP 2015 semi-detached dwellings require a minimum site area of 700sqm and as such the proposal does not comply with this clause. The site is 250.4sqm less than the minimum qualifying site area required for semi-detached dwellings within an R2 Zone, and equates to a contravention of this clause by 35.77 percent.
- The application was notified to adjoining and surrounding properties from 24 July 2019 to 8 August 2019 for 14 days. No submissions were received.
- An assessment under Section 4.15 of the EP&A Act 1979 has been undertaken and it is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.
- The land is within the locality of Ingleburn where Council have previously approved similar development applications and resolved to amend the CLEP 2015 to facilitate the development of existing narrow lots in Ingleburn without the need for a variation request to the CLEP 2015 under Clause 4.6
- As part of its LEP Review (Amendment No 24 to the CELP 2015), Council has prepared and exhibited an amendment to Campbelltown Local Environmental Plan to address this matter. In this regard, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land identified in Ingleburn that reads:

- 4.1C (4) Despite subclause (2) and (3) the minimum qualifying site area identified in Column 3 and 4 does not apply to land identified as 'Ingleburn Narrow Lots' in the Clause Application Map.
  - The above draft Amendment to the CLEP is currently with the NSW Department of Planning, Industry and Environment for finalisation.
- In the meantime, a Clause 4.6 variation request is required in order for Council to formally consider a variation to the Clause 4.1C development standard. Hence, this application has been reported to the Local Planning Panel for determination.
- The proposal is considered to be in the public interest.
- 

### Officer's Recommendation

1. That Development Application No. 2184/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 26 Brenda Street, Ingleburn, be approved, subject to the conditions detailed in attachment 1 of this report.
- 

### Purpose

To assist the panel in its determinations of the subject application in accordance with the provisions of the EP&A Act.

This proposal is for a site that does not achieve the minimum qualifying site area standard under Clause 4.1C of the CLEP 2015 by more than 10 percent. Therefore under Section 4.8 of the EP&A Act, the determining authority is the Campbelltown Local Planning Panel.

A variation is sought from the minimum 700sqm qualifying lot size for semi-detached dwelling development in the R2 Low Density Residential land use zone, pursuant to the provisions of Clause 4.1C(2) of the CLEP 2015.

<b>Property Description</b>	Lot 36 and 37 Section D DP 1704 26 Brenda Street, INGLEBURN NSW 2565
<b>Application No</b>	2184/2019/DA-M
<b>Applicant</b>	King Homes NSW
<b>Owner</b>	Mr John Newton Pullan
<b>Provisions</b>	State Environmental Planning Policy 55 - Remediation of Land State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

	Campbelltown Local Environmental Plan 2015
	Amendment No. 24 to Campbelltown Local Environmental Plan 2015 (LEP) Review
<b>Non-Statutory</b>	Campbelltown (Sustainable City) Development Control Plan 2015
	Campbelltown 2027 – Community Strategic Plan
<b>Date Received</b>	4 July 2019

## History

- On 4 July 2019, development application 2184/2019/DA-M was lodged with Council for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 26 Brenda Street, Ingleburn.
- The application was notified to adjoining and nearby properties from 24 July 2019 to 8 August 2019. No submissions were received.
- The development application was deferred on 29 August 2019 for additional information relating to the site area, architectural and landscape plans, stormwater management plan and the Statement of Environmental Effects. A response from the applicant was submitted to Council on 8 November 2019.
- The development application was deferred via email on 15 November 2019 for a number of issues with a response from the applicant to Council on 16 January 2020. The application was again deferred on 20 January 2020.
- The applicant submitted the requested documents on 7 April 2020.
- As the amended plans were not satisfactory in regard to the stormwater management, an email was sent to the applicant on 17 April 2020 requesting further details. The final set of the requested plans and documentations were submitted on 10 August 2020.

## Site and Surrounds

The subject land is legally described as Lot 36 and 37 in Section D of Deposit Plan 1704 and is known as No. 26 Brenda Street, Ingleburn. The site comprises of two Torrens title allotments with a total land area of 449.6sqm and a combined frontage of 13.41m to Brenda Street. Each allotment has an area of 224.8sqm, a width of 6.705 metres and a depth of 33.53 metres.

The site is located on the Eastern side of Brenda Street and has a dwelling on the lot with frontage, pedestrian and driveway access onto Brenda Street. The site consists of a single storey weatherboard cottage, an awning, and two detached outbuildings towards the rear of the allotment. The site falls from the rear to the front by approximately 1m.

The site contains two registered lots (refer to Figure 1 for location). Vegetation on the site is limited. The subject site is not identified as bush fire prone nor within a mine subsidence district.

The site is situated within the established residential area of Ingleburn, surrounding development comprises a mix of low and medium density residential development, including dwellings, attached dwellings, dual occupancies and multi dwelling housing (Refer to Figure 2 for street view).





Figure 1: Locality Map (Source: Campbelltown City Council - Spectrum Spatial Analyst)



Figure 2: Street view of existing premise from Brenda Street

### Site Constraints Table

Site Constraints	Applicable to this site
Bushfire Prone Land	Not applicable
Flood Affected	The site is not subject to flood related controls.
Overland flow affected	Overland Flow Notation
Mine Subsidence	Not applicable
Noise Affected Property	Not applicable
Aboriginal Sensitivity Zone	Not applicable
Koala Habitat	Not applicable
Jemena Gas Line	Not applicable
Transgrid Electrical Easement	Not applicable
Easements	Not applicable
Tree Removal	Not applicable
Biodiversity Impacts	Not applicable
Heritage Item	Not applicable

Table 1: Site Constraints

## Proposal

This development application seeks consent for the demolition of the existing dwelling and associated structures, and the construction of two 2 storey semi-detached dwellings at 26 Brenda Street, Ingleburn. Specifically, the development proposes:

- Demolition of the existing dwelling and all ancillary structures.
- Tree removal.
- Construction of two 2 storey semi-detached dwellings. A summary of the gross floor area, the size of the proposed private open space, and other details of each dwelling is provided below:

Dwelling 1 (Lot 36)	Gross Floor Area: 132sqm Private Open Space: 67.39sqm Beds: 4 Garage: Single
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Dwelling 2 (Lot 37)	Gross Floor Area: 132sqm Private Open Space: 67.39sqm Beds: 4 Garage: Single
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- Each dwelling comprises of combined kitchen/meals/ living area, bathroom, laundry, linen cupboard, attached alfresco, single attached garage and front porch to the ground floor and four bedrooms, bathroom, ensuite and walk in robe to the first floor.
- Associated support infrastructure including fencing, landscaping, stormwater and associated site works.

## Report

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act, and having regard to those matters, an assessment against relevant plans and issues that need further consideration are presented below:

### 1. Vision

#### Campbelltown 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.

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

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city

- Outcome 4: A successful city

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown 2017-2027. The proposal is consistent with strategy 1.8 of outcome 1 of this plan in that the development provides for a range of housing choices for existing and future residents in the Ingleburn area.

## 2. Planning Provisions

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

The State Environmental Planning Policy 55 Remediation of Land (SEPP 55) requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

State Environmental Planning Policy 55 - Remediation of Land		
Requirement	Action	Response
<b>Clause 7(1)</b> 1. Is the development for a <b>change of use</b> to a sensitive land use or for residential subdivision?  <b>Sensitive land use</b> include residential, educational, recreational, child care purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	No change of use proposed.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	The subject site was subdivided prior to 1998 and has been used as a dwelling house for a number of years.
<b>Clause 7(1)</b> 2. Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken on 19 August 2020. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken on 19 August 2020. No evidence was found of contaminating land activities having occurred on the land.
<b>Clause 7(1)</b> 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken on 19 August 2020. No evidence was found of approved contaminated land activities having occurred on the land.
<b>Clause 7(1)</b> 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site

State Environmental Planning Policy 55 - Remediation of Land		
Requirement	Action	Response
<b>Clause 7(1)</b> 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	Special Purposes for a contaminating use.  NB: if the proposal is industrial then you should answer no to this question. a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	was previously zoned 2 (b)—Residential B which did not allow for potentially contaminating uses.  Based on Council's site inspection carried out on 9 April 2020, no evidence of potentially contaminated signs were present on site.

Based on the above assessment, the provisions of Clause 7 of SEPP 55 have been considered and the contaminated land planning guidelines and the site is considered suitable for the proposed development.

## 2.2 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP Sydney Region Growth Centres 2006) applies to all land in a growth centre. Pursuant to the State Environmental Policy Planning (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2019 dated 6 December 2019, the subject site is located within the Greater Macarthur Growth Area and the Policy applies.

Provisions under the SEPP Sydney Region Growth Centres 2006 relating to the subject site have not been specified in a Precinct Plan or Clause 7A. Pursuant to Part 4 Clause 16(1) of the SEPP Sydney Region Growth Centres 2006, until provisions have been specified in a Precinct Plan or in Clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

- Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan.
- Whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.
- Whether the proposed development will result in further fragmentation of land holdings.
- Whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A.
- Whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development.
- Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre.

- g) In the case of transitional land whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

The proposed development will ensure the provision of development that will contribute to the local economy within Campbelltown; the proposed development will not preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and therefore is considered satisfactory. The development is not considered inconsistent with the provisions of Part 4 Clause 16(1) of the SEPP Sydney Region Growth Centres 2006.

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

The proposal is located within the Georges River Catchment and thus this plan 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 given its distance and is considered acceptable in this instance.

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

The aim of the State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 is to ensure consistency in the implementation of the BASIX scheme throughout the State and an application for development consent in relation to certain types of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

A BASIX Certificate for each dwelling (No. 990939S-02 and 990950S-02) was submitted with the development application. The BASIX Certificates list measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the

development is acceptable under the State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.

## 2.5 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015. The proposed development is defined as a ‘semi-detached dwelling’. Under the provisions of the CLEP 2015. Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

The subject site comprises of two Torrens titled allotments and each lot proposes a dwelling that is attached to only one other dwelling. The proposal is consistent with the land use definition for semi-detached dwellings.

The proposed development is considered to be consistent with the following objectives of the R2 – Low Density Residential Zone:

- To provide for the housing needs of the community within a low density residential environment.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

An assessment of the relevant development standards of the CLEP 2015 are provided as follows:

Campbelltown Local Environmental Plan 2015			
Clause	Requirement	Proposed	Compliance
<b>Part 2 Permitted or prohibited development</b>			
<b>2.7 Demolition requires development consent</b>	The demolition of a building or work may be carried out only with development consent.	Consent is sought as part of this application for the demolition of the existing single storey dwelling, detached carport and other ancillary structures.	Satisfactory
<b>Part 4 Principal development standards</b>			
<b>4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones</b>	Minimum site area for semi-detached dwelling within an R2 Low Density Residential zone is 700sqm.	The proposed development is across two existing lots, with a combined site area of 449.6sqm, a deficit in qualifying site area of 250.4sqm.  A detailed discussion of the variation to the development standard is presented below this table.	No –Refer to the discussion provided below this table
<b>4.3 Height of Buildings</b>	Maximum building height of 9m.	The proposed development would provide a maximum	Satisfactory

<b>Campbelltown Local Environmental Plan 2015</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
		height of 7.17m, which complies with this clause.	
<b>4.3A Height restrictions for certain residential accommodation</b>	Semi-detached residential development must not be higher than two storeys	The proposed development does not exceed two storeys.	Satisfactory
<b>4.4 Floor Space Ratio</b>	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.  The Floor Space Ratio Map Identifies the maximum floor space ratio for a building on the subject site is 0.60:1.	The development proposes the followings:  Gross Floor Area: Lot 36: (64.6+67.4)sqm = 132sqm Lot 37: (64.6+67.4)sqm = 132sqm Floor Space Ratio Lot 58: 0.58.71:1 Lot 59: 0.58.71:1	Satisfactory
<b>4.6 Exceptions to development standards</b>	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	The proposed development does not comply with Clause 4.1C of the CLEP 2015 which requires a minimum site area of 700sqm for semi-detached dwelling within an R2 Low Density Residential zone.  A detailed discussion of the variation to the development standard is presented below this table.	Refer to the discussion provided below this table
<b>Part 7 Additional local provisions</b>			
<b>7.1 Earthworks</b>	Earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Minimal earth works are proposed to facilitate the construction of the semi-detached dwellings.	Satisfactory
<b>7.10 Essential Services</b>	Development consent must not be granted unless the consent authority is satisfied that essential services are provided.	Subject site is connected to existing services.	Satisfactory



**Clause 4.6 – Exceptions to development standards**

Clause 4.6 of the CLEP 2015 relevantly provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard. The development contravenes Clause 4.1C(2) of the CLEP 2015.

The site maintains a total area of 449.6sqm; 250.4sqm less than the required qualifying site area of 700sqm for semi-detached dwelling development in the R2 zone. This equates to a 35.77 percent variation deficit from the 700sqm qualifying lot.

The Statement of Environmental Effects includes a Clause 4.6 Variation Request which addresses the contravention of the abovementioned development standard. In seeking a variation to the development standard an assessment against Clause 4.6 is detailed below:

**Clause 4.6 (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 4.1C is considered to be appropriate for this particular development. Overall, the proposal is generally compliant with the controls with regard to floor space ratio, building height, setbacks, built form, landscaping and car parking.

The variation to the development standard will result in a single dwelling on each existing lot of land, which contributes to housing stock in the locality.

Council has supported similar applications for development on existing narrow lots in the past.

The variation to the development standard will result in a preferable design outcome with regard to the streetscape and built form. The proposed development is not considered to detract from the existing streetscape and is considered to be consistent with the bulk and scale of the surrounding residential development.

**Clause 4.6 (2):** Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The Clause does not exclude the variation of Clause 4.1C of the CLEP 2015

**Clause 4.6 (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 has been provided. The proposed development seeks an overall variation of 35.77 percent to the minimum qualifying site area development standard. Compliance with the

abovementioned development standard is considered unreasonable in the circumstances of the case. The two lots are existing and are readily capable of facilitating the semi-detached dwelling development.

The variation to the development standard does not detract from the amenity of the surrounding residential development with regard to solar access, views or privacy. The proposed development demonstrates compliance with regard to built form, setbacks, landscaping, access, and car parking.

The departure from the development standard, although numerically significant (250.4sqm), allows for an acceptable degree of flexibility to the semi-detached dwelling lot size control and is consistent with surrounding development where flexibility of this development control has evidently been accepted by Council in the past.

**Clause 4.6 (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 Planning Secretary has been obtained.

It is considered that the applicant's written request has adequately addressed subclause (3).

The proposed development is consistent with the objectives of Clause 4.1C and the objectives of the R2 zone. The development is generally consistent with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015). Variation to the development standard is considered to be acceptable given the proposal is consistent with the built form and scale of the surrounding development.

As such, the proposed development is considered to be in the public interest considering the circumstances of the case.

## **2.6 Amendment No 24 to Campbelltown Local Environmental Plan 2015 (LEP) Review**

The planning proposal to amend CLEP 2015 has been publicly exhibited and endorsed by Council. The planning proposal is currently with the NSW Department of Planning, Industry and Environment. The objectives of this planning proposal are to amend CLEP 2015 and improve the alignment with the State Government's direction in particular the planning priorities outlined within the Western City District Plan. It is also intended to consolidate statutory provisions into one Local Environmental Plan that applies to the whole LGA and make consequential changes to improve readability of the plan. As part of this LEP Review, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land that is characterised with narrow lot subdivision and zoned R2 within Ingleburn.

The development site is within the area identified in the above planning proposal and the proposed development is consistent with the draft Amendment No 24 to the CLEP 2015.

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

The SCDCP 2015 is to be considered and read in conjunction with the CLEP 2015. The development has been assessed against the relevant provisions of Part 2 (Requirements Applying to all Types of Development) and Part 3 (Low and Medium Density Residential Development and Ancillary Residential Structures) of the SCDCP 2015.

The following table provides an assessment of the proposal in accordance with the relevant requirements of the SCDCP 2015.

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 2 Requirements Applying to all Types of Development</b>			
<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 development does not affect Campbelltown's important views and vistas.	Satisfactory
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The development would not impact on significant view corridors.	Satisfactory
<b>2.4.1 Rain Water Tanks</b>	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	Each dwelling proposes a minimum 2,000L RWT.	Satisfactory
<b>2.4.2 Natural Ventilation</b>	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.	The proposal allows for cross flow ventilation opportunities.	Satisfactory
<b>2.4.3 BASIX</b>	A BASIX certificate is to be submitted with residential development in accordance with the SEPP (Building Sustainability Index) 2004.	Compliant BASIX Certificates have been submitted with commitments shown on plans.	Satisfactory
<b>2.5 Landscaping – Design Requirements</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	Proposed landscaping would enhance the visual character of the development.	Satisfactory
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	Satisfactory	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	c) Landscape design shall add value to the quality and character of the streetscape.	Submitted landscape plan adds value to the quality and character of the streetscape.	Satisfactory
	d) A Landscape Concept Plan is required to be submitted with a development application for semi-detached dwellings.	A landscape concept plan has been submitted.	Satisfactory
	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.	Submitted landscape plan includes species height and spread detail.	Satisfactory
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Satisfactory.	Satisfactory
<b>2.7 Erosion and Sediment Control – Design Requirements</b>	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	Erosion and sediment control measures have been provided on site plan drawings prepared by King Homes.  Conditions of development consent are recommended to ensure compliance with this part is achieved.	Satisfactory
<b>2.8 Cut, Fill and Floor Levels</b>	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Minor earth works are proposed to facilitate the development.	
	b) For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metres below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform.	Less than 1m cut/fill is proposed.	Satisfactory
	d) Development incorporating any cut or fill shall comply with the following requirements:	Satisfactory	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	i) minimum cross fall of one percent to any adjoining waterway; and ii) batters to be no steeper than i2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.		
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	A condition of development consent has been recommended.	Satisfactory
	f) No fill shall be deposited in the vicinity of native vegetation.	No fill proposed within the vicinity of native vegetation.	Satisfactory
<b>2.9 Demolition – Design Requirements</b>	a) A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number); iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and v) a dilapidation report where any demolition work is to be undertaken within the zone	Condition of development consent has been recommended to ensure compliance with this control and compliance with AS 2601-2001 – The Demolition of Structures is proposed.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	of influence of any other structure.		
<b>2.10.2 Stormwater – Design requirements</b>	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 available from Council's website at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a> .	The application was referred to Council's engineer to review and comment.  Subject to conditions of consent, the proposal was considered satisfactory by Council's engineer.	Subject to conditions
<b>2.10.3 Stormwater Drainage – Design requirements</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater drainage concept plan prepared by Rafeletos Zanuttini Consulting Engineers has been submitted.	Satisfactory
	b) The stormwater concept plan shall include the following information as a minimum:  i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	The application was referred to Council's engineer to review and comment.  Subject to conditions of consent, the proposal was considered satisfactory by Council's engineer.	Subject to conditions
<b>2.12 Retaining Walls – Design requirements</b>	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	No retaining walls are proposed.	Satisfactory
<b>2.13 Security – Design requirements</b>	a) Development shall be designed to maximise, where possible, casual surveillance opportunities to the street and surrounding public places.	Each dwelling contains a habitable room on the first floor which faces the street and provides opportunities for passive surveillance to the Carinda Street.	Satisfactory
<b>2.14.3 Bushfire –</b>	c) Development applications relating to land identified on the	The subject site is not within Bushfire Prone Lands.	Not applicable

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Design requirements</b>	Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.		
<b>2.15.1 Waste Management Plan – Design requirements</b>	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	Waste Management Plan was submitted.	Satisfactory
<b>2.16.1 Water – Design requirements</b>	a) Where connection to the reticulated water supply system is not available, development shall be provided with: <ul style="list-style-type: none"> <li>i) sufficient water storage to cater for all relevant activities of the proposed use of the development.</li> <li>ii) sufficient storage for firefighting purposes in accordance with Planning for Bushfire Protection 2006, NSW Rural Fire Service.</li> </ul>	Subject site is connected to essential services.	Satisfactory
<b>2.16.2 Electricity</b>	a) Details of the proposed method of power supply shall be provided as part of the development application for any development involving the construction of a building within rural and environmental protection zones.	The subject site is connected to the existing services.	Satisfactory
<b>Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures</b>			
<b>3.2 Desired Future Character for Low Density Residential</b>	The low density residential neighbourhoods shall continue to be characterised by: <ul style="list-style-type: none"> <li>– one and two storey dwelling houses that are designed to provide a high level of residential amenity for their occupants and the occupants of adjoining properties;</li> </ul>	<p>The proposed development of the subject site is considered to be consistent with the desired future character of the area.</p> <p>The design includes compliant front setbacks and substantial landscaping.</p> <p>The development of semi-detached dwellings</p>	Satisfactory



<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	<ul style="list-style-type: none"> <li>streetscapes where buildings are setback from the primary street frontage to provide opportunities for deep soil planting and landscaping; and</li> <li>articulated front facades where garages are setback and do not dominate the streetscapes; and</li> <li>limited stock of multi dwelling housing and attached dwellings that:</li> <li>respect the existing character of the low density neighbourhoods; and</li> <li>are of low scale and density</li> </ul>	development is considered to respect the existing character of the locality.	
<b>3.4.1.1 Streetscape – Design requirements</b>	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.	The building design, setbacks and landscaping complement the development and the desired future character of the locality.	Satisfactory
	c) The built form shall relate to the natural landform and setting.	The built form relates to the natural landform of the subject site.	Satisfactory
	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.	The design of the development reduces the prominence of the garages with the provision of front porches and modified roof forms to provide visual interest.	Satisfactory
	e) Garage doors facing a public street shall not be wider than 50 percent of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).	The width of the garage doors are 41.7 percent of the frontage of the each dwelling.	Satisfactory
	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	The proposed garages would be setback 8.18m from the primary street boundary.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	3.5,3.6 and 3.7 of this part of the plan.		
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	The development does not propose a toilet or laundry window which fronts the primary street.	Satisfactory
	i) All windows facing the street (primary and secondary) must have a balanced architectural design.	The windows facing the primary street are considered to have a balanced architectural design.	Satisfactory
<b>3.4.1.2 Building Height</b>	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.	The proposed development complies with the height controls within the CLEP 2015.  In addition, the proposed development contains two storeys and does not adversely impact privacy or solar access to adjoining residential properties.	Satisfactory
<b>3.4.2 Car Parking and Access – Design requirements</b>	a) The minimum dimensions of any required parking space shall be 2.5 metres 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 2.7metres.	Single garage for each dwelling is proposed which achieves the minimum parking dimensions.	Satisfactory
	b) The minimum internal dimension of an enclosed garage shall be three metres x six metres.	Each single garage proposed has minimum internal dimension of three metres x 5.5m. This is a non-compliance. Further the internal doors to the garage further reduce the internal space available for a vehicle. It is recommended that a condition be included in the consent requiring this door to be a sliding door.	Non-compliance, however satisfactory subject to condition
	c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Council's engineer has reviewed the plans and provided relevant conditions of consent where required.	Satisfactory
	d) The maximum garage floor levels (above or below) for a garage setback six metres from the front property boundary shall	Council's engineer has reviewed the plans and	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	be in accordance with the requirements contained under Council's Engineering Guide for Development, (Appendix K - Standard Drawings No. SD-R08 and SD-R09), which is available at Council's website at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a> .	provided relevant conditions of consent where necessary.	
	e) Driveways greater than 30 metres in length as viewed from the street shall be avoided.	Maximum six metre driveway is proposed.	Satisfactory
	f) Driveways shall be located a minimum distance of six metres from the tangent point of any unsignalled intersection (refer to Figure 3.4.2.1).	Subject site is not located within six metres from the tangent point of any unsignalled intersection.	Satisfactory
	g) The minimum width of the driveway at the street kerb shall be: i) 2.5 metres where the driveway provides access for one dwelling; and ii) five metres where a single driveway provides access for two or more dwellings (excluding secondary dwellings).	Proposed widths of the driveways at the street kerbs comply with this control.	Satisfactory
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2. 2).	The proposed driveways are perpendicular to the road.	Satisfactory
	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.	A condition of development consent has been recommended.	Subject to conditions
<b>3.4.3.1 Acoustic Privacy – Design requirements</b>	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 on recognised Australian Standards and any criteria and standards	The development is a small scale residential redevelopment, which is not required to incorporate noise attenuation measures.  The subject site is not located adjacent to noise sources listed in this control and is not located near railway corridors.	Satisfactory

Campbelltown (Sustainable City) Development Control Plan 2015			
Part	Requirement	Proposed	Compliance
	regulated by a relevant State Government Authority.		
<b>3.4.3.2 Visual Privacy – Design requirements</b>	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 six metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).	<p>The living room windows along the side boundaries on the ground floor of the dwellings are appropriately screened by the 1.8m high boundary fence.</p> <p>In order to address privacy impacts on the existing adjoining development, as well as having appropriate regard to any future development on the adjoining lots; the bedroom windows on the first floor side boundary adjoining 24 and 28 Brenda Street maintain a minimum sill height of 1.1m.</p> <p>The development is surrounded by single storey development, therefore the upper level windows do not directly view into existing adjoining properties. Notwithstanding, given the close proximity of windows to the property boundaries and to ensure privacy to future residents, a condition of development consent has been applied to ensure that fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level:</p> <ul style="list-style-type: none"> <li>• window eight in bedroom two and window nine in bedrooms three of unit A</li> <li>• window 19 in bedroom two and window 20 in bedroom three of unit B</li> </ul>	Subject to conditions
	<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 two metres to limit views between windows and balconies; or</p>	Living rooms located on lower ground.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	ii) have a sill height 1.7 metres above the floor level; or iii) be splayed to avoid direct views between windows; or iv) have fixed translucent glazing in any part of the window within 1.7m of the floor level.		
	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.	Balconies to the front façade are proposed and will not impact adjoining dwellings private open space.	Satisfactory
	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.	No development is proposed on the boundary with the exception of the common wall.	Satisfactory
<b>3.4.4 Solar Access – Design requirements</b>	a) Living areas shall generally have a northerly orientation.	The design is satisfactory	Satisfactory
	b) A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	Satisfactory solar diagrams submitted demonstrating each dwelling receives a minimum of three hours of continuous and direct solar access to a minimum of 20sqm of private open space, on June 21st between 9.00am – 3.00pm.	Satisfactory
	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.	The development is not considered to result in adverse overshadowing impacts upon the adjoining neighbour at 28 Brenda Street.  A minimum of three hours of continuous and direct solar access can be achieved on June 21st between 9.00am – 3.00pm.	Satisfactory
	d) Building siting shall take into consideration the range of factors that impact on solar access including slope of land,	The siting of the building is appropriate for the orientation of the site.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	vegetation and existing building and other structures.		
<b>3.5.1 Fencing Access – Design requirements</b>	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.	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Subject to conditions
	b) Residential fencing along the rear and side boundaries shall be: <ul style="list-style-type: none"> <li>i) located behind the primary street building line;</li> <li>ii) a maximum 2.1 metres in height (excluding retaining walls); and</li> <li>iii) a maximum 1.8 metres in height, if adjoining a secondary street.</li> </ul>	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Subject to conditions
	c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	No front fencing proposed.	Satisfactory
	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.	No front fencing proposed.	Satisfactory
	f) Details for fencing shall be submitted with the development application.	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Satisfactory
<b>3.6.4.1 Semi-detached Dwelling – Zones R2 &amp; R3 – General Requirements</b>	a) Semi-Detached Dwelling shall only be permitted on an allotment having; <ul style="list-style-type: none"> <li>i) a minimum width of 7.5 metres measured between the extended property side boundaries, or in the case of a corner allotment, the secondary street</li> </ul>	The lots each maintain a 6.706 metre frontage. Given that the lots are existing, a variation to the required 7.5 metres is considered acceptable.	No — but considered reasonable in the circumstances

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	boundaries where they intersect with the kerb line.		
	b) Despite Clause 3.6.4.1 a) above, semi-detached dwellings shall be permitted on an allotment having a minimum width less than 7.5 metres where each individual lot existed prior to the commencement of the CLEP.	The allotments are existing lots and satisfy (b).	Satisfactory
<b>3.6.4.2 Setbacks</b>	<p>a) Semi-detached dwellings shall be setback a minimum</p> <ul style="list-style-type: none"> <li>i) 5.5 metres from the primary street boundary for the semi-detached dwellings;</li> <li>ii) 6.0 metres from the primary street boundary for the garage or the undercover parking space;</li> <li>iii) three metres from the secondary street boundary;</li> <li>iv) 5.5 metres from the secondary street boundary for the garage or the undercover parking space, where the garage is accessed directly from the secondary street;</li> <li>v) 0.9 metres from any side boundary, for the part of the building that is not attached to the other dwelling; and</li> <li>vi) three metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and</li> <li>vii) eight metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level</li> </ul>	<p>The development maintains the following setbacks for both lots:</p> <p>5.8 metres from the primary street boundary for the semi-detached dwellings.</p> <p>8.18 metres from the primary street boundary for the garage</p> <p>6.62 metres rear setback on the ground floor level</p> <p>12.49 metres rear setback on the first floor level.</p> <p>The site does not have a secondary street frontage.</p>	Satisfactory
	b) Each dwelling shall have a minimum of 0.9m unobstructed side access that is free from air conditioning units, rainwater tanks hot water systems, or any	0.95 metres side access is provided for each dwelling.	Satisfactory



<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	other structure that may block access to the rear of the dwelling.		
	c) For the purpose of 3.7.2.4 a) above, the direct access from the rear to the front of the dwelling shall have a minimum width of 0.9 metres and shall not be obstructed by hot water systems, air conditioning units, gardens or anything that results in the obstruction of the access way.	The proposed 0.95 metres side access is not obstructed by anything.	Satisfactory
<b>3.6.4.3 Car Parking Rates</b>	a) Each dwelling that is part of a semi-detached dwelling development shall be provided with of minimum of one single garage.	Each dwelling is provided with a single garage.	Satisfactory
<b>3.6.4.4 Private Open Space</b>	<p>a) Each dwelling that is part of a semi-detached dwelling shall be provided with an area of private open space that:</p> <ul style="list-style-type: none"> <li>i) is located behind the primary building setback;</li> <li>ii) has a minimum area of 60 sqm;</li> <li>iii) has a minimum width of three metres;</li> <li>iv) includes a minimum levelled area of (5x5)sqm;</li> <li>v) has a minimum unfragmented area of 40sqm;</li> <li>vi) has an internal living room directly accessible to outdoor private open space areas; and</li> <li>vii) satisfies solar access requirements contained in section 3.4.4.</li> </ul>	<p>The private open space area is located in the rear setback of each dwelling.</p> <p>The private open space is 67.39sqm to each dwelling.</p> <p>The private open space has a width of 6.7m.</p> <p>The private open space area has a level area of 9.9m x 6.7m</p> <p>An unfragmented area of 40sqm is provided to each lot.</p> <p>The private open space of each dwelling is accessed from the combined living/meals area and satisfies the solar access requirements at Section 3.4.4.</p>	Satisfactory
<b>3.6.4.5 Presentation to Public Streets</b>	a) Where a development involves the construction of an additional dwelling to create a semi-detached dwelling, the existing dwelling (where it is proposed to be retained) shall be renovated to match the colour, material, texture and architectural style of the	The proposal does not retain the existing dwelling.	Not applicable

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	proposed building so as to create a harmonious development.		
<b>3.6.4.6 Landscaping and deep Soil Planting</b>	a) A development application for a semi-detached dwelling shall include a detailed landscape plan prepared by a suitably qualified person.	A detailed landscape plan has been provided with the application.	Satisfactory
	b) A semi-detached dwelling shall satisfy the following provisions relating to deep soil planting: <ul style="list-style-type: none"> <li>i) no more than 30 percent of the area forward of any building line shall be surfaced with impervious materials</li> <li>ii) a minimum of 20 percent of the total site area shall be available for deep soil planting</li> </ul>	51 percent of the area forward of each allotment's building line is surfaced with impervious materials.  Given that the lots are existing and maintain a narrow frontage, a variation to this requirement is considered acceptable. This is consistent with the approach adopted for similar development in the locality.  The proposed 31 percent deep soil planting satisfies the deep soil planting requirements.	Partial compliance — Considered reasonable in the circumstances
<b>3.6.4.7 Waste bin requirements</b>	a) Space shall be allocated behind the primary and secondary building lines and out of public view to store the following for each dwelling: <ul style="list-style-type: none"> <li>i) one 140 litre bin</li> <li>ii) two 240 litre bins.</li> </ul>	Sufficient space is provided in the side setback to store waste bins on each allotment.	Satisfactory
<b>3.6.4.8 Site Services</b>	a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	A condition of consent has been recommended.	Satisfactory
	b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	The site is readily serviced by existing essential services	Satisfactory
	c) All site services shall be placed underground.	A condition of consent has been recommended.	Satisfactory
	d) All communication dishes, antennae and the like shall be	No details for antennae are provided, any such	Satisfactory

Campbelltown (Sustainable City) Development Control Plan 2015			
Part	Requirement	Proposed	Compliance
	located to minimise visual prominence.	development will be required to comply with the relevant exempt provisions, unless separate consent is sought.	
<b>Part 11 – Vegetation and Wildlife Management</b>			
	<p>The development involves the removal of a street tree at the site's frontage. This tree is a <i>Callistemon viminalis</i>, commonly known as a bottlebrush tree. The application was referred to Council's Senior Environmental Officer who reviewed the application and recommended that a condition of consent to be included requiring the replacement of this street tree with the <i>Callistemon. viminalis</i> (Hannah Ray) cultivar on each allotment.</p> <p>The proposed development also includes the removal of two onsite trees. To ensure the existing landscape character of the neighbourhood is not diminished as a result of the proposed development, which includes larger trees to the rear setback of existing properties, a condition is recommended to require the planting of two native trees to each lot. Each tree shall have a minimum mature height of 8m and shall have a minimum pot size of 75 litres at planting.</p>		Satisfactory

It is considered that the proposed development is generally compliant with the requirements of CSDCP 2015.

## 2.8 Development Contributions

Section 7.12 contributions apply to the proposed development. Condition of consent has been proposed.

## 3. Planning Assessment

### 3.1 The Likely Impacts of the Development

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 potential social and economic impacts. The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

#### Demolition and Construction

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration. Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

### **Solar Access**

The shadow diagrams submitted with the development application demonstrate that due to the orientation of the lots and the design of the dwellings, the development does not have any unreasonable impacts on the solar amenity of the adjacent lots or on the useable private open space of the development.

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

Having regard to social and economic impacts generated by the development, the Semi-detached dwelling development is contributing to the provision of affordable housing within the Ingleburn locality, to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

### **3.3 The Suitability of the Development**

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

The semi-detached dwelling development is permissible with consent in the R2 land use zone and is consistent with the objectives of the zone. The site comprises two existing allotments which are readily capable of accommodating the development.

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

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

### **3.4 Public Interest**

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposed development.

In addressing the above, Council is satisfied that the proposal is of the public interest

## **4. Public Participation**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions. In accordance with Council's policy, the proposed development was required to be publicly notified.

The proposed development was notified to adjoining landowners on 24 July 2019 for a period of 14 days. Additionally, a sign bearing a set of notification plans was required to be displayed on site for the duration of the assessment. No submissions were received.

## **5. Conclusion**

The development application 2184/2019/DA-M proposing the demolition of an existing dwelling and the construction of two semi-detached dwellings at 26 Brenda Street, Ingleburn (Lot 36 and 37 Section D DP 1704) has been assessed against the heads consideration under Section 4.15 of the EP&A Act.

The proposal includes a Clause 4.6 variation to Clause 4.1C which relates to the minimum lot size for semi-detached dwellings within the R2 Zone. The proposal includes a 35.77% variation to the development standard. The applicant has submitted a Clause 4.6 variation which demonstrates the variation is well founded given the circumstances of the case. Therefore, the variation is supported.

The proposed development is consistent with the general intent of Campbelltown 2027 Community Strategic Plan which outlines the long term vision for the Campbelltown and Macarthur Region. The proposal is generally consistent with the aims and objectives of the R2 Low Residential Zone under the CLEP 2015 and is a permissible form of development with consent within the Zone. The development has been assessed against the relevant provision of the CLEP 2015 and the SCDCP 2015.

The application was notified to nearby and adjoining neighbours and no submissions were received.

Overall, having regard to the matters of consideration under Section 4.15 of the EP&A Act, and relevant matters discussed within this report, it is recommended that the proposed development at 26 Brenda Street, Ingleburn (Lot 36 and 37 Section D DP 1704), be approved subject to the recommended conditions of consent.

## **Attachments**

1. Recommended Conditions of Consent (contained within this report)
2. Site Plan (contained within this report)
3. Elevations (contained within this report)
4. Sections (contained within this report)
5. Stormwater Concept Plan (contained within this report)
6. Landscape Plan (contained within this report)
7. External Colour Plan (contained within this report)
8. Floor Plans (for confidentiality reasons) (distributed under separate cover)

## **Reporting Officer**

Executive Manager Urban Centres

## GENERAL CONDITIONS

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

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

### 1. Approved Development

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

Plan / Document No.	Revision	Prepared by	Date
Site Plan Sheet No. DD-726-5	3	King Homes and Definitive Drafting	04/05/2020
Ground Floor Plan Sheet No. DD-726-7	3	King Homes and Definitive Drafting	04/05/2020
First Floor Plan Sheet No. DD-726-8	3	King Homes and Definitive Drafting	04/05/2020
Elevations Sheet No. DD-726-9	3	King Homes and Definitive Drafting	04/05/2020
Elevations Sheet No. DD-726-10	3	King Homes and Definitive Drafting	04/05/2020
Sections Sheet No. DD-726-11	3	King Homes and Definitive Drafting	04/05/2020
Stormwater Concept Plan Sheet No. DD-726-14	3	King Homes and Definitive Drafting	04/05/2020
Landscape Plan Sheet No. DD-726-15	3	King Homes and Definitive Drafting	04/05/2020
External Colour Plan Sheet No. DD-726-4 (2 pages)	1	King Homes	23/01/2019

- a. Statement of Environmental Effects, Prepared by Auswide Consulting, Revision 1.3, dated April 2020.
- b. Basix Certificate No. 990939S\_02 and Basix Certificate No. 990950S\_02, dated 10 May 2019.
- c. Waste Management Plan, prepared by Definitive Drafting, dated January 2019.

### 2. Building Code of Australia

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

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

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that

Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

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

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

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

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

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

#### **5. Landscaping**

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

#### **6. External Finishes**

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



**7. Fencing**

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

**8. Council Street Tree**

Council street tree planting of *Callistemon viminalis* (Hannah Ray) is to be located on each allotment. The replacement trees are to be mature specimens of a minimum 75 litres pot size.

**9. On-site tree**

On-site tree planting of Native Wattle Gum is to be located on the front setback of each dwelling. Each tree shall have a minimum mature height of 8m and shall have a minimum pot size of 75 litres at planting.

**10. Visual Privacy**

Fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level:

- Window 8 in bedroom 2 and window 9 in bedrooms 3 of unit A.
- Window 19 in bedroom 2 and window 20 in bedroom 3 of unit B.

**11. Garage Door**

Internal access to the garage shall be provided via a sliding door.

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

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

**13. Driveway**

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

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

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

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in *Council's 'Engineering Design Guide for Development'* (as amended) and the applicable development control plan.

**15. 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.

**16. 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.

**17. 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.

All rainwater tanks shall 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*.

**18. 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 certifier; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any 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.

**19. 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.*

**20. Waste Management Plan**

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

**21. Demolition of Existing Dwelling**

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

**22. Soil and Water Management Plan**

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

**23. Classification of Residential Lots (Development with dwelling construction)**

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

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

**24. Stormwater Management Plan**

All Stormwater works shall comply with the submitted plan no. 86605PB Rev B dated 16.06.2020 by Rafeletos Zanuttini.

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels. All proposals shall comply with Council's '*Engineering Design Guide for Development*' (as amended) and the applicable development control plan.

**25. Drainage Easement**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan for approval by Council and have it registered with *Land and Property Information NSW* for the creation of drainage easement to enable stormwater runoff to be conveyed from the subject site to Kerb & gutter in a manner specified by Council.

Lot 36 & 37 in DP 1704 (26 Brenda Street, Ingleburn) shall be burdened with an easement to drain water and Lot 58 & 59 in DP 1704 (25 Carinda Street, Ingleburn) shall benefit from this easement. The plan shall be generally in accordance with submitted Stormwater drawing no. 86605PB Rev B dated 16/06/2020 by Rafeletos Zanuttini, Council's Engineering Design guide for developments and relevant Development control plan.

**26. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

**27. Work on Public Land**

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

**28. 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 certifier 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.

**29. 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 certifier 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).

### 30. Section 7.12 Contributions

#### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$5,859.00** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018.

#### Indexation

The monetary contribution is based on a proposed cost of carrying out the development of **\$585,900.00**. This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$) =	$\$C_o \times \frac{\text{Current CPI}}{\text{Base CPI}}$

Where:

- $\$C_o$  is the original development cost estimate assessed at the time of the issue of consent.
- Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the time of the quarter immediately prior to the date of payment.
- Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution.

Note: The contribution payable will not be less than the contribution specified in this consent.

#### Time for payment

The contribution must be paid prior to the release of a construction certificate for any works authorising construction above the floor level of the ground floor.

#### Works in kind agreement

This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.

### 31. On-Site Detention Facility

The combined Rain water tank and On-site Detention shall be provided in accordance with Stormwater plan drawing no. 86605PB, Rev B dated 16/06/2020 by Rafeletos Zanuttini.

The ongoing maintenance of the on-site detention facility shall be responsibility of respective lot owner/s. in this regard, an operation and maintenance manual for the

detention facility shall be submitted to Council for approval, prior to Council or an accredited certifier issuing a construction certificate.

### **32. Maintenance Security Bond**

Prior to the principal certifier issuing a construction certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of the development and satisfactory clearance of all public areas. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

## **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.

### **33. 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.

### **34. 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 certifier 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.

**35. 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.

**36. 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.

**37. Vehicular Access during Construction**

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

**38. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**39. Footpath and Vehicular Crossing Levels**

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

**40. 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 the principal certifier 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 the principal certifier.
- 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 certifier attends 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.

#### **41. 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.

#### **42. 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.

#### **43. 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.

**44. 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 certifier. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note:** *On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.*

**45. 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.

**46. Fill Compaction Requirements**

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

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

**47. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

**48. 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 certifier.

**49. Excess Material**

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

**50. Revegetation**

Revegetation to the requirements of the manual – *'Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

**51. 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.

**52. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;*
- c. *'Soils and Construction (2004) (Bluebook);* and
- d. Relevant Australian standards and State Government publications.

**53. Footpath**

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

**54. Footpath Kerb and Gutter**

The footpath pavement adjoining the subject land shall be reconstructed and regraded in accordance with levels to be obtained from Council, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 Engineering design guide for developments (as amended)* shall be constructed to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundary to provide an acceptable transition to existing footpath levels.

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

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

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

**56. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including any civil works directed by Council, to make a smooth junction with existing work.

**57. Redundant Laybacks**

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

**58. 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.

**59. Imported 'waste-derived' fill material**

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

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

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

**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 a registered certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

**60. Section 73 Certificate**

Prior to the principal certifier 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 certifier prior to the issue of an occupation certificate.

**61. Structural Engineering Certificate**

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

**62. Completion of External Works Onsite**

Prior to the principal certifier 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 certifier.

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

Prior to the principal certifier issuing an occupation certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act for Stormwater easement benefitting Lot 58 & 59 in DP1704 and burdening Lot 36 and 37 in DP1704.

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

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

Prior to the principal certifier issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 3 (as amended)*.

**65. Restoration of Public Roads**

Prior to the principal certifier 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.

**66. Public Utilities**

Prior to the principal certifier 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.

**67. Service Authorities**

Prior to the principal certifier issuing an occupation certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

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

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

**68. Lot Numbers**

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

**69. BASIX**

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

**70. Council Fees and Charges**

Prior to the principal certifier 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.

**71. 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 certifier issuing an occupation certificate.

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

**Advice 2. Tree Preservation Order**

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

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

**Advice 3. Smoke Alarms**

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

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

**Advice 4. 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 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 certifier 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. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

#### **Advice 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.

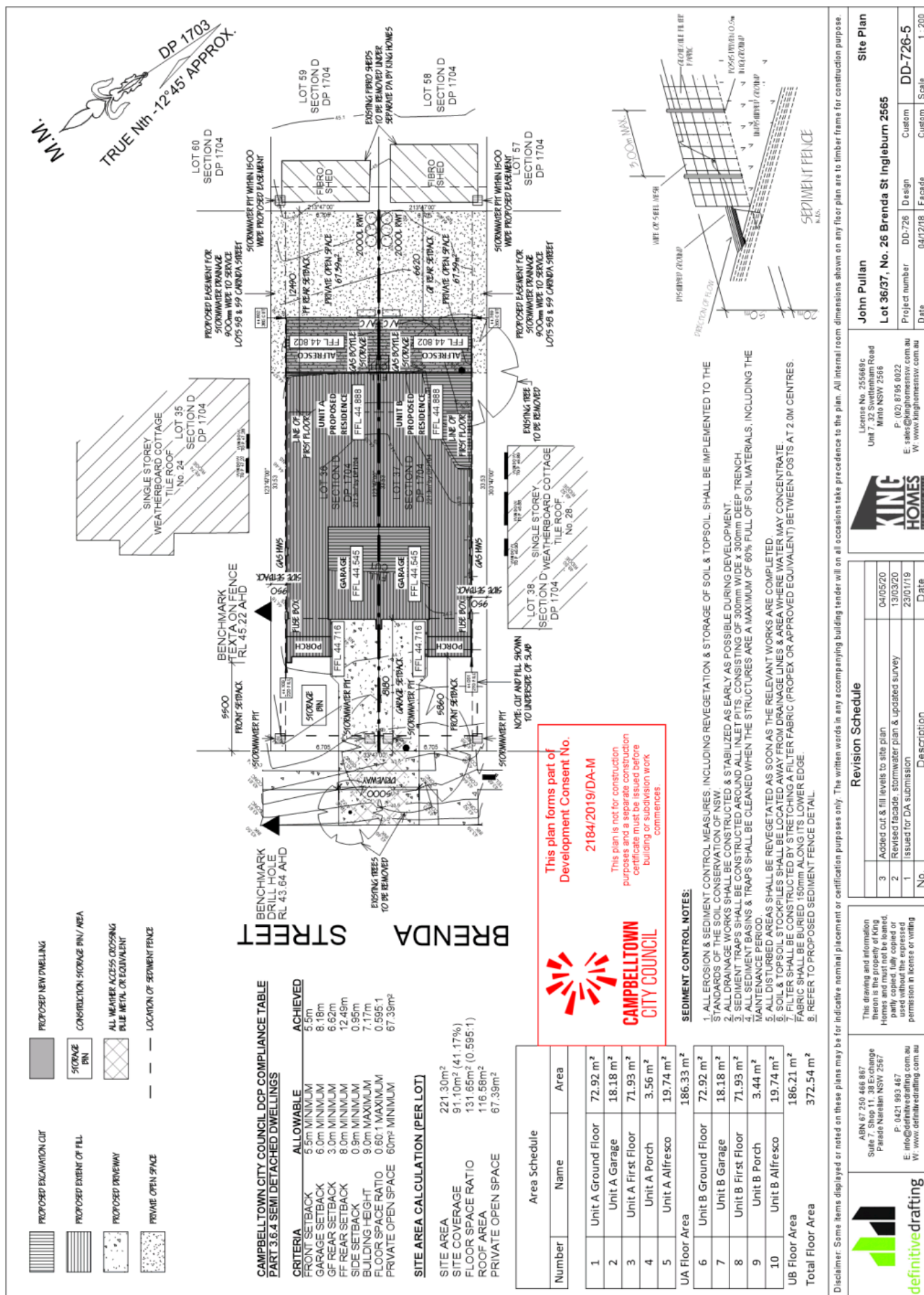
**Advice 12. Dial before you Dig**

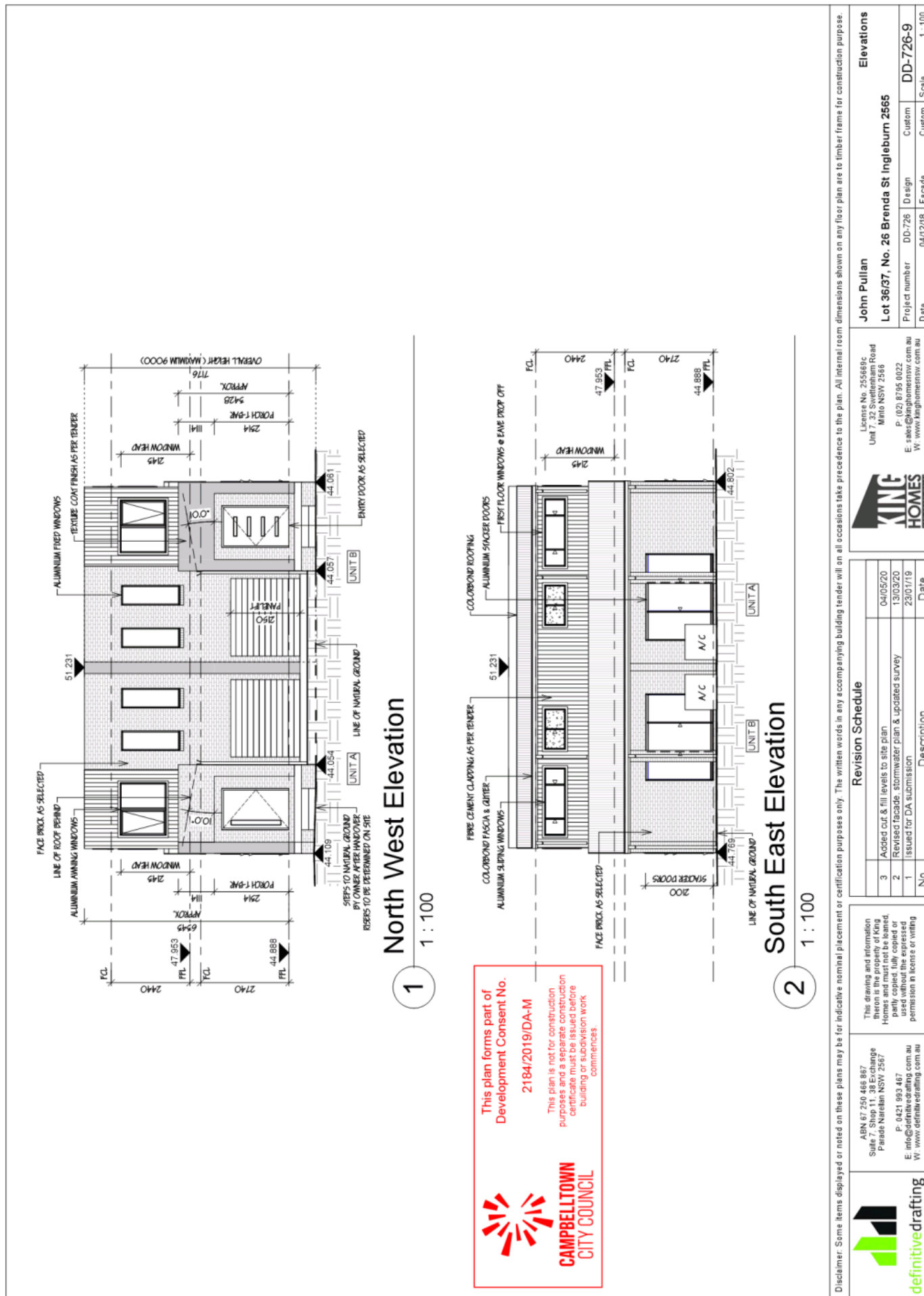
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures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

**Advice 13. Telecommunications Act 1997 (Commonwealth)**

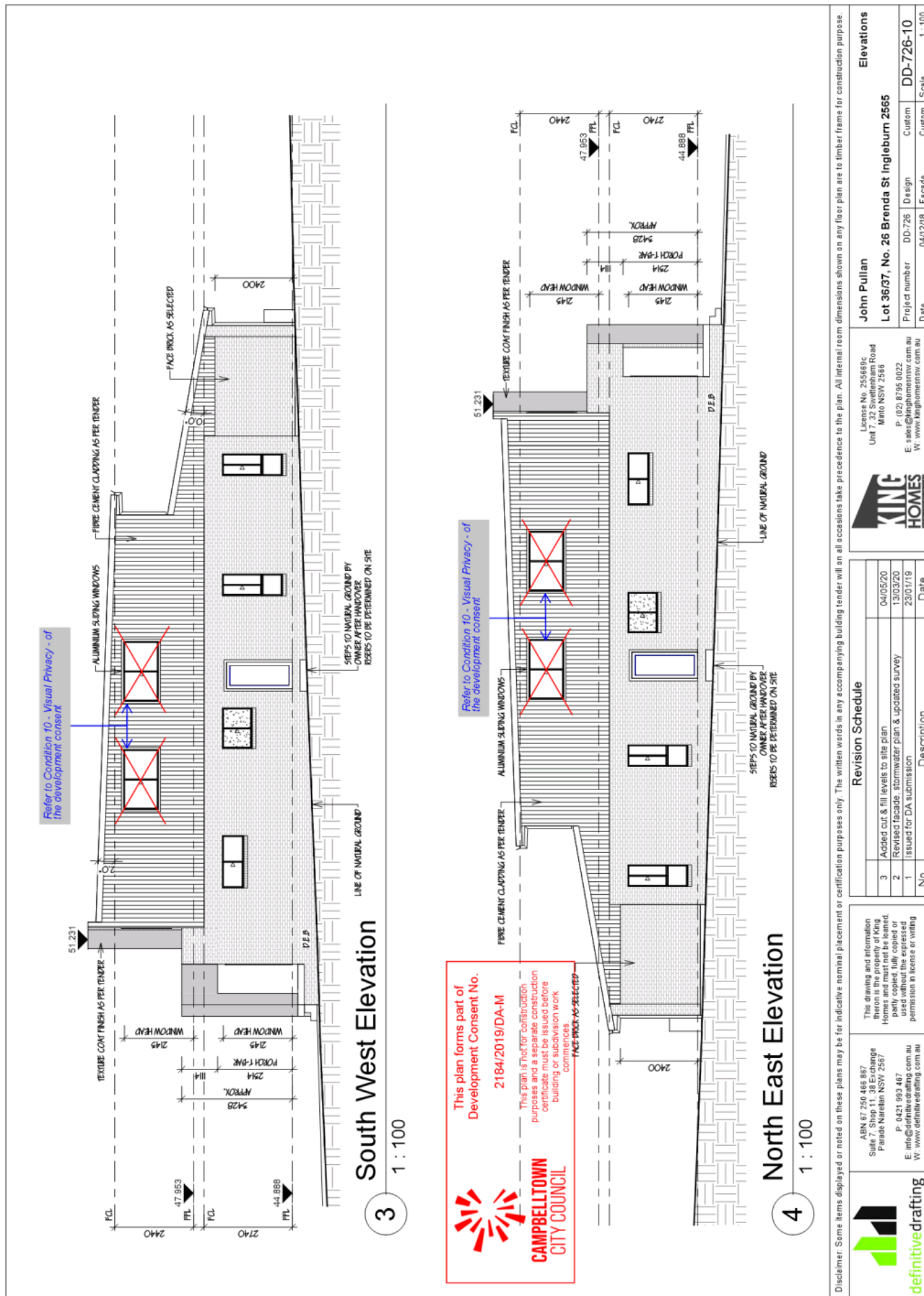
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

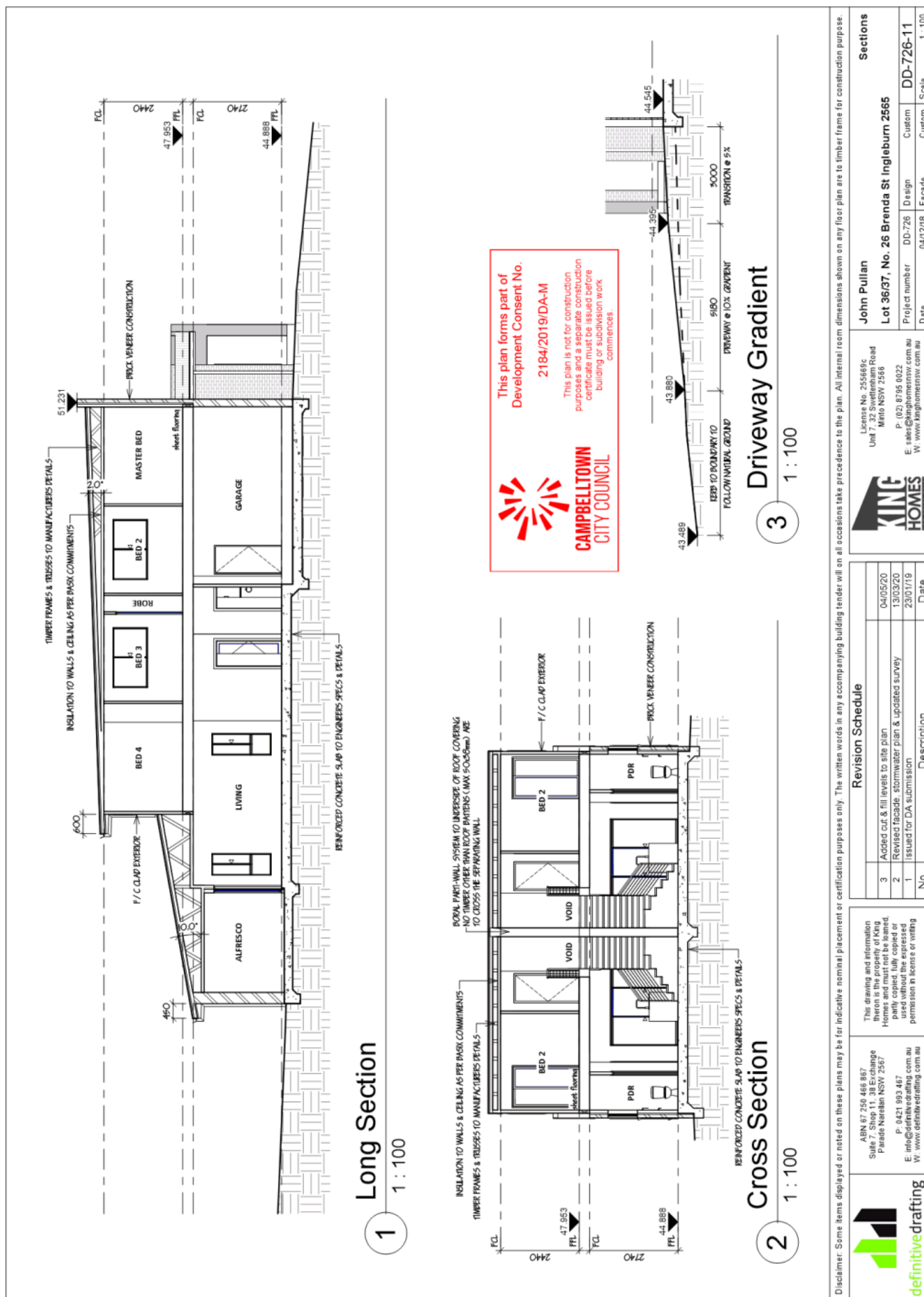
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

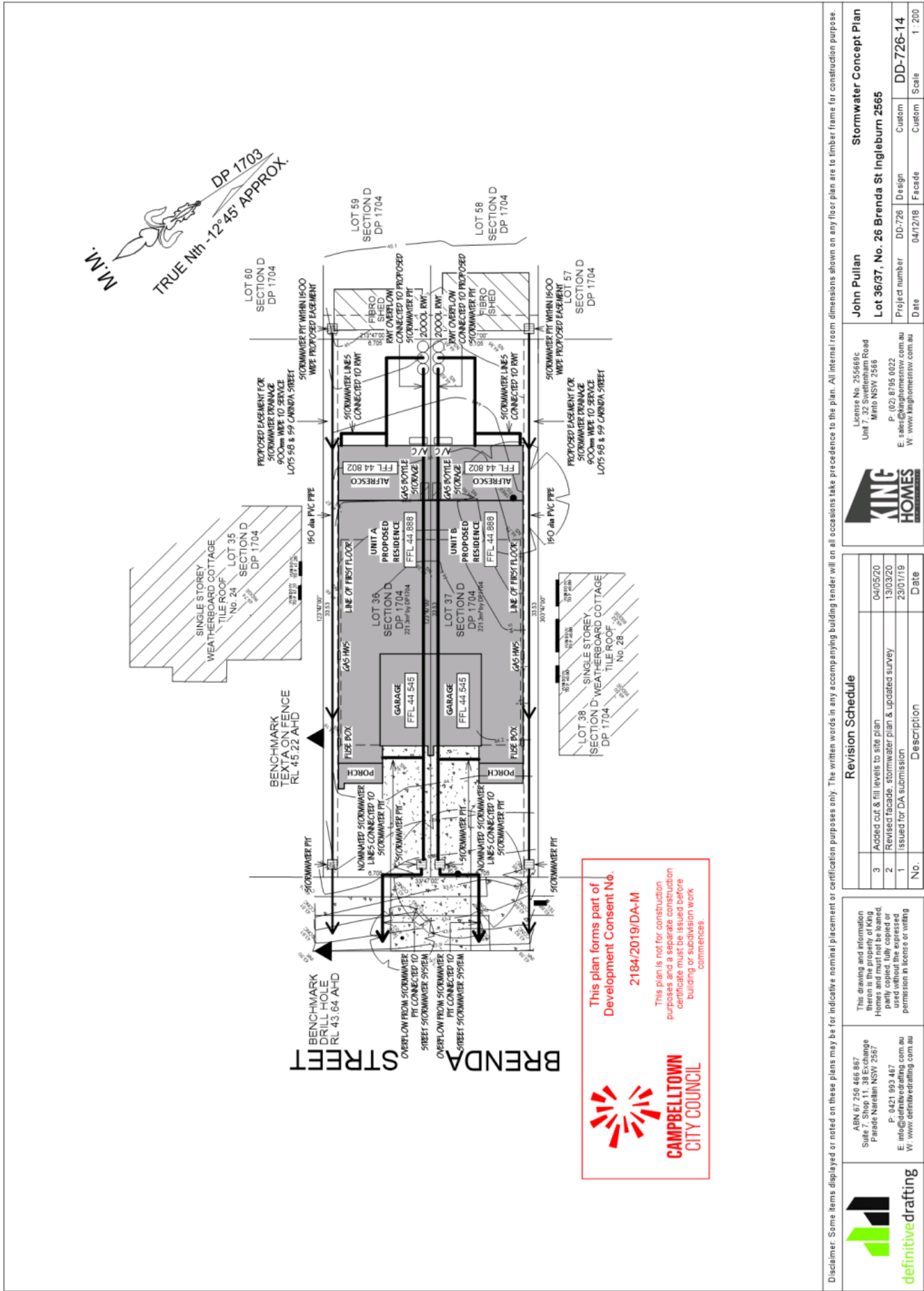




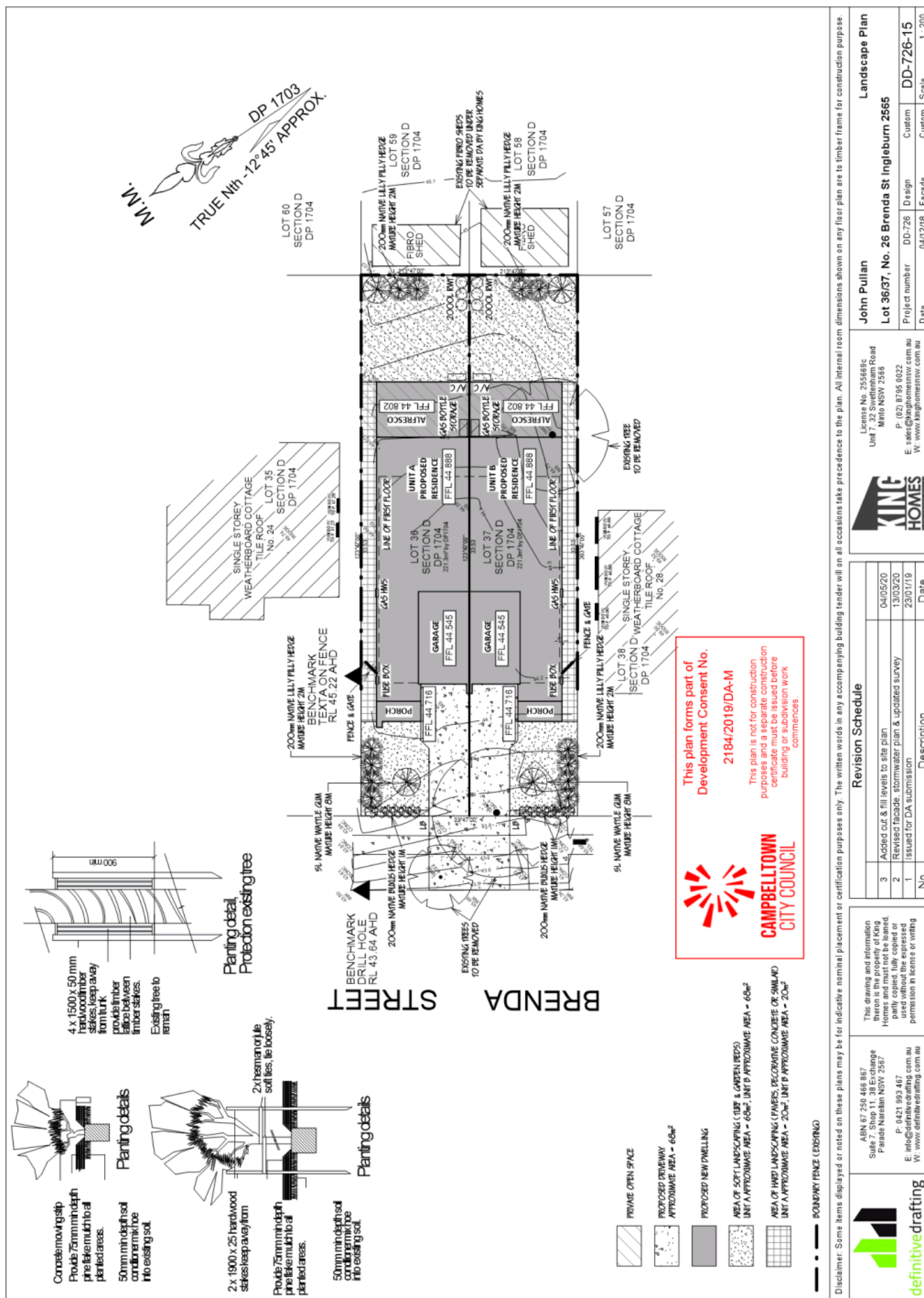




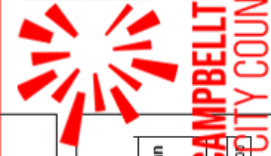
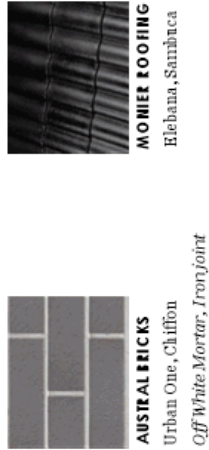
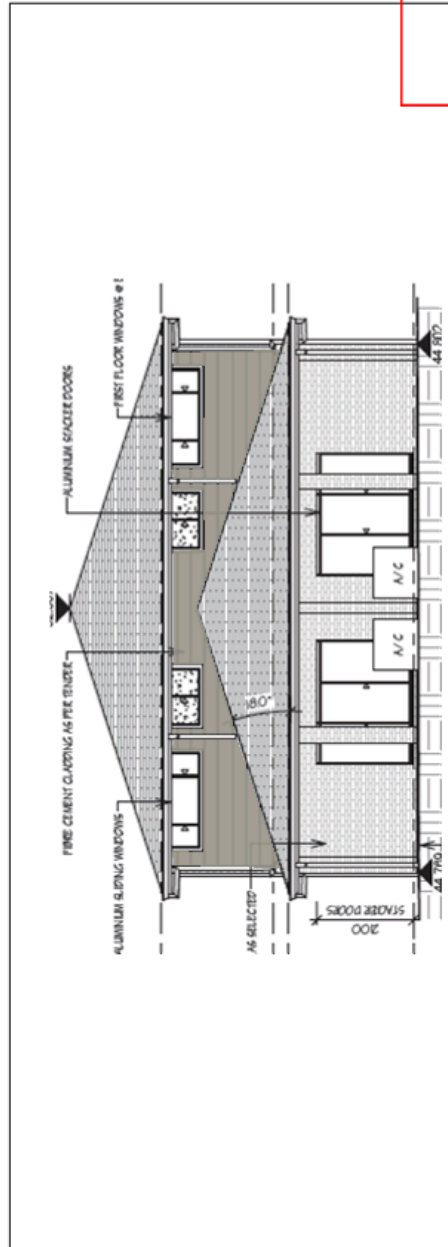
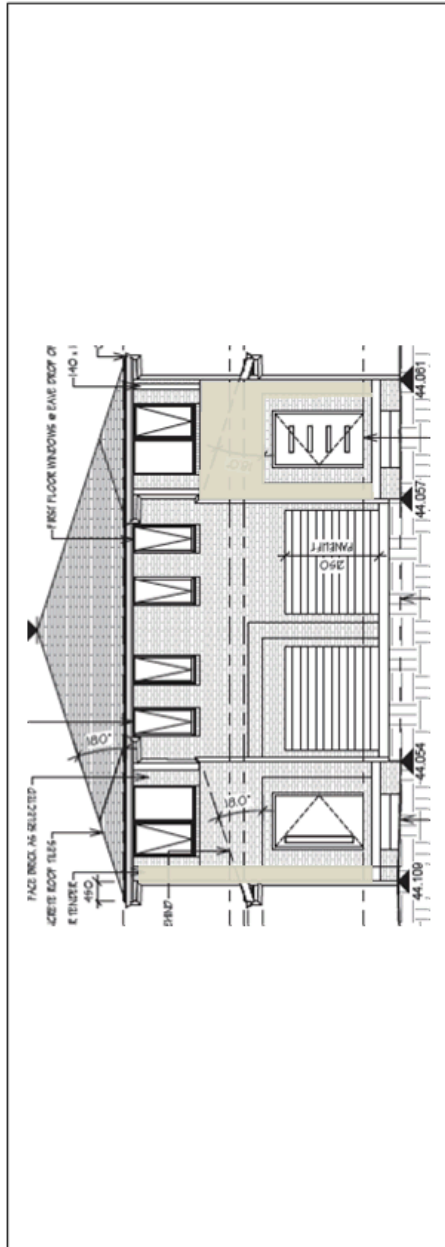








## EXTERNAL COLOUR PLAN



This plan forms part of  
Development Consent No.

2184/2019/DA-M

DRIVEWAY

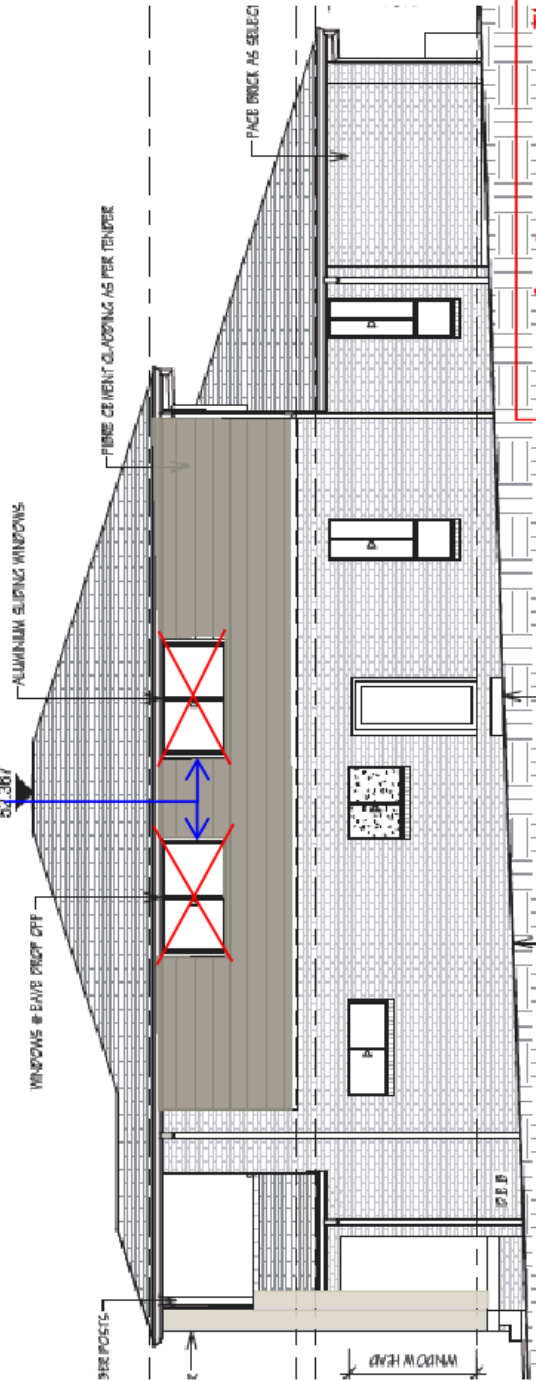
**CAMPBELLTOWN**  
CITY COUNCIL

This plan is not for construction  
purposes and a separate construction  
certificate must be issued before  
building or subdivision work  
commences.

**BRICKWORKS**  
— BUILDING PRODUCTS —

Revision Schedule		Site Analysis Plan	
No	Description	Date	Scale
1	Issued for DA submission	23/8/19	1:200
John Pullan		Lot 3637, No. 25 Brenda St Ingleburn 2565	
License No. 255669c Unit 7, 100 Macquarie Road Ingleburn NSW 2565 P: 021 8795 0022 E: john@king-homes.com.au W: www.king-homes.com.au		Project number	DD 726
King Homes		Date	04/12/16
		Design	Facade
		Custom	Custom

Refer to Condition 10 - Visual Privacy - of  
the development consent



This plan forms part of  
Development Consent No.

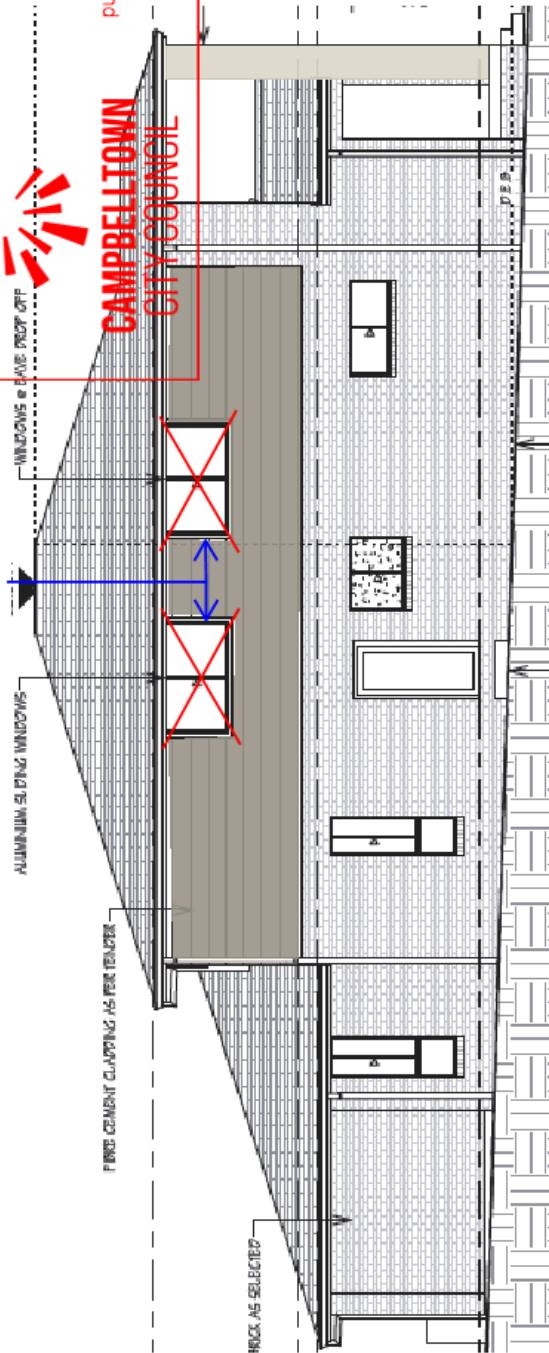
2184/2019/DA-M

This plan is not for construction  
purposes and a separate construction  
certificate must be issued before  
building or subdivision work  
commences.

Refer to Condition 10 - Visual Privacy - of  
the development consent



**CAMPBELLTOWN  
CITY COUNCIL**



**BRICKWORKS**  
— BUILDING PRODUCTS —

## 4.6 Demolition of existing structures and construction of two storey semi-detached dwellings - 25 Carinda Street Ingleburn

### Community Strategic Plan

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

### Referral Criteria

This proposal is for a site that does not achieve the minimum qualifying site area standard under Clause 4.1C of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) by more than 10 percent. Therefore under Section 4.8 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the determining authority is the Campbelltown Local Planning Panel.

### Executive Summary

- This development application proposes the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 25 Carinda Street, Ingleburn.
- The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015.
- The proposed development generally complies with the CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015).
- The subject site comprises two existing Torrens titled allotments with a total site area of 449.6sqm. Under Clause 4.1C of the CLEP 2015 semi-detached dwellings require a minimum site area of 700sqm and as such the proposal does not comply with this clause. The site is 250.4sqm less than the minimum qualifying site area required for semi-detached dwellings within an R2 Zone, and equates to a contravention of this clause by 35.77 percent.
- The application was notified to adjoining and surrounding properties from 24 July 2019 to 8 August 2019 for 14 days. No submissions were received.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.
- The land is within the locality of Ingleburn where Council has previously approved similar development applications and has resolved to amend the CLEP 2015 to facilitate the development of existing narrow lots in Ingleburn without the need for a variation request to the CLEP 2015 under Clause 4.6
- As part of its LEP Review (Amendment No 24 to the CLEP 2015), Council has prepared and exhibited an amendment to Campbelltown Local Environmental Plan to address this

matter. In this regard, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land identified in Ingleburn that reads:

- 4.1C (4) Despite subclause (2) and (3) the minimum qualifying site area identified in Column 3 and 4 does not apply to land identified as 'Ingleburn Narrow Lots' in the Clause Application Map.
- The above draft Amendment to the CLEP 2015 is currently with the NSW Department of Planning, Industry and Environment for finalisation.
- In the meantime, a Clause 4.6 variation request is required in order for Council to formally consider a variation to the Clause 4.1C development standard. Hence, this application has been reported to the Local Planning Panel for determination.
- The proposal is considered to be in the public interest.

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### Officer's Recommendation

1. That Development Application No. 2183/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 25 Carinda Street, Ingleburn, be approved, subject to the conditions detailed in attachment 1 of this report.

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### Purpose

To assist Campbelltown Local Planning Panel in its determination of the subject application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

This proposal is for a site that does not achieve the minimum qualifying site area standard under Clause 4.1C of the CLEP 2015 by more than 10 percent. Therefore under Section 4.8 of the EP&A Act, the determining authority is the Campbelltown Local Planning Panel.

A variation is sought from the minimum 700sqm qualifying lot size for semi-detached dwelling development in the R2 Low Density Residential land use zone, pursuant to the provisions of Clause 4.1C(2) of the CLEP 2015.

<b>Property Description</b>	Lot 58 and 59 Section D DP 1704 25 Carinda Street, INGLEBURN NSW 2565
<b>Application No</b>	2183/2019/DA-M
<b>Applicant</b>	King Homes NSW
<b>Owner</b>	Mr John Newton Pullan
<b>Provisions</b>	State Environmental Planning Policy 55 - Remediation of Land State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment

	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
	Campbelltown Local Environmental Plan 2015
	Amendment No. 24 to Campbelltown Local Environmental Plan 2015 (LEP) Review
<b>Non-Statutory</b>	Campbelltown (Sustainable City) Development Control Plan 2015
	Campbelltown 2027 – Community Strategic Plan
<b>Date Received</b>	4 July 2019

## History

- On 4 July 2019, Development Application (2183/2019/DA-M) was lodged with Council for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 25 Carinda Street, Ingleburn.
- The application was notified to adjoining and nearby properties from 24 July 2019 to 8 August 2019. No submissions were received.
- The development application was deferred on 29 August 2019 for additional information relating to the site area, architectural and landscape plans, stormwater management plan and the Statement of Environmental Effects. A response from the applicant was submitted to Council on 8 November 2019.
- The development application was deferred on 15 November 2019 for a number of issues with a response from the applicant to Council on 16 January 2020. The application was again deferred on 20 January 2020. The applicant submitted the requested documents on 7 April 2020.
- As the amended plans were not satisfactory in regard to the stormwater management, an email was sent to the applicant on 17 April 2020 requesting further details. The final set of the requested plans and documentations were submitted on 10 August 2020.

## Site and Surrounds

The subject land is legally described as Lot 58 and 59 in Section D of Deposit Plan 1704 and is known as No. 25 Carinda Street, Ingleburn. The site comprises of two Torrens title allotments with a total land area of 449.6sqm and a combined frontage of 13.41m to Carinda Street. Each allotment has an area of 224.8sqm, a width of 6.705 metres and a depth of 33.53 metres.

The site is located on the Western side of Carinda Street and has a dwelling on the lot with frontage, pedestrian and driveway access onto Carinda Street. The site consists of a single storey weatherboard cottage, a detached garage, and two detached outbuildings towards the rear of the allotment. The site falls from the front to the rear by approximately 1m.

Vegetation on the site is limited to two small trees located in the front setback and two small trees in the rear of the property. The subject site is not identified as bush fire prone nor within a mine subsidence district.

The site is situated within the established residential area of Ingleburn, surrounding development comprises a mix of low and medium density residential development, including



dwelling, attached dwellings, dual occupancies and multi dwelling housing (Refer to Figure 2 for Street view).



Figure 1: Locality Map (Source: Campbelltown City Council - Spectrum Spatial Analyst)

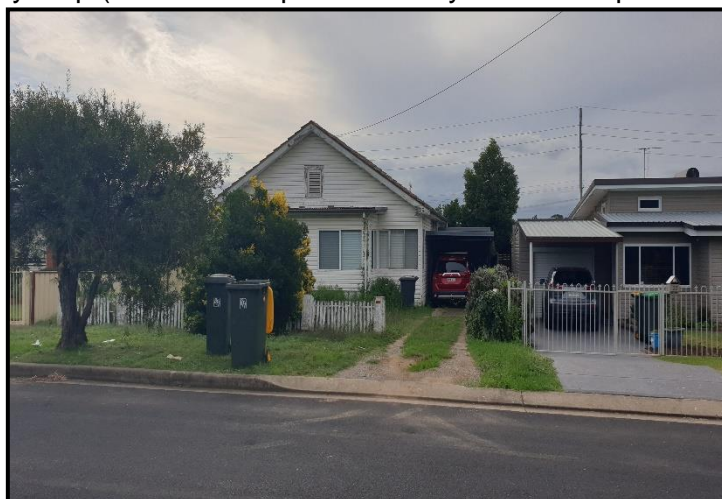


Figure 2: Street view of existing premise from Carinda Street

### Site Constraints Table

Site Constraints	Applicable to this site
Bushfire Prone Land	Not applicable
Flood Affected	The site is not subject to flood related controls.
Overland flow affected	Overland Flow Notation
Mine Subsidence	Not applicable
Noise Affected Property	Not applicable
Aboriginal Sensitivity Zone	Not applicable
Koala Habitat	Not applicable
Jemena Gas Line	Not applicable
Transgrid Electrical Easement	Not applicable
Easements	Not applicable
Tree Removal	Not applicable
Biodiversity Impacts	Not applicable
Heritage Item	Not applicable

Table 1: Site Constraints



## Proposal

This development application seeks consent for the demolition of the existing dwelling and associated structures, and the construction of two 2 storey semi-detached dwellings at 25 Carinda Street, Ingleburn. Specifically, the development proposes:

- Demolition of the existing dwelling and all ancillary structures.
- Tree removal of three small trees (including one street tree).
- Construction of two 2 storey semi-detached dwellings. A summary of the gross floor area, the size of the proposed private open space, and other details of each dwelling is provided below:

Dwelling 1 (Lot 58)	Gross Floor Area: 132sqm Private Open Space: 67.39sqm Bedrooms: 4 Garage: Single
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Dwelling 2 (Lot 59)	Gross Floor Area: 132sqm Private Open Space: 67.39sqm Bedrooms: 4 Garage: Single
---------------------	---

- Each dwelling comprises of combined kitchen/meals/ living area, bathroom, laundry, linen cupboard, attached alfresco, single attached garage and front porch to the ground floor and four bedrooms, bathroom, ensuite and walk in robe to the first floor.
- Associated support infrastructure including fencing, landscaping, stormwater and associated site works.

## Report

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act, and having regard to those matters, an assessment against relevant plans and issues that need further consideration are presented below:

### 1. Vision

#### Campbelltown 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.

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

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown 2017-2027. The proposal is consistent with strategy 1.8 of outcome 1 of this plan in that the development provides for a range of housing choices for existing and future residents in the Ingleburn area.

## **2. Planning Provisions**

### **2.1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP Sydney Region Growth Centres 2006) applies to all land in a growth centre. Pursuant to the State Environmental Policy Planning (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2019 dated 6 December 2019, the subject site is located within the Greater Macarthur Growth Area and the Policy applies.

Provisions under the SEPP Sydney Region Growth Centres 2006 relating to the subject site have not been specified in a Precinct Plan or Clause 7A. Pursuant to Part 4 Clause 16(1) of the SEPP Sydney Region Growth Centres 2006, until provisions have been specified in a Precinct Plan or in Clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

- a) Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan.
- b) Whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.
- c) Whether the proposed development will result in further fragmentation of land holdings.
- d) Whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A.
- e) Whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development.
- f) Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre.
- g) In the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

The proposed development will ensure the provision of development that will contribute to the local economy within Campbelltown; the proposed development will not preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and therefore is considered satisfactory. The development is not considered inconsistent with the provisions of Part 4 Clause 16(1) of the SEPP Sydney Region Growth Centres 2006.

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

The State Environmental Planning Policy 55 Remediation of Land (SEPP 55) requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

State Environmental Planning Policy 55 - Remediation of Land		
Requirement	Action	Response
<b>Clause 7(1)</b> 1. Is the development for a <b>change of use</b> to a sensitive land use or for residential subdivision?  <b>Sensitive land use</b> include residential, educational, recreational, child care purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	No change of use proposed.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer NO to this question.	The subject site was subdivided prior to 1998 and has been used as a dwelling house for a number of years.
<b>Clause 7(1)</b> 2. Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken on 10 August 2020. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken on 10 August 2020. No evidence was found of contaminating land activities having occurred on the land.
<b>Clause 7(1)</b> 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken on 10 August 2020. No evidence was found of approved contaminated land activities having occurred on the land.
<b>Clause 7(1)</b> 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.  NB: if the proposal is industrial then you should answer NO to this question.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 2 (b)—Residential B which did not allow for potentially contaminating uses.
<b>Clause 7(1)</b> 5. Is the land currently being used for a potentially contaminating use or is there	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land	Based on Council's site inspection carried out on 9 April 2020, no evidence of potentially

<b>State Environmental Planning Policy 55 - Remediation of Land</b>		
<b>Requirement</b>	<b>Action</b>	<b>Response</b>
any evidence of a potentially contaminating use on site?	filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	contaminated signs were present on site.

Based on the above assessment, the provisions of Clause 7 of SEPP 55 have been considered and the contaminated land planning guidelines and the site is considered suitable for the proposed development.

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

The proposal is located within the Georges River Catchment and thus this plan 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 given its distance and is considered acceptable in this instance.

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

The aim of the State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 is to ensure consistency in the implementation of the BASIX scheme throughout the State and an application for development consent in relation to certain types of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

A BASIX Certificate for each dwelling (No. 990651S-02 and 990618S-02) was submitted with the development application. The BASIX Certificates list measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable under the State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.

## 2.5 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015. The proposed development is defined as a ‘semi-detached dwelling’. Under the provisions of the CLEP 2015, semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

The subject site comprises of two Torrens titled allotments and each lot proposes a dwelling that is attached to only one other dwelling. The proposal is consistent with the land use definition for semi-detached dwellings.

The proposed development is considered to be consistent with the following objectives of the R2 – Low Density Residential Zone:

- To provide for the housing needs of the community within a low density residential environment.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

An assessment of the relevant development standards of the CLEP 2015 are provided as follows:

Campbelltown Local Environmental Plan 2015			
Clause	Requirement	Proposed	Compliance
<b>Part 2 Permitted or prohibited development</b>			
<b>2.7 Demolition requires development consent</b>	The demolition of a building or work may be carried out only with development consent.	Consent is sought as part of this application for the demolition of the existing single storey dwelling, detached carport and other ancillary structures.	Satisfactory
<b>Part 4 Principal development standards</b>			
<b>4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones</b>	Minimum site area for semi-detached dwelling within an R2 Low Density Residential zone is 700sqm.	The proposed development is across two existing lots, with a combined site area of 449.6sqm, a deficit in qualifying site area of 250.4sqm.  A detailed discussion of the variation to the development standard is presented below this table.	No –Refer to the discussion provided below this table

<b>Campbelltown Local Environmental Plan 2015</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>4.3 Height of Buildings</b>	Maximum building height of nine metres.	The proposed development would provide a maximum height of 7.93m, which complies with this clause.	Satisfactory
<b>4.3A Height restrictions for certain residential accommodation</b>	Semi-detached residential development must not be higher than two storeys	The proposed development does not exceed two storeys.	Satisfactory
<b>4.4 Floor Space Ratio</b>	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The Floor Space Ratio Map identifies the maximum floor space ratio for a building on the subject site is 0.60:1.</p>	<p>The development proposes the followings:</p> <p>Gross Floor Area:            Lot 58: (64.6+67.4)sqm = 132sqm            Lot 59: (64.6+67.4)sqm = 132sqm            Floor Space Ratio            Lot 58: 0.58.71:1            Lot 59: 0.58.71:1</p>	Satisfactory
<b>4.6 Exceptions to development standards</b>	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	<p>The proposed development does not comply with Clause 4.1C of the CLEP 2015 which requires a minimum site area of 700sqm for semi-detached dwelling within an R2 Low Density Residential zone.</p> <p>A detailed discussion of the variation to the development standard is presented below this table.</p>	Refer to the discussion provided below this table
<b>Part 7 Additional local provisions</b>			
<b>7.1 Earthworks</b>	Earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Minimal earth works are proposed to facilitate the construction of the semi-detached dwellings.	Satisfactory
<b>7.10 Essential Services</b>	Development consent must not be granted unless the consent authority is satisfied that essential services are provided.	Subject site is connected to existing services.	Satisfactory

**Clause 4.6 – Exceptions to development standards**

Clause 4.6 of the CLEP 2015 relevantly provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard. The development contravenes Clause 4.1C (2) of the CLEP 2015.

The site maintains a total area of 449.6sqm; 250.4sqm less than the required qualifying site area of 700sqm for semi-detached dwelling development in the R2 zone. This equates to a 35.77 percent variation deficit from the 700sqm qualifying lot.

The Statement of Environmental Effects includes a Clause 4.6 Variation Request which addresses the contravention of the abovementioned development standard. In seeking a variation to the development standard an assessment against Clause 4.6 is detailed below:

**Clause 4.6 (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 4.1C is considered to be appropriate for this particular development. Overall, the proposal is generally compliant with the controls with regard to floor space ratio, building height, setbacks, built form, landscaping and car parking.

The variation to the development standard will result in a single dwelling on each existing lot of land, which contributes to housing stock in the locality.

Council has supported similar applications for development on existing narrow lots at Ingleburn in the past.

The variation to the development standard will result in a preferable design outcome with regard to the streetscape and built form. The proposed development is not considered to detract from the existing streetscape and is considered to be consistent with the bulk and scale of the surrounding residential development.

**Clause 4.6 (2):** Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The Clause does not exclude the variation of Clause 4.1C of the CLEP 2015

**Clause 4.6 (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 has been provided. The proposed development seeks an overall variation of 35.77 percent to the minimum qualifying site area development standard. Compliance with the abovementioned development standard is considered unreasonable in the circumstances of the case. The two lots are existing and are readily capable of facilitating the semi-detached dwelling development.

The variation to the development standard does not detract from the amenity of the surrounding residential development with regard to solar access, views or privacy. The proposed development demonstrates compliance with regard to built form, setbacks, landscaping, access, and car parking.

The departure from the development standard, although numerically significant (250.4sqm), allows for an acceptable degree of flexibility to the semi-detached dwelling lot size control and is consistent with the surrounding development on Corinda Street where flexibility of this development control has evidently been accepted by Council in the past.

**Clause 4.6 (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 Planning Secretary has been obtained.

It is considered that the applicant's written request has adequately addressed subclause (3).

It is also considered that the written request has justified that the proposed development satisfies the objectives of Clause 4.1C and the objectives of the R2 zone. The development is generally consistent with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015). Variation to the development standard is considered to be acceptable given the proposal is consistent with the built form and scale of the surrounding development.

As such, the proposed development is considered to be in the public interest considering the circumstances of the case.

## **2.6 Amendment No 24 to Campbelltown Local Environmental Plan 2015 (LEP) Review**

The planning proposal to amend CLEP 2015 has been publicly exhibited and endorsed by Council. The planning proposal is currently with the NSW Department of Planning, Industry and Environment for finalisation. The objectives of this planning proposal are to amend CLEP 2015 and improve the alignment with the State Government's direction in particular the planning priorities outlined within the Western City District Plan. It is also intended to consolidate statutory provisions into one Local Environmental Plan that applies to the whole LGA and make consequential changes to improve readability of the plan. As part of this LEP Review, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land that is characterised with narrow lot subdivision and zoned R2 within Ingleburn.

The development site is within the area identified in the above planning proposal and the proposed development is consistent with the draft Amendment No 24 to the CLEP 2015.

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

The SCDCP 2015 is to be considered and read in conjunction with the CLEP 2015. The development has been assessed against the relevant provisions of Part 2 (Requirements Applying to all Types of Development) and Part 3 (Low and Medium Density Residential Development and Ancillary Residential Structures) of the SCDCP 2015.

The following table provides an assessment of the proposal in accordance with the relevant requirements of the SCDCP 2015.

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 2 Requirements Applying to all Types of Development</b>			
<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 development does not affect Campbelltown's important views and vistas.	Satisfactory
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The development would not impact on significant view corridors.	Satisfactory
<b>2.4.1 Rain Water Tanks</b>	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	Each dwelling proposes a minimum 2,000L RWT.	Satisfactory
<b>2.4.2 Natural Ventilation</b>	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.	The proposal allows for cross flow ventilation opportunities.	Satisfactory
<b>2.4.3 BASIX</b>	A BASIX certificate is to be submitted with residential development in accordance with the SEPP (Building Sustainability Index) 2004.	Compliant BASIX Certificates have been submitted with commitments shown on plans.	Satisfactory
<b>2.5 Landscaping – Design Requirements</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	Proposed landscaping would enhance the visual character of the development.	Satisfactory
	b) Landscape design shall retain and enhance the existing native	Satisfactory	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	fora and fauna characteristics of a site wherever possible.		
	c) Landscape design shall add value to the quality and character of the streetscape.	Submitted landscape plan adds value to the quality and character of the streetscape.	Satisfactory
	d) A Landscape Concept Plan is required to be submitted with a development application for semi-detached dwellings.	A landscape concept plan has been submitted.	Satisfactory
	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.	Submitted landscape plan includes species height and spread detail.	Satisfactory
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Satisfactory.	Satisfactory
<b>2.7 Erosion and Sediment Control – Design Requirements</b>	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	Erosion and sediment control measures have been provided on site plan drawings prepared by King Homes.  Conditions of development consent are recommended to ensure compliance with this part is achieved.	Satisfactory
<b>2.8 Cut, Fill and Floor Levels</b>	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Minor earth works are proposed to facilitate the development.	
	b) For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metres below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform.	Less than one metre cut/fill is proposed.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	d) Development incorporating any cut or fill shall comply with the following requirements: <ul style="list-style-type: none"> <li>i) minimum cross fall of one percent to any adjoining waterway; and</li> <li>ii) batters to be no steeper than i2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance';</li> <li>iii) batters to be no steeper than 6H:1V for public areas.</li> </ul>	Satisfactory	Satisfactory
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	A condition of development consent has been recommended.	Satisfactory
	f) No fill shall be deposited in the vicinity of native vegetation.	No fill proposed within the vicinity of native vegetation.	Satisfactory
<b>2.9 Demolition – Design Requirements</b>	a) A development application involving demolition shall be considered having regard to the following information: <ul style="list-style-type: none"> <li>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);</li> <li>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</li> <li>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;</li> <li>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</li> </ul>	Condition of development consent has been recommended to ensure compliance with this control and compliance with AS 2601-2001 – The Demolition of Structures is proposed.	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.		
<b>2.10.2 Stormwater – Design requirements</b>	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 available from Council's website at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a> .	The application was referred to Council's engineer to review and comment.  Subject to recommended conditions of consent, the proposal was considered satisfactory by Council's engineer.	Subject to conditions
<b>2.10.3 Stormwater Drainage – Design requirements</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater drainage concept plan prepared by Rafeletos Zanuttini Consulting Engineers has been submitted.	Satisfactory
	b) The stormwater concept plan shall include the following information as a minimum:  i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	The application was referred to Council's engineer to review and comment.  The development required an easement from 26 Brenda Street. A consent letter has been submitted to Council from the owner of 26 Brenda Street to provide easement that benefits 25 Carinda Street. Subject to conditions of consent, the proposal was considered satisfactory by Council's engineer.	Subject to conditions
<b>2.12 Retaining Walls – Design requirements</b>	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	No retaining walls are proposed.	Satisfactory
<b>2.13 Security – Design requirements</b>	a) Development shall be designed to maximise, where possible, casual surveillance opportunities	Each dwelling contains a habitable room on the first floor which faces the street and provides opportunities for	Satisfactory

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	to the street and surrounding public places.	passive surveillance to the Carinda Street.	
<b>2.14.3 Bushfire – Design requirements</b>	c) Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.	The subject site is not within Bushfire Prone Lands.	Not applicable
<b>2.15.1 Waste Management Plan – Design requirements</b>	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	Waste Management Plan was submitted.	Satisfactory
<b>2.16.1 Water – Design requirements</b>	a) Where connection to the reticulated water supply system is not available, development shall be provided with: <ul style="list-style-type: none"> <li>i) sufficient water storage to cater for all relevant activities of the proposed use of the development.</li> <li>ii) sufficient storage for firefighting purposes in accordance with Planning for Bushfire Protection 2006, NSW Rural Fire Service.</li> </ul>	Subject site is connected to essential services.	Satisfactory
<b>2.16.2 Electricity</b>	a) Details of the proposed method of power supply shall be provided as part of the development application for any development involving the construction of a building within rural and environmental protection zones.	The subject site is connected to the existing services.	Satisfactory

<b>Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures</b>			
<b>3.2 Desired Future Character for Low Density Residential</b>	<p>The low density residential neighbourhoods shall continue to be characterised by:</p> <ul style="list-style-type: none"> <li>• one and two storey dwelling houses that are designed to provide a high level of residential amenity for their occupants and the occupants of adjoining properties;</li> <li>• streetscapes where buildings are setback from the primary street frontage to provide opportunities for deep soil planting and landscaping; and</li> <li>• articulated front facades where garages are setback and do not dominate the streetscapes; and</li> <li>• limited stock of multi dwelling housing and attached dwellings that:</li> <li>• respect the existing character of the low density neighbourhoods; and</li> <li>• are of low scale and density.</li> </ul>	<p>The proposed development of the subject site is considered to be consistent with the desired future character of the area.</p> <p>The design includes compliant front setbacks and substantial landscaping.</p> <p>The development of semi-detached dwellings development is considered to respect the existing character of the locality.</p>	Satisfactory
<b>3.4.1.1 Streetscape – Design requirements</b>	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.	The building design, setbacks and landscaping complement the development and the desired future character of the locality.	Satisfactory
	c) The built form shall relate to the natural landform and setting.	The built form relates to the natural landform of the subject site.	Satisfactory
	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.	The design of the development reduces the prominence of the garages with the provision of front porches and modified roof forms to provide visual interest.	Satisfactory
	e) Garage doors facing a public street shall not be wider than 50 percent of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).	The width of the garage doors are 41.7 percent of the frontage of the each dwelling.	Satisfactory



	f) No carports or garages (or like structures) shall be located within six 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.	The proposed garages would be setback 8.18m from the primary street boundary.	Satisfactory
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	The development does not propose a toilet or laundry window which fronts the primary street.	Satisfactory
	i) All windows facing the street (primary and secondary) must have a balanced architectural design.	The windows facing the primary street are considered to have a balanced architectural design.	Satisfactory
<b>3.4.1.2 Building Height</b>	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.	The proposed development complies with the height controls within the CLEP 2015.  In addition, the proposed development contains two storeys and does not adversely impact privacy or solar access to adjoining residential properties.	Satisfactory
<b>3.4.2 Car Parking and Access – Design requirements</b>	a) The minimum dimensions of any required parking space shall be 2.5 metres 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 2.7metres.	Single garage for each dwelling is proposed which achieves the minimum parking dimensions.	Satisfactory
	b) The minimum internal dimension of an enclosed garage shall be three metres x six metres.	Each single garage proposed has minimum internal dimension of three metres x 5.5m. This is a non-compliance. Further the internal doors to the garage further reduce the internal space available for a vehicle. It is recommended that a condition be included in the consent requiring this door to be a sliding door.	Non-compliance, however satisfactory subject to condition
	c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Council's engineer has reviewed the plans and provided relevant conditions of consent where required.	Satisfactory

	d) The maximum garage floor levels (above or below) for a garage setback six 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), which is available at Council's website at <a href="http://www.campbeltown.nsw.gov.au">www.campbeltown.nsw.gov.au</a> .	Council's engineer has reviewed the plans and provided relevant conditions of consent where necessary.	Satisfactory
	e) Driveways greater than 30 metres in length as viewed from the street shall be avoided.	Maximum six metres Driveway is proposed.	Satisfactory
	f) Driveways shall be located a minimum distance of six metres from the tangent point of any unsignalled intersection (refer to Figure 3.4.2.1).	Subject site is not located within 6m from the tangent point of any unsignalled intersection.	Satisfactory
	g) The minimum width of the driveway at the street kerb shall be:  i) 2.5 metres where the driveway provides access for one dwelling; and ii) five metres where a single driveway provides access for two or more dwellings (excluding secondary dwellings).	Proposed widths of the driveways at the street kerbs comply with this control.	Satisfactory
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2. 2).	The proposed driveways are perpendicular to the road.	Satisfactory
	j) Plain concrete driveways including crossover and layback shall not be permitted. Details of Streetway colours and patterns shall be submitted with the development application.	A condition of development consent has been recommended.	Subject to conditions
<b>3.4.3.1 Acoustic Privacy – Design requirements</b>	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 on recognised Australian Standards and any criteria and standards	The development is a small scale residential redevelopment, which is not required to incorporate noise attenuation measures.  The subject site is not located adjacent to noise sources listed in this control and is not located near railway corridors.	Satisfactory

	regulated by a relevant State Government Authority.		
<b>3.4.3.2 Visual Privacy – Design requirements</b>	<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 six metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).</p>	<p>The living room windows along the side boundaries on the ground floor of the dwellings are appropriately screened by the 1.8m high boundary fence.</p> <p>In order to address privacy impacts on the existing adjoining development, as well as having appropriate regard to any future development on the adjoining lots; the bedroom windows on the first floor side boundary adjoining 23 and 27 Carinda Street maintain a minimum sill height of 1.1m.</p> <p>The development is surrounded by single storey development, therefore the upper level windows do not directly view into existing adjoining properties.</p> <p>Notwithstanding, given the close proximity of windows to the property boundaries and to ensure privacy to future residents, a condition of development consent has been recommended to ensure that fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level:</p> <ul style="list-style-type: none"> <li>- window 8 in bedroom two and window nine in bedrooms three of unit A</li> <li>- window 19 in bedroom two and window 20 in bedroom three of unit B</li> </ul>	Subject to conditions
	<p>b) Notwithstanding Clause 3.4.3.2a) any window of a living room located on an upper level shall:</p> <ul style="list-style-type: none"> <li>i) be offset by two metres to limit views between windows and balconies; or</li> <li>ii) have a sill height 1.7 metres above the floor level; or</li> </ul>	Living rooms located on lower ground.	Satisfactory

	<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 1.7m of the floor level.</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.	Balconies to the front façade are proposed and will not impact adjoining dwellings private open space.	Satisfactory
	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.	No development is proposed on the boundary with the exception of the common wall.	Satisfactory
<b>3.4.4 Solar Access – Design requirements</b>	a) Living areas shall generally have a northerly orientation.	The living areas are oriented to the north to maximise solar access.	Satisfactory
	b) A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	Satisfactory solar diagrams submitted demonstrating each dwelling receives a minimum of three hours of continuous and direct solar access to a minimum of 20sqm of private open space, on June 21st between 9.00am – 3.00pm.	Satisfactory
	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.	The development is not considered to result in adverse overshadowing impacts upon the adjoining neighbour at 27 Carinda Street.	Satisfactory
	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.	The siting of the building is appropriate for the orientation of the site.	Satisfactory
<b>3.5.1 Fencing Access – Design requirements</b>	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	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Subject to conditions

	public place, unless the site is within a bushfire prone area.		
	<p>b) Residential fencing along the rear and side boundaries shall be:</p> <ul style="list-style-type: none"> <li>i) located behind the primary street building line;</li> <li>ii) a maximum 2.1 metres in height (excluding retaining walls); and</li> <li>iii) a maximum 1.8 metres in height, if adjoining a secondary street.</li> </ul>	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Subject to conditions
	c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	No front fencing proposed.	Satisfactory
	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.	No front fencing proposed.	Satisfactory
	f) Details for fencing shall be submitted with the development application.	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Satisfactory
<b>3.6.4.1 Semi-detached Dwelling – Zones R2 &amp; R3 – General Requirements</b>	<p>a) Semi-Detached Dwelling shall only be permitted on an allotment having;</p> <ul style="list-style-type: none"> <li>i) a minimum width of 7.5 metres measured between the extended property side boundaries, or in the case of a corner allotment, the secondary street boundaries where they intersect with the kerb line.</li> </ul>	The lots each maintain a 6.706 metre frontage. Given that the lots are existing, a variation to the required 7.5 metres is considered acceptable.	No — but considered reasonable in the circumstances
	b) Despite Clause 3.6.4.1 a) above, semi-detached dwellings shall be permitted on an allotment having a minimum width less than 7.5 metres where each individual lot existed prior to the commencement of the CLEP.	The allotments are existing lots and satisfy (b).	Satisfactory
<b>3.6.4.2 Setbacks</b>	a) Semi-detached dwellings shall be setback a minimum	The development maintains the following setbacks for both lots:	Satisfactory

	<ul style="list-style-type: none"> <li>i) 5.5 metres from the primary street boundary for the semi-detached dwellings;</li> <li>ii) 6.0 metres from the primary street boundary for the garage or the undercover parking space;</li> <li>iii) three metres from the secondary street boundary;</li> <li>iv) 5.5 metres from the secondary street boundary for the garage or the undercover parking space, where the garage is accessed directly from the secondary street;</li> <li>v) 0.9 metres from any side boundary, for the part of the building that is not attached to the other dwelling; and</li> <li>vi) three metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and</li> <li>vii) eight metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level</li> </ul>	<p>5.8 metres from the primary street boundary for the semi-detached dwellings.</p> <p>8.18 metres from the primary street boundary for the garage</p> <p>6.62 metres rear setback on the ground floor level</p> <p>12.49 metres rear setback on the first floor level.</p> <p>The site does not have a secondary street frontage.</p>	
	b) Each dwelling shall have a minimum of 0.9m unobstructed side access that is free from air conditioning units, rainwater tanks hot water systems, or any other structure that may block access to the rear of the dwelling.	0.95 metres side access is provided for each dwelling.	Satisfactory
	c) For the purpose of 3.7.2.4 a) above, the direct access from the rear to the front of the dwelling shall have a minimum width of 0.9 metres and shall not be obstructed by hot water systems, air conditioning units, gardens or anything that results in the obstruction of the access way.	The proposed 0.95 metres side access is not obstructed by anything.	Satisfactory
<b>3.6.4.3 Car Parking Rates</b>	a) Each dwelling that is part of a semi-detached dwelling development shall be provided with of minimum of one single garage.	Each dwelling is provided with a single garage.	Satisfactory
<b>3.6.4.4 Private Open Space</b>	a) Each dwelling that is part of a semi-detached dwelling shall be	The private open space area is located in the rear setback of each dwelling.	Satisfactory

	<p>provided with an area of private open space that:</p> <ul style="list-style-type: none"> <li>i) is located behind the primary building setback;</li> <li>ii) has a minimum area of 60 sqm;</li> <li>iii) has a minimum width of three metres;</li> <li>iv) includes a minimum levelled area of (5x5)sqm;</li> <li>v) has a minimum unfragmented area of 40sqm;</li> <li>vi) has an internal living room directly accessible to outdoor private open space areas; and</li> <li>vii) satisfies solar access requirements contained in section 3.4.4.</li> </ul>	<p>The private open space is 67.39sqm to each dwelling.</p> <p>The private open space has a width of 6.7m.</p> <p>The private open space area has a level area of 9.9m x 6.7m</p> <p>An unfragmented area of 40sqm is provided to each lot.</p> <p>The private open space of each dwelling is accessed from the combined living/meals area and satisfies the solar access requirements at Section 3.4.4.</p>	
<b>3.6.4.5 Presentation to Public Streets</b>	a) Where a development involves the construction of an additional dwelling to create a semi-detached dwelling, the existing dwelling (where it is proposed to be retained) shall be renovated to match the colour, material, texture and architectural style of the proposed building so as to create a harmonious development.	The proposal does not retain the existing dwelling.	Not applicable
<b>3.6.4.6 Landscaping and deep Soil Planting</b>	a) A development application for a semi-detached dwelling shall include a detailed landscape plan prepared by a suitably qualified person.	A detailed landscape plan has been provided with the application.	Satisfactory
	<p>b) A semi-detached dwelling shall satisfy the following provisions relating to deep soil planting:</p> <ul style="list-style-type: none"> <li>i) no more than 30 percent of the area forward of any building line shall be surfaced with impervious materials</li> <li>ii) a minimum of 20 percent of the total site area shall be available for deep soil planting</li> </ul>	<p>51 percent of the area forward of each allotment's building line is surfaced with impervious materials.</p> <p>Given that the lots are existing and maintain a narrow frontage, a variation to this requirement is considered acceptable. This is consistent with the approach adopted for similar development in the locality.</p>	Partial compliance — Considered reasonable in the circumstances



		The proposed 31 percent deep soil planting satisfies the deep soil planting requirements.	
<b>3.6.4.7 Waste bin requirements</b>	a) Space shall be allocated behind the primary and secondary building lines and out of public view to store the following for each dwelling:  i) one 140 litre bin ii) two 240 litre bins.	Sufficient space is provided in the side setback to store waste bins on each allotment.	Satisfactory
<b>3.6.4.8 Site Services</b>	a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	A condition of consent has been recommended.	Satisfactory
	b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	The site is readily serviced by existing essential services	Satisfactory
	c) All site services shall be placed underground.	A condition of consent has been recommended.	Satisfactory
	d) All communication dishes, antennae and the like shall be located to minimise visual prominence.	No details for antennae are provided, any such development will be required to comply with the relevant exempt provisions, unless separate consent is sought.	Satisfactory
<b>Part 11 – Vegetation and Wildlife Management</b>			
	<p>The development involves the removal of a street tree at the site's frontage. This tree is a <i>Callistemon viminalis</i>, commonly known as a bottlebrush tree. The application was referred to Council's Senior Environmental Officer who reviewed the application and recommended that a condition of consent to be included requiring the replacement of this street tree with the <i>Callistemon. viminalis</i> (Hannah Ray) cultivar on each allotment.</p> <p>The <i>Callistemon. viminalis</i> (Hannah Ray) cultivar has a slightly smaller growth habit and might avoid the heavy pruning that the Council street trees on this road appear to be subjected to due to their location under the power lines.</p> <p>The removal of the other trees on site was reviewed by Council's Senior Environmental Officer, who advised that those trees are planted less than 3m from the dwelling and therefore under the SCDCP 2015, they would be exempt from requiring approval to remove them.</p>		Satisfactory

It is considered that the proposed development is generally compliant with the requirements of CSDCP 2015.

## **2.8 Development Contributions**

Section 7.12 contributions apply to the proposed development. Condition of consent has been proposed.

## **3. Planning Assessment**

### **3.1 The Likely Impacts of the Development**

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 potential social and economic impacts. The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

#### **Demolition and Construction**

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration. Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

#### **Solar Access**

The shadow diagrams submitted with the development application demonstrate that due to the orientation of the lots and the design of the dwellings, the development does not have any unreasonable impacts on the solar amenity of the adjacent lots or on the useable private open space of the development.

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

Having regard to social and economic impacts generated by the development, the semi-detached dwelling development is contributing to the provision of affordable housing within the Ingleburn locality, to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

### **3.3 The Suitability of the Development**

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

The semi-detached dwelling development is permissible with consent in the R2 land use zone and is consistent with the objectives of the zone. The site comprises two existing allotments which are readily capable of accommodating the development.

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

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

### **3.4 Public Interest**

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposed development.

In addressing the above, Council is satisfied that the proposal is of the public interest.

### **4. Public Participation**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions. In accordance with Council's policy, the proposed development was required to be publicly notified.

The proposed development was notified to adjoining landowners on 24 July 2019 for a period of 14 days. Additionally, a sign bearing a set of notification plans was required to be displayed on site for the duration of the assessment. No submissions were received to the proposed development.

### **5. Conclusion**

The development application 2183/2019/DA-M proposing the demolition of an existing dwelling and the construction of two semi-detached dwellings at 25 Carinda Street, Ingleburn (Lot 58 and 59 Section D DP 1704) has been assessed against the heads consideration under Section 4.15 of the EP&A Act.

The proposal includes a Clause 4.6 variation to Clause 4.1C which relates to the minimum lot size for semi-detached dwellings within the R2 Zone. The proposal includes a 35.77 percent variation to the development standard. The applicant has submitted a Clause 4.6 variation which demonstrates the variation is well founded given the circumstances of the case. Therefore, the variation is supported.

The proposed development is consistent with the general intent of Campbelltown 2027 Community Strategic Plan which outlines the long term vision for the Campbelltown and Macarthur Region. The proposal is generally consistent with the aims and objectives of the R2 Low Residential Zone under the CLEP 2015 and is a permissible form of development with consent within the Zone. The development has been assessed against the relevant provision of the CLEP 2015 and the SCDP 2015.

The application was notified to nearby and adjoining neighbours and no submissions were received.

Overall, having regard to the matters of consideration under Section 4.15 of the EP&A Act and relevant matters discussed within this report, it is recommended that the proposed development at 25 Carinda Street, Ingleburn (Lot 58 and 59 Section D DP 1704), be approved subject to the recommended conditions of consent in attachment 1.

## **Attachments**

1. Recommended Conditions of Consent (contained within this report)
2. Site Plan (contained within this report)
3. Elevations (contained within this report)
4. Section (contained within this report)
5. Stormwater Concept Plan (contained within this report)
6. Landscape Plan (contained within this report)
7. External Colour Plan (contained within this report)
8. Floor Plans (for confidentiality reasons) (distributed under separate cover)

## **Reporting Officer**

Executive Manager Urban Centres

## GENERAL CONDITIONS

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

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

### 1. Approved Development

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

Plan / Document No.	Revision	Prepared by	Date
Site Plan Sheet No. DD-727-5	4	King Homes and Definitive Drafting	04/05/2020
Ground Floor Plan Sheet No. DD-727-7	4	King Homes and Definitive Drafting	04/05/2020
First Floor Plan Sheet No. DD-727-8	4	King Homes and Definitive Drafting	04/05/2020
Elevations Sheet No. DD-727-9	4	King Homes and Definitive Drafting	04/05/2020
Elevations Sheet No. DD-727-10	4	King Homes and Definitive Drafting	04/05/2020
Sections & Schedules Sheet No. DD-727-11	4	King Homes and Definitive Drafting	04/05/2020
Stormwater Concept Plan Sheet No. DD-727-14	4	King Homes and Definitive Drafting	04/05/2020
Landscape Plan Sheet No. DD-727-15	4	King Homes and Definitive Drafting	04/05/2020
External Colour Plan Sheet No. DD-727-1 (2 pages)	1	King Homes	23/01/2019

- a. Statement of Environmental Effects, Prepared by Auswide Consulting, Revision 1.5, dated April 2020.
- b. Basix Certificate No. 990651S\_02 and Basix Certificate No. 990618S\_02, dated 10 May 2019.
- c. Waste Management Plan, prepared by Definitive Drafting, dated January 2019.

### 2. Building Code of Australia

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

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

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that

such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

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

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

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

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

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

#### **5. Landscaping**

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

#### **6. External Finishes**

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

**7. Fencing**

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

**8. Council Street Tree**

Council street tree planting of *Callistemon viminalis* (Hannah Ray) is to be located on each allotment. The replacement trees are to be mature specimens of a minimum 75 litres pot size.

**9. On-site tree**

On-site tree planting of Native Wattle Gum is to be located on the front setback of each dwelling. Each tree shall have a minimum mature height of 8m and shall have a minimum pot size of 75 litres at planting.

**10. Visual Privacy**

Fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level:

- Window 8 in bedroom 2 and window 9 in bedrooms 3 of unit A.
- Window 19 in bedroom 2 and window 20 in bedroom 3 of unit B.

**11. Garage Door**

Internal access to the garage shall be provided via a sliding door.

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

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

**13. Driveway**

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

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

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in *Council's 'Engineering Design Guide for Development'* (as amended) and the applicable development control plan.



**15. 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.

**16. 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.

**17. 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.

All rainwater tanks shall 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*.

**18. 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 certifier; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any 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.

**19. 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.*

**20. Waste Management Plan**

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

**21. Demolition of Existing Dwelling**

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

**22. Soil and Water Management Plan**

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

**23. Classification of Residential Lots (Development with dwelling construction)**

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

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

**24. Stormwater Management Plan**

Stormwater shall be in compliance with Stormwater management plan no. 86606PB, Rev A, dated 16/06/2020 from Rafeletos Zanuttini.

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the drainage easement over 26 Brenda Street Ingleburn. All proposals shall comply with Council's '*Engineering Design Guide for Development*' (as amended) and the applicable development control plan.

**25. Drainage Easement**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan for approval by Council and have it registered with *Land*

and *Property Information NSW* for the creation of a suitable drainage easement to enable stormwater runoff to be conveyed from the subject site to the easement over 26 Brenda Street Ingleburn.

**26. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

**27. Work on Public Land**

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

**28. 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 certifier 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.

**29. 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 certifier 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).

**30. Section 7.12 Contributions**

Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$5,793.00** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018.

Indexation

The monetary contribution is based on a proposed cost of carrying out the development of **\$579,300.00**. This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$) =	$\frac{\$C_0 \times \text{Current CPI}}{\text{Base CPI}}$
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Where:

- $\$C_0$  is the original development cost estimate assessed at the time of the issue of consent.
- Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the time of the quarter immediately prior to the date of payment.
- Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution.

Note: The contribution payable will not be less than the contribution specified in this consent.

#### Time for payment

The contribution must be paid prior to the release of a construction certificate for any works authorising construction above the floor level of the ground floor.

#### Works in kind agreement

This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.

### **31. On-Site Detention Development**

OSD system shall comply with the Stormwater drawing 86606PB Rev A dated 16 June 2020 and requirements detailed in the *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

The ongoing maintenance of the on-site detention facility is the responsibility of the respective Lot Owner/s. In this regard, an Operation and Maintenance Manual for the detention facility shall be submitted to Council for approval, prior to Council or an accredited certifier issuing a construction certificate.

### **32. Maintenance Security Bond**

Prior to the principal certifier issuing a construction certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of the development and satisfactory clearance of all public areas. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

**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.

**33. 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.

**34. 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 certifier 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.

**35. 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.

**36. 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.

**37. Vehicular Access during Construction**

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

**38. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

**39. Footpath and Vehicular Crossing Levels**

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

**40. 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 the principal certifier 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 the principal certifier.
- 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 certifier attends 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.

**41. 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.

#### **42. 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.

#### **43. 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.

#### **44. 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 certifier. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

***Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.***

#### **45. 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.

**46. Fill Compaction Requirements**

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

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

**47. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

**48. 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 certifier.

**49. Excess Material**

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

**50. Revegetation**

Revegetation to the requirements of the manual – *'Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

**51. 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.

**52. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;*

- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

**53. Footpath**

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

**54. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

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

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

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

**56. 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.

**57. Redundant Laybacks**

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

**58. 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.

**59. Imported 'waste-derived' fill material**

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

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

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

### **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 a registered certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

#### **60. Section 73 Certificate**

Prior to the principal certifier 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 certifier prior to the issue of an occupation certificate.

#### **61. Structural Engineering Certificate**

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

#### **62. Completion of External Works Onsite**

Prior to the principal certifier 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 certifier.

#### **63. Restriction on the Use of Land**

Prior to the principal certifier issuing an occupation certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act

for easement to drain stormwater benefitting Lot 58 & 59 in DP 1704 (25 Carinda Street, Ingleburn) and burdening Lots 36 & 37 in DP 1704 (26 Brenda Street, Ingleburn).

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

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

Prior to the principal certifier 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)*.

**65. Restoration of Public Roads**

Prior to the principal certifier 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.

**66. Public Utilities**

Prior to the principal certifier 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.

**67. Service Authorities**

Prior to the principal certifier issuing an occupation certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

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

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

**68. Lot Numbers**

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

**69. BASIX**

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

**70. Council Fees and Charges**

Prior to the principal certifier 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.

**71. 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 certifier issuing an occupation certificate.

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

**Advice 2. Tree Preservation Order**

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

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

**Advice 3. Smoke Alarms**

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

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

**Advice 4. 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 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**

Council shall inspect the following stages of construction shall be inspected by Council.

- a. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.

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

**Advice 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. Dial before you Dig**

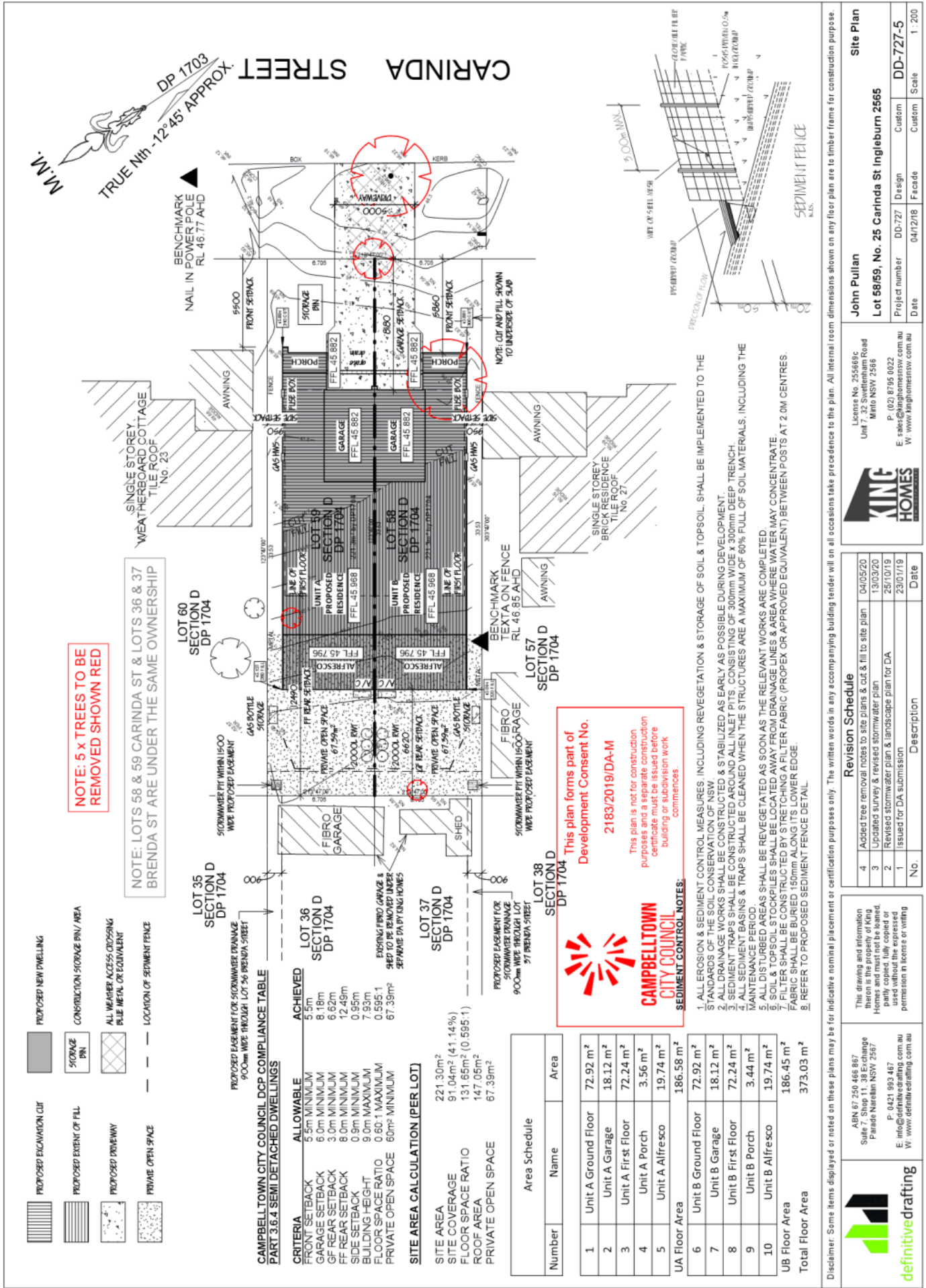
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures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

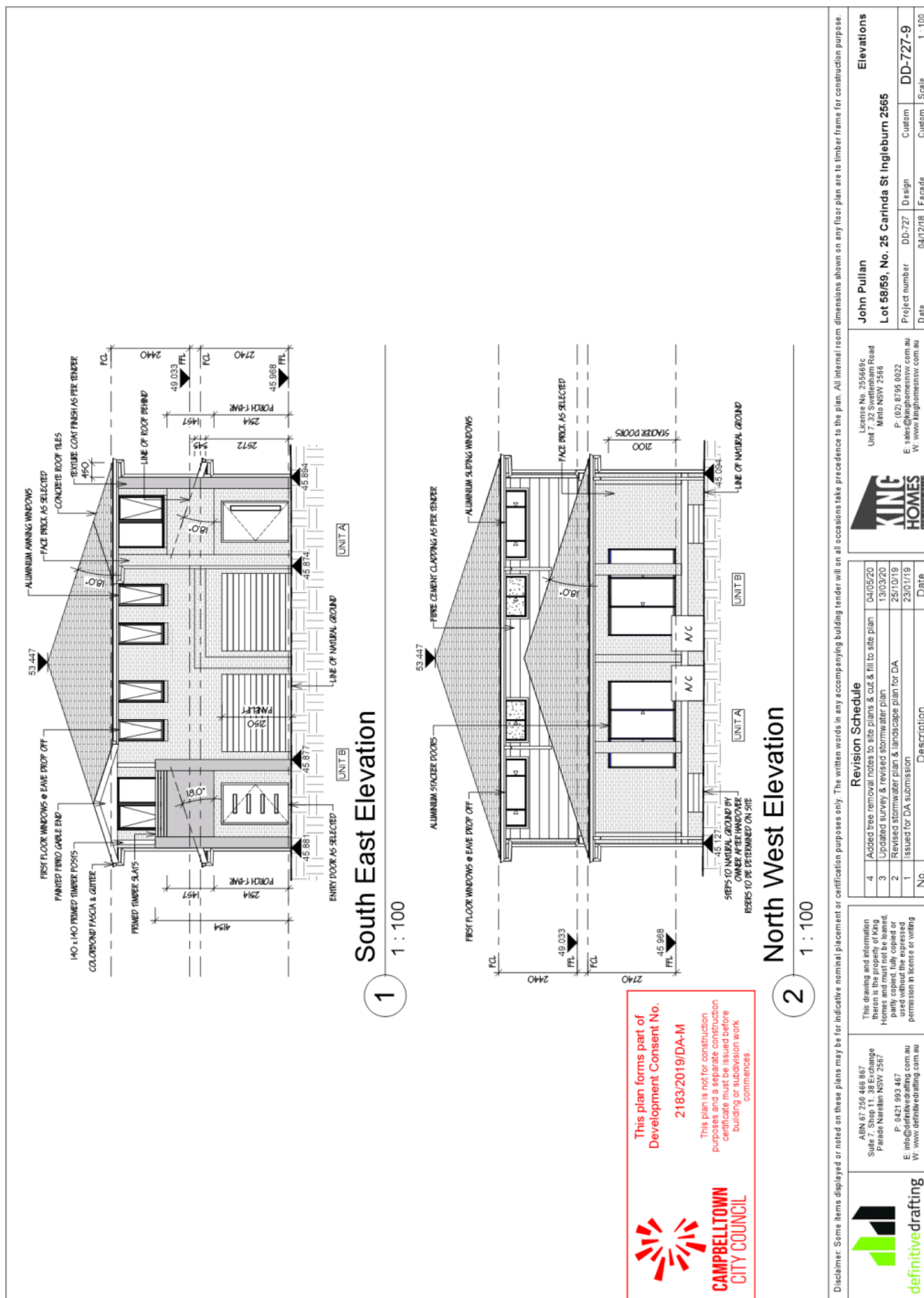
**Advice 13. Telecommunications Act 1997 (Commonwealth)**

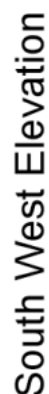
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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










North East Elevation



definitive drafting


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 E: info@definitivedrafting.com.au  
 W: www.definitivedrafting.com.au

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Revision Schedule

No	Description	Date
1	Issued for DA submission	23/01/19
2	Updated stormwater plan & landscape plan for DA	25/10/19
3	Revised survey & revised stormwater plan	13/03/20
4	Added tree removal notes to site plans & cut & fill to site plan	04/05/20



**KING HOMES**

**John Pullan**

**Lot 58/59, No. 25 Candlish St Ingleburn 2565**

License No. 255669C  
 Unit 7, 32 Swettenham Road  
 Minto NSW 2566

P: (02) 8795 0022  
 E: sales@kinghomesnsw.com.au  
 W: www.kinghomesnsw.com.au

**Elevations**

Project number	Design	Custom
DD-727	DD-727	DD-727-10
Date	04/12/18	Scale

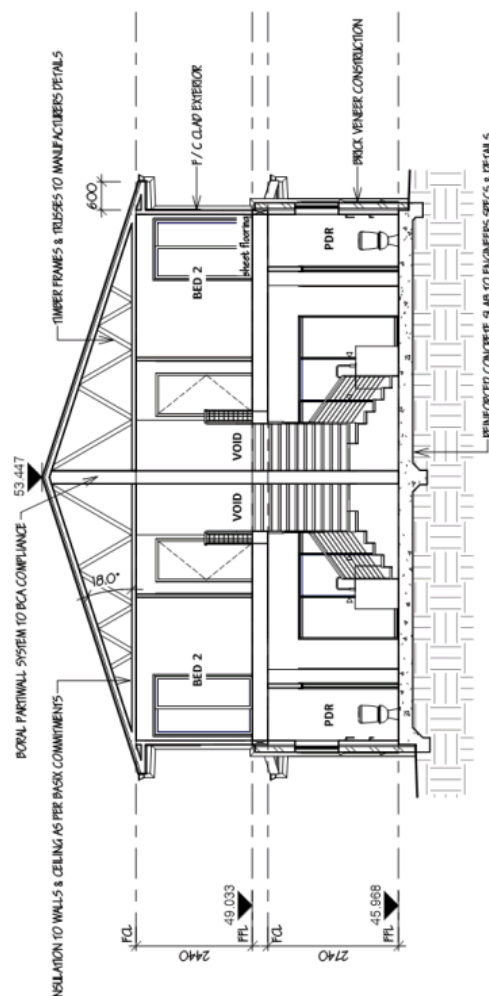


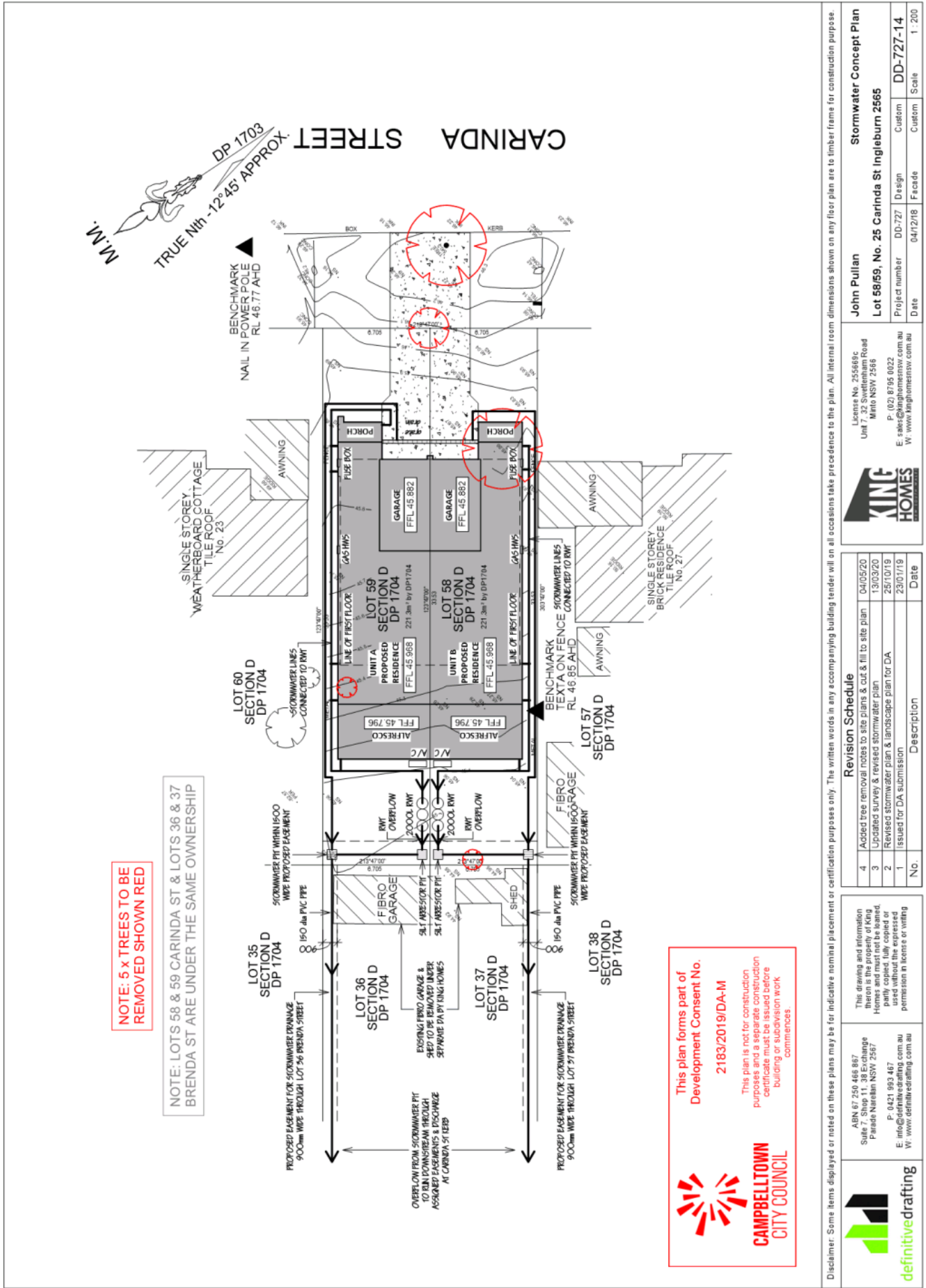
Door Schedule				
Dwelling	Mark	Material	Type	Height
Unit A	D1	Aluminum	External Stacker	2100
Unit A	D2	Aluminum	Panelift	2165
Unit A	D3	Colobond	Entry	2040
Unit A	D4	Semi-Solid/Glass	External Laundry	2040
Unit A	D5	Hollow Core	Internal Double	2040
Unit A	D6	Hollow Core	Internal	1720
Unit A	D7	Hollow Core	Internal	C T S
Unit A	D8	Hollow Core	Internal CSD	2040
Unit A	D9	Hollow Core	Internal CSD	720
Unit A	D10	Hollow Core	Internal CSD	2040
Unit A	D11	Hollow Core	Internal CSD	820
Unit A	D12	Hollow Core	Internal	2040
Unit A	D13	Hollow Core	Internal	2040
Unit A	D14	Hollow Core	Internal	820
Unit A	D15	Hollow Core	Internal	820
Unit A	D16	Hollow Core	Internal	2040
Unit A	D17	Aluminum	Sliding Robe	820
Unit A	D18	Aluminum	Sliding Robe	2040
Unit A	D19	Aluminum	Sliding Robe	2040
Unit B	D20	Aluminum	External Stacker	2100
Unit B	D21	Colobond	Panelift	2165
Unit B	D22	Solid	Entry	2040
Unit B	D23	Semi-Solid/Glass	External Laundry	2040
Unit B	D24	Hollow Core	Internal Double	1720
Unit B	D25	Hollow Core	Internal	820
Unit B	D26	Hollow Core	Internal	C T S
Unit B	D27	Hollow Core	Internal CSD	2040
Unit B	D28	Hollow Core	Internal CSD	820
Unit B	D29	Hollow Core	Internal CSD	2040
Unit B	D30	Hollow Core	Internal CSD	820
Unit B	D31	Hollow Core	Internal	2040
Unit B	D32	Hollow Core	Internal	2040
Unit B	D33	Hollow Core	Internal	2040
Unit B	D34	Hollow Core	Internal	820
Unit B	D35	Hollow Core	Internal	2040
Unit B	D36	Aluminum	Sliding Robe	2040
Unit B	D37	Aluminum	Sliding Robe	2040
Unit B	D38	Aluminum	Sliding Robe	1300

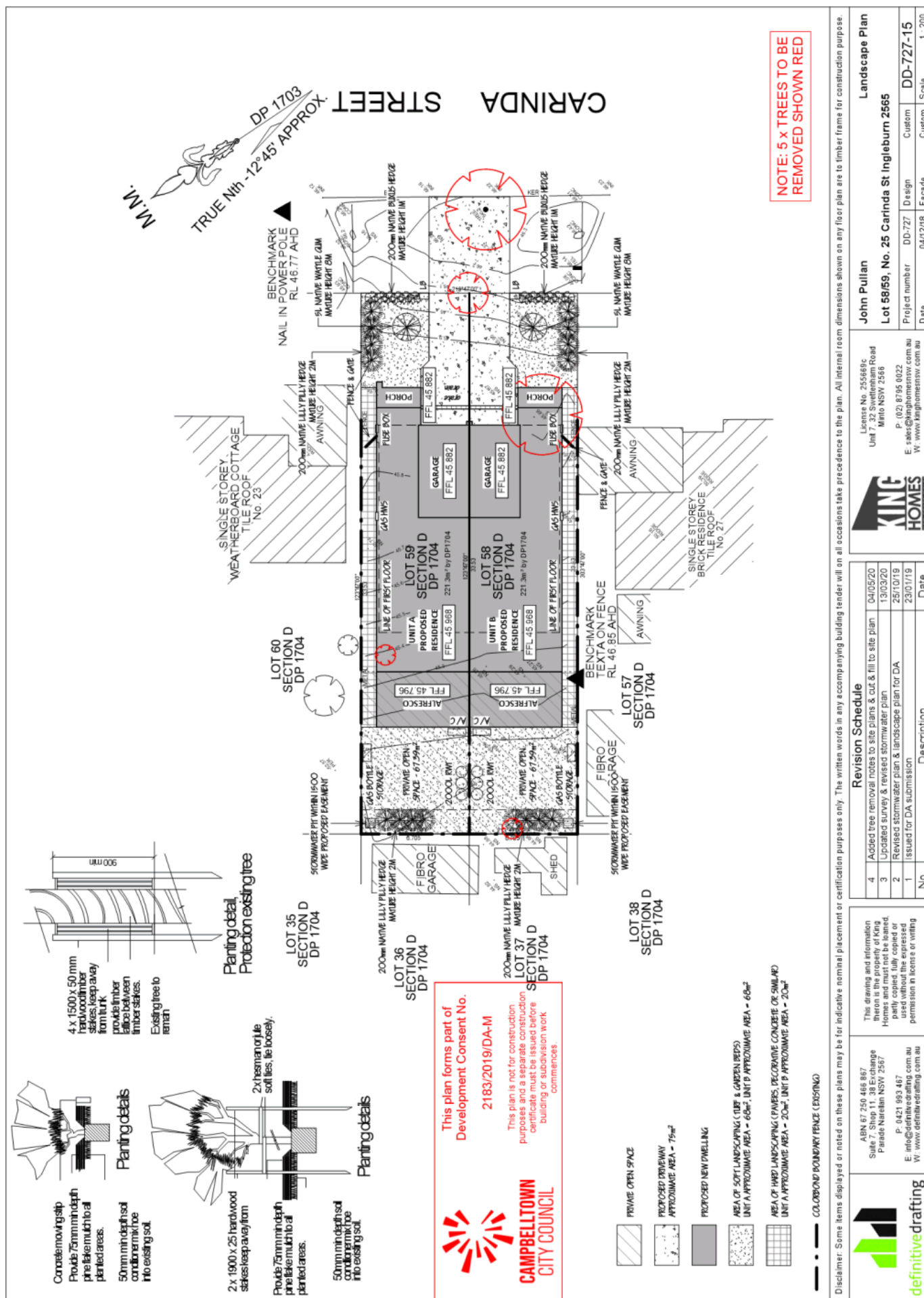
Window Schedule							
Dwelling	Mark	Material	Style	Height	Width	Glazing	Glass Area
Unit A	W1	Aluminium	Sliding	600	1570	Clear	0.94 m²
	W2	Aluminium	Sliding	860	1210	Translucent	1.04 m²
	W3	Aluminium	Sliding	2060	610	Clear	1.26 m²
	W4	Aluminium	Sliding	2060	610	Clear	1.26 m²
	W5	Aluminium	Awning	1370	610	Clear	0.84 m²
	W6	Aluminium	Awning	1370	610	Clear	0.84 m²
	W7	Aluminium	Awning	1370	1570	Clear	2.15 m²
	W8	Aluminium	Sliding	1030	1810	Clear	1.86 m²
	W9	Aluminium	Sliding	1030	1810	Clear	1.86 m²
Unit B	W10	Aluminium	Sliding	600	2050	Clear	1.23 m²
	W11	Aluminium	Sliding	600	1210	Translucent	0.73 m²
	W12	Aluminium	Sliding	600	1570	Clear	0.94 m²
	W13	Aluminium	Sliding	860	1210	Translucent	1.04 m²
	W14	Aluminium	Sliding	2060	610	Clear	1.26 m²
	W15	Aluminium	Sliding	2060	610	Clear	1.26 m²
	W16	Aluminium	Awning	1370	610	Clear	0.84 m²
	W17	Aluminium	Awning	1370	610	Clear	0.84 m²
	W18	Aluminium	Awning	1370	1570	Clear	2.15 m²
	W19	Aluminium	Sliding	1030	1810	Clear	1.86 m²
	W20	Aluminium	Sliding	1030	1810	Clear	1.86 m²
	W21	Aluminium	Sliding	600	2050	Clear	1.23 m²
	W22	Aluminium	Sliding	600	1210	Translucent	0.73 m²


**CAMPBELLTOWN**  
**CITY COUNCIL**

This plan forms part of  
 Development Consent No.  
 2183/2019/DA-M  
 This plan is not for construction  
 purposes and a separate construction  
 certificate must be issued before  
 building or subdivision work  
 commences

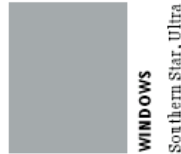
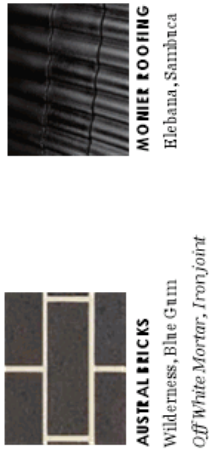
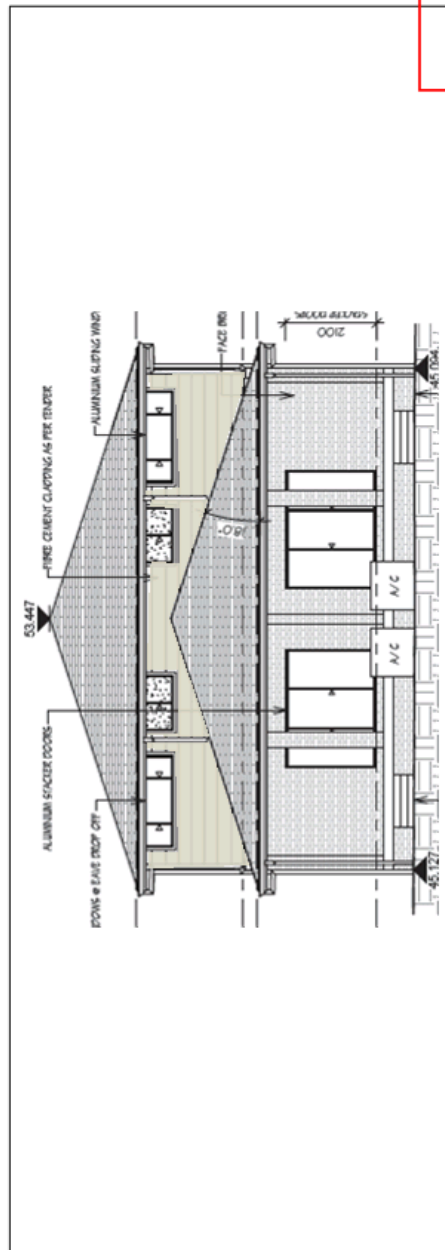
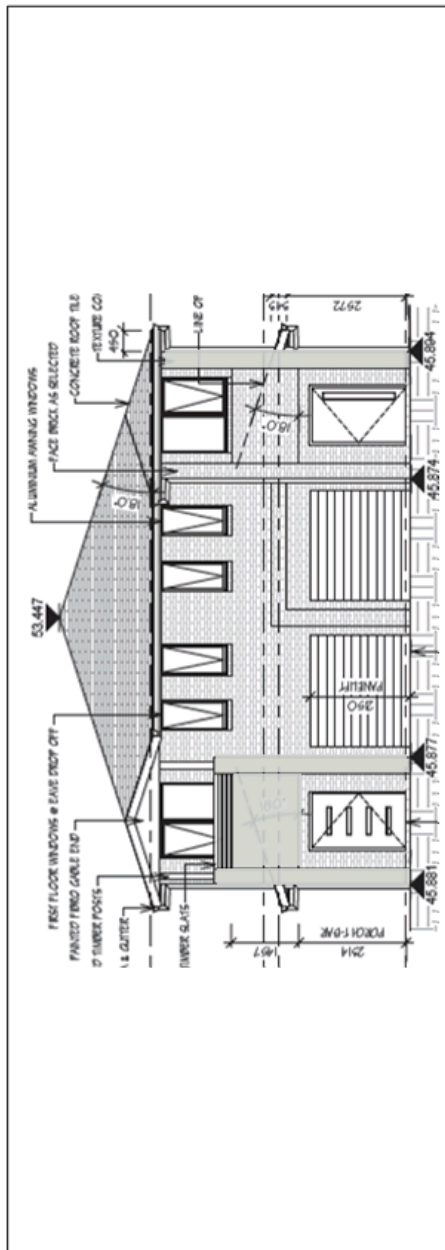








## EXTERNAL COLOUR PLAN



This plan forms part of  
Development Consent No.

2183/2019/DA-M

This plan is not for construction  
purposes and a separate construction  
certificate must be issued before  
building or subdivision work  
commences.

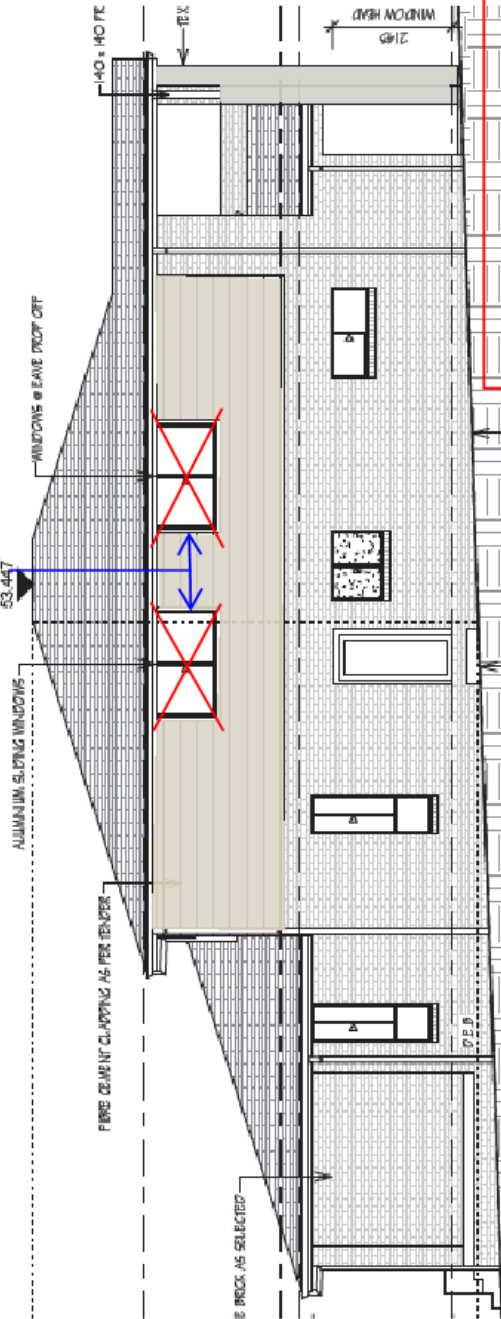
**BRICKWORKS**  
— BUILDING PRODUCTS —

Revision Schedule		Notes	
No.	Description	Project number	Scale
1	Issued for DA submission	DD-727	DD-727
		Date	Scale
		04/12/10	Custom
		04/12/10	Custom

		<b>John Fullan</b> Lot 68/69, No. 26 Carinda St Ingleburn 2666	
License No. 250296 Unit 7, 32 Swindhurst Road Minto NSW 2566 P. 02 3750 0022 F. 02 3750 0022 W. www.kinghomes.com.au		Project number DD-727 Design Custom Date 04/12/10 Pre-sale Custom	



Refer to Condition 10 - Visual Privacy - of  
the development consent



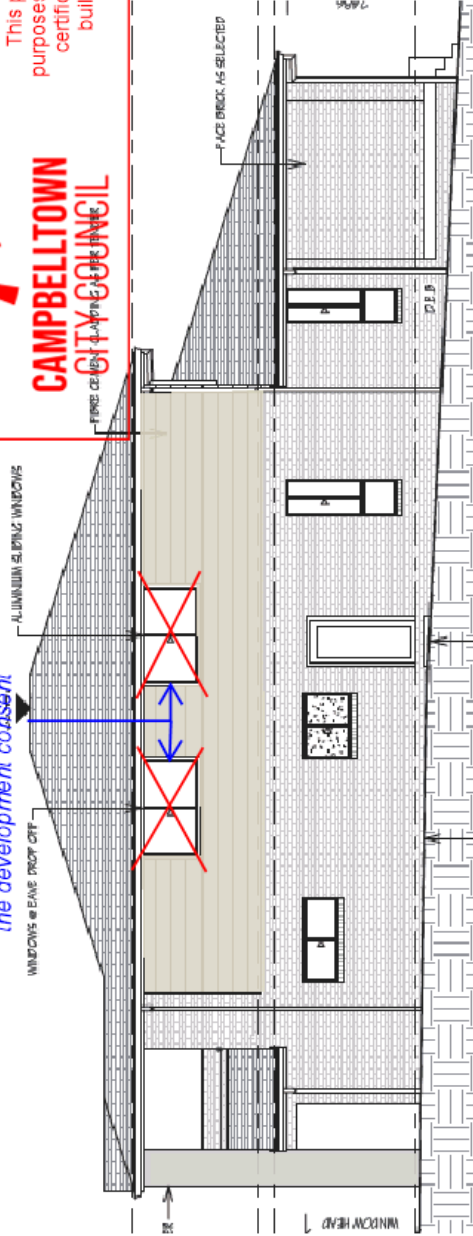
This plan forms part of  
Development Consent No.

2183/2019/DA-M

This plan is not for construction  
purposes and a separate construction  
certificate must be issued before  
building or subdivision work  
commences.

**CAMPBELLTOWN  
CITY COUNCIL**

Refer to Condition 10 - Visual Privacy - of  
the development consent



## 4.7 Update to Operational Procedures

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

That the Panel adopt the Campbelltown Local Planning Panel Operational Guidelines as attached for publication on Council's website.

### History

The Campbelltown City Council Local Planning Panel adopted Operational Guidelines at its meeting on 26 February 2020.

Since this time, the Panel has operated in accordance with the model Operational Procedures and the published Code of Conduct as established by the Section 9.1 Ministerial Directions.

On 30 June 2020, the Minister for planning and Public Spaces issued the following Local Planning Panels Directions to take effect from 1 August 2020:

1. Operational Procedures
2. Development Applications and Applications to Modify Consents

On the grounds that the Panel has already provided delegation in relation to the modification of development applications, this report only addresses consequential amendments arising from item 1 above.

### Report

This report recommends the Panel adopt an updated Operational Guideline provided at attachment 1 that generally reflects the requirements of the updated Direction.

As outlined by NSW Department of Planning, Industry and Environment, the amended Operational Procedures Direction provided at attachment 2, is intended to speed up panel determinations by:

- reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings
- obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes
- allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement

- introducing panel performance measures.

In addition to above, it is proposed the Operational Guideline be updated to outline that Panel members will be issued electronic links to the relevant development application, relevant local environmental plan, and relevant development control plan when the Business Paper for a meeting is issued. It is also proposed this procedure would require a declaration from each Panel member that the relevant supporting information has been accessed prior to the meeting.


Should the Panel support the adoption of the updated Operational Guideline, it would be uploaded onto the Local Planning Panel page of Council's website.

### **Attachments**

1. Original Local Planning Panel Operation Guidelines (contained within this report)
2. Operational Procedures June 2020 (contained within this report)
3. Updated Local Planning Panel Operation Guidelines (contained within this report)

### **Reporting Officer**

Executive Manager Urban Release and Engagement

 <b>CAMPBELLTOWN CITY COUNCIL</b>	<b>CITY DEVELOPMENT</b>
<b>Campbelltown City Local Planning Panel Operation Guidelines</b>	
<p><b>Definitions</b></p> <p><b>Council</b> means Campbelltown City Council</p> <p><b>Development Application (DA)</b> means an application under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate</p> <p><b>Minister</b> means the Minister for Planning</p> <p><b>Panel</b> or planning panel means the Campbelltown Local Planning Panel</p> <p><b>Planning Proposal</b> means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument</p> <p><b>1. Purpose</b></p> <ol style="list-style-type: none"> <li>a. These Guidelines should be read in conjunction with the provisions relating to local planning panels as contained in Division 2.5 and Schedules 2 &amp; 4B and the direction made by the Minister for Planning on 23 February 2018 under section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>b. The Guidelines may be periodically reviewed but shall remain in force in their present form unless amended.</li> </ol> <p><b>2. Determination of Development Applications</b></p> <ol style="list-style-type: none"> <li>a. <u>Before the Meeting</u> <ol style="list-style-type: none"> <li>i. Panel Chairs and Panel Members will be provided with a draft list of items for a meeting two weeks prior to the date of the Panel Meeting.</li> <li>ii. Any conflicts of interest are required to be declared to Council as soon as possible and preferably by the close of business on the day following the notification in the paragraph above.</li> <li>iii. The Chair shall decide whether or not a panel member shall be replaced for the purpose of the particular meeting or item as a result of the conflict(s) declared.</li> <li>iv. The Panel Meeting Business Paper for Public Meeting will be sent electronically to the Panel Chair and selected Panel Members one week prior to the Panel Meeting. If necessary, an electronic link to the documentation such as architectural drawings, engineering drawings etc may also be sent. Paper copies of the Business Paper will also be sent to members by express post on the same day as electronic notification.</li> <li>v. The Business Paper for the Public Meeting will be made publicly available on Council's website the week prior to the Panel Meeting.</li> <li>vi. Applicants and people who have made written submissions will be advised of the</li> </ol> </li> </ol>	

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Urban Release and Engagement  
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Review Date: 30/06/2022

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Public Meeting date the week prior to the Panel Meeting.

- vii. People wishing to address the Panel at the Public Meeting must register on the Council's website by midday the day prior to the meeting.
- viii. Unless the Chair otherwise permits, any person wishing to address the Panel must have already lodged a written submission on the subject development application.
- ix. It is the absolute discretion of the Chair to accept or refuse additional submissions, documents, reports and amended plans at the meeting.

b. Site Inspection

- i. Site inspections will be held in respect of each matter that is to come before a meeting of the Panel unless the Chair determines otherwise. Site inspections shall, so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.
- ii. Site inspections are not open to applicants, objectors, or members of the public. Where an applicant or owner needs to be present to facilitate access to a property, the applicant / owner is not permitted to address panel members.
- iii. Council staff will accompany the Panel onsite inspections as appropriate to provide information to panel members.

c. The Panel Meeting

- i. Public Meetings of the Panel will generally be held on the third Wednesday of each month at Council's Administration Centre. The time of each meeting will be determined after a review of the agenda.
- ii. Speakers in relation to Development Applications at the Public Meeting of the Panel shall be heard in the following order:

- any objectors or other persons who wish to make representations; and then
- the applicant or the applicant's representative

Unless the Chair otherwise permits, any person who addresses the Panel at any meeting of the Panel may speak for no more than three minutes in respect of any one matter before any particular meeting. The Panel Chair may exercise discretion and allow for an extension of time as required to ensure all issues are properly considered. Where there are a large number of objectors with a common interest, and at the discretion of the Chair, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

- iii. The Panel Chair or any Panel Member may seek to clarify any matter with the speaker. Council staff may be invited to respond to any issues raised by the Panel Chair.
- iv. A person is not entitled to be legally represented at any meeting of the Panel unless the Chair grants permission in any particular case. On granting any such permission,

the Chair shall have regard to the following matters:

- the nature and complexity of the matter and whether it involves a question of law
- whether the person has the capacity to present their submission without legal representation, and
- such other matters as the Chair considers relevant

- v. The Chair shall be responsible for the good and orderly conduct of the Public Meeting and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the Panel or site inspection carried out by the Panel in the performance of its functions.
- vi. A person, whether a member of the Panel or a member of the public, shall not speak while another person is speaking or otherwise interrupt that person while speaking. Nothing in this guideline prevents a member of the Panel from raising a point of order.
- vii. Following the speakers' addresses on all listed matters, the usual operation of the Panel will be to close the public session of the meeting, deliberate on and determine the matters. Decisions of the Panel will be notified on Council's web site within two (2) business days of the Panel Meeting. Where considered appropriate by the Chair, the panel may re-open the public meeting to announce its decision.
- viii. There is no further opportunity for debate with the Panel members or the applicant and/or their representatives and speakers are not allowed to enter into unsolicited comment or argument with the Panel.
- ix. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to the applicant with the reasons for deferral, a copy of which will be made available on Council's website.
- x. Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting and entitled to vote. If votes are tied, the Panel Chair will have the casting vote. Voting will be recorded in the minutes.

d. After the Panel Meeting

- i. Minutes of the Panel Meeting shall be endorsed by the Panel Chair.
- ii. Minutes of the Panel Meeting will ordinarily be made publicly available on Council's website within two business days following the meeting. Where email or postal addresses are available, submitters will be advised of the Panel's decision.
- iii. Except where a matter is deferred, the applicant shall be provided by Council with a Notice of Determination in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations as soon as practicable.
- iv. Upon the submission of additional information in satisfaction of a deferred matter, the application, upon direction of the Panel Chair, may either be rescheduled to the next available Panel meeting or circulated electronically to Panel members for determination. The minutes of any deferred matter determined electronically will be

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Urban Release and Engagement  
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placed on Council's website within two business days of the decision.

### 3. Consideration of Planning Proposals

- a. Planning Proposals are referred to the Panel for advice only. A proposal is to be referred to the Panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (forwarded by the Council for a Gateway determination).
- b. Planning Proposals will be referred to the Panel for advice unless the Council's General Manager determines that the planning proposal relates to:
  - the correction of an obvious error in a local environmental plan,
  - matters that are of an inconsequential, transitional, machinery or other minor nature, or
  - matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.
- c. Planning Proposals initiated by an application to Council from either a Proponent, Council staff or resolution of Council will be forwarded to the Panel for advice prior to the reporting of the matter by Council staff to the Elected Council. Any advice provided by the Panel shall form part of the reporting of the matter to the Elected Council.
- d. Council staff will provide a report to the Panel regarding each Planning Proposal on which it is seeking the advice of the Panel in the manner required by the Ministerial Direction dated 27 September 2018.
- e. As Planning Proposals are referred to the Panel for advice only, the Panel will generally provide such advice by circulation of papers electronically following a briefing by Council staff. The report and briefing will not involve persons other than Council staff and will not be held in public. The listing of a Planning Proposal on the agenda for the advice of the Panel will only reference the address of the land or any other description appropriate to describe the land, where relevant.
- f. The arrangements for the Panel before the briefing, and general administrative matters associated with the Panel shall be generally the same as for development applications, including distribution of papers to Panel Members, site inspections and Council staff and administrative support provided by the Council to the panel.
- g. Briefings or presentations to obtain advice on Planning Proposals will be provided by Council staff on the same day that the Panel considers Development Applications wherever practicable. At the discretion of the Chair, an applicant may provide a presentation to the Panel to facilitate consideration of the proposal.
- h. The Panel's advice on Planning Proposals will be published on Council's web site in the meeting minutes within two days of the briefing.

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**LOCAL PLANNING PANELS DIRECTION – OPERATIONAL PROCEDURES**

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

Signature removed

Minister for Planning and Public Spaces

Dated:

30-06-2020

**Objective**

The objective of this direction is to set procedures for how local planning panels are to operate.

**Application**

This direction applies to a local planning panel constituted under the *Environmental Planning and Assessment Act 1979* (Act).

**Note:** Local planning panels are independent committees appointed by councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Subject to these procedures, any direction by council and the requirements of the Act, the panel is to determine how to call meetings and conduct its business.

**Direction**

Local planning panels are directed to comply with the operational procedures set out in Schedule 1 to this direction.

In this direction, any reference to 'development applications' includes applications to modify development consents.

This direction takes effect on 1 August 2020.

**SCHEDULE 1 – OPERATIONAL PROCEDURES****PART 1 – Panel composition****1.1 Chair selection and rotation**

1. The chair and any alternate chairs are to rotate presiding over panel meetings, or other business, as practicable, unless the chair or alternative chair is unavailable for any reason.
2. Where possible, deferred matters should be considered by the chair that presided over the original deferment.

**1.2 Independent expert members and alternates**

1. The independent expert members and alternate members can be interchanged as needed by the chair for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unavailable, or
  - c. to periodically rotate the members.

**1.3 Community representatives for wards and use of alternates**

1. A community representative member can be interchanged as needed by the chair or alternate chairs for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unavailable, or
  - c. to periodically rotate the members.

**PART 2 – Reviews of panel decisions****2.1 Reviews**

1. The determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination.

**PART 3 – Meeting and other business procedures****3.1 Role of chair**

1. The chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
2. The chair is to preside over panel meetings and other business.
3. The chair is to ensure the panel fully discharges its responsibilities under the Act, these operational procedures, any other directions from council, and the code of conduct for local panel members in a timely manner.
4. The chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of its functions.
5. The chair is to determine which alternative chair, independent expert members or alternates, and which community representative or alternates are to hear a matter prior

to consideration of the matter commencing. The chair may make arrangements with the general manager (or delegate) to determine independent expert members or alternates, and which community representatives or alternates are to hear a matter.

### **3.2 Role of alternate chairs**

1. Alternate chairs have the same role as the chair when presiding over a panel meeting or any other business.

### **3.3 Meeting and other business procedures**

1. The panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection.
2. A **unique submission** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.
3. The panel may determine detailed procedures for the execution of efficient and effective meetings and any other business.
4. The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.
5. The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
6. The panel must give reasonable notice to the public of the times and places of its meetings. This must be through the website used by the panel and may include other mechanisms as appropriate.
7. The panel may:
  - a. adjourn the public meeting where a panel briefing is required to hear confidential or sensitive information or to deliberate before reconvening for voting and determination; or
  - b. close the public meeting for deliberation and/or voting and determination.
8. With a view to discharging its responsibilities in a timely manner, the panel may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel. Where, there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.
9. The panel shall hold meetings or transact its business as required to meet panel demands and workloads.
10. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.

### **3.4 Site inspections and panel briefings**

1. The chair may elect for the panel to attend site inspections or panel briefings for development applications and planning proposals prior to the panel's consideration
2. Site visits should be conducted on the same day as a public meeting, if practicable.

3. Site visits and panel briefings are solely to be used to identify and clarify issues with a proposal.
4. At a site visit or panel briefing, a panel member must not offer an opinion on the merit of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendation.
5. The panel may be briefed by council staff and any other person engaged in the assessment of the matter about the proposal. On request, and at the chair's discretion, the applicant may attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
6. A written record of the site visit or briefing must be made publicly available on the panel's website.

### **3.5 Transaction of business outside meetings**

1. Where a development application is the subject of less than 10 unique submissions by way of objection, the panel is able to determine the application by an electronic circulation of papers.
2. Planning proposals are able to be considered by an electronic circulation of papers.
3. Decisions made by electronic circulation of papers are to be recorded in the panel's minutes and made publicly available on the panel's website.

## **PART 4 – Other matters**

### **4.1 Obligation to consult with council if adverse financial impacts**

1. A panel must not exercise a function that will result in the making of a decision that would have, or that might reasonably be expected to have, a significantly adverse financial impact on a council until after it has consulted with the council.
2. The consultation may be in writing, with the council being given a specified time to respond in writing. Where a meeting with the General Manager (or delegate) is to be held to discuss the matter, all relevant panel members should be present, and minutes kept of the meeting and its outcomes.

### **4.2 Interactions with third parties about matters before the panel**

1. Panel members are not to discuss any matter that is to be considered by the panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of the local planning panel meeting.
2. This does not apply to persons employed by the council to assess the matters to be considered by the panel, nor to panel briefings as specified in Part 3.4.


### **4.3 Deferring determinations**

1. Where the panel determines to defer its determination of an application, it must record the reasons for the deferral in its minutes.
2. Where the determination of an application is deferred pending the provision of additional information, the panel must specify the timeframe in which the information is to be provided to the council for assessment.

#### 4.4 Panel performance

1. Once a planning assessment is completed by the council and referred to the panel, the panel will be expected to:
  - a. determine the matter within 2 weeks (14 calendar days) for development and modification of consent applications; and
  - b. provide its advice within 2 weeks (14 calendar days) on planning proposals.
2. Panel chairs are obliged to work with senior council staff to ensure that key issues are addressed during assessment, in order to minimise the number of deferrals by the panel at determination stage.
3. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the panel chair may require the council to report the matter to the panel within 4 weeks for determination.

**Note:** The requirements relating to the timeframes for assessing development applications under the *Environmental Planning and Assessment Regulation 2000* must be considered.

 <b>CAMPBELLTOWN CITY COUNCIL</b>	<b>Local Planning Panel City Development</b>
<b>Campbelltown City Local Planning Panel Operation Guidelines</b>	
<b>Definitions</b>	
<b>Council</b> means Campbelltown City Council	
<b>Development Application (DA)</b> means an application under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate	
<b>Minister</b> means the Minister for Planning and Public Spaces	
<b>Panel</b> or planning panel means the Campbelltown City Council Local Planning Panel	
<b>Planning Proposal</b> means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument	
<b>1. Purpose</b>	
<ol style="list-style-type: none"> <li>a. These Guidelines should be read in conjunction with the provisions relating to local planning panels as contained in Division 2.5 and Schedules 2 and the Direction made by the Minister for Planning and Public Spaces on 30 June 2020 under section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>b. The Guidelines may be periodically reviewed but shall remain in force in their present form unless amended.</li> </ol>	
<b>2. Panel Performance</b>	
<ol style="list-style-type: none"> <li>a. Once a planning assessment is completed and referred to the Panel, the Panel will be expected to:             <ol style="list-style-type: none"> <li>i. Make a decision on the matter within 2 weeks (14 calendar days from publication of the Agenda on Council's website for the purpose of a public or electronic meeting) of the application being referred to the Panel for development and modification of consent applications; and</li> <li>ii. Provide its advice within 2 weeks (14 calendar days) on planning proposals.</li> </ol> </li> <li>b. Panel Chairs will work with Council's senior staff on an ongoing basis and discuss issues related to the processing of those applications to ensure key issues are addressed during assessments, in order to minimise the number of deferrals at determination stage.</li> <li>c. On a monthly basis, the Principal Panel Chair will meeting with Senior Council staff to identify all applications that meet the criteria for determination by the Panel, including, details of applicant, property address, development description, days since lodgement and status of assessment.</li> <li>d. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the Principal Panel Chair may require the Council to report the matter to the Panel's next available meeting for its decision.</li> </ol>	

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### 3. Determination of Development Applications

#### a. Before the Meeting

- i. Any conflicts of interest are required to be declared to Council as soon as possible and preferably by the close of business on the day following the notification in the paragraph above. The Chair shall decide whether or not a panel member shall be replaced for the purpose of the particular meeting or item as a result of the conflict(s) declared.
- ii. The Panel Meeting Business Paper and relevant submissions will be sent electronically to the Panel Chair and sitting Panel Members one week prior to its meeting. An electronic link to the relevant Development Application, relevant Local Environmental Planning Instrument and Relevant Development Control Plan will also be sent. Paper copies of the Business Paper will also be sent to members by express post on the same day as electronic notification.
- iii. Each Panel member is to confirm in writing they have reviewed the documents produced to the Panel prior to its meeting, including the matters outlined in Section 3(a)(ii) above, via a form to be distributed to the Panel.
- iv. The Business Paper for the Public Meeting will be made publicly available on Council's website the week prior to the Panel Meeting.
- v. Applicants and people who have made written submissions will be advised of the Public Meeting date the week prior to the Panel Meeting
- vi. People wishing to address the Panel at the Public Meeting must register on the Council's website by midday the day prior to the meeting
- vii. It is the absolute discretion of the Chair to accept or refuse additional submissions, documents, reports and amended plans at the meeting

#### b. Site Inspection

- i. Site inspections will be held in respect of each matter that is to come before a meeting of the Panel unless the Chair determines otherwise. Site inspections shall, so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.
- ii. Site inspections are not open to applicants, objectors, or members of the public. Where an applicant or owner needs to be present to facilitate access to a property, the applicant / owner is not permitted to address panel members.
- iii. Council staff will accompany the Panel onsite inspections as appropriate to provide information to panel members.
- iv. A written record of the site visit must be made available in the meeting minutes.

#### c. Panel Briefings

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- i. The Panel may be briefed by council staff and any other person engaged in the assessment of the matter about the proposal. On request, and at the Chair's discretion, the applicant may attend a briefing, along with Council staff, to explain complex matters or present confidential or commercially sensitive material.
- ii. A written record of the briefing must be made available on the Panel's meeting minutes.

d. **The Panel Meeting**

- i. Public Meetings of the Panel will generally be held on the third Wednesday of each month at Council's Administration Centre. The time of each meeting will be determined after a review of the agenda.
- ii. Speakers in relation to Development Applications at the Public Meeting of the Panel shall be heard in the following order:
  - any objectors or other persons who wish to make representations; and then
  - the applicant or the applicant representative

Unless the Chair otherwise permits, any person who addresses the Panel at any meeting of the Panel may speak for no more than three minutes in respect of any one matter before any particular meeting. The Panel Chair may exercise discretion and allow for an extension of time as required to ensure all issues are properly considered. Where there are a large number of objectors with a common interest, and at the discretion of the Chair, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

- iii. The Panel Chair or any Panel Member may seek to clarify any matter with the speaker. Council staff may be invited to respond to any issues raised by the Panel Chair.
- iv. A person is not entitled to be legally represented at any meeting of the Panel unless the Chair grants permission in any particular case. On granting any such permission, the Chair shall have regard to the following matters:
  - the nature and complexity of the matter and whether it involves a question of law
  - whether the person has the capacity to present their submission without legal representation, and
  - such other matters as the Chair considers relevant
- v. The Chair shall be responsible for the good and orderly conduct of the Public Meeting and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the Panel or site inspection carried out by the Panel in the performance of its functions.
- vi. A person, whether a member of the Panel or a member of the public, shall not speak while another person is speaking or otherwise interrupt that person while speaking. Nothing in this guideline prevents a member of the Panel from raising a point of order.
- vii. Following the speakers' addresses on all listed matters, the usual operation of the Panel will be to close the public session of the meeting, deliberate on and determine the matters. Decisions of the Panel will be notified on Council's web site within 2 business days of the Panel Meeting. Where considered appropriate by the Chair, the panel may re-open the public meeting to announce its decision.

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- viii. There is no further opportunity for debate with the Panel members or the applicant and/or their representatives and speakers are not allowed to enter into unsolicited comment or argument with the Panel.
- ix. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to the applicant with the reasons for deferral, and specifying the **timeframe in which the information is to be provided for assessment**. A copy of the Panel's decision will be made available on the Council's website.
- x. Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting and entitled to vote. If votes are tied, the Panel Chair will have the casting vote. Voting will be recorded in the minutes.

**e. Transaction of business outside meetings**

- i. Where a development application is the subject of less than 10 unique submissions by way of objection, the Panel is able to determine the application by electronic circulation of papers.
- ii. Decisions made by electronic circulation of papers must be made available on the Panel's meeting minutes.
- iii. The provisions of Section 3(a) and 3(b) remain applicable for electronic determinations.

**f. After the Panel Meeting**

- i. Minutes of the Panel Meeting shall be endorsed by the Panel Chair.
- ii. Minutes of the Panel Meeting will ordinarily be made publicly available on Council's website within two business days following the meeting. Where email or postal addresses are available, submitters will be advised of the Panel's decision.
- iii. Except where a matter is deferred, the applicant shall be provided by Council with a Notice of Determination in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulations* as soon as practicable.
- iv. Upon the submission of additional information in satisfaction of a deferred matter, the application, upon direction of the Panel Chair, may either be rescheduled to the next available Panel meeting or circulated electronically to Panel members for determination. The minutes of any deferred matter determined electronically will be placed on Council's website within two business days of the decision.

**4. Consideration of Planning Proposals**

- a. Planning Proposals are referred to the Panel for advice only. A proposal is to be referred to the Panel before it is forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979* (forwarded by the Council for a Gateway determination).
- b. Planning Proposals will be referred to the Panel for advice unless the Council's General Manager determines that the planning proposal relates to:

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- the correction of an obvious error in a local environmental plan,
  - matters that are of an inconsequential, transitional, machinery or other minor nature, or
  - matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.
- c. Planning Proposals initiated by an application to Council from either a Proponent, Council staff or resolution of Council will be forwarded to the Panel for advice prior to the reporting of the matter by Council staff to the Elected Council. Any advice provided by the Panel shall form part of the reporting of the matter to the Elected Council.
- d. Council staff will provide a report to the Panel regarding each Planning Proposal on which it is seeking the advice of the Panel in the manner required by the Ministerial direction dated 30 June 2020.
- e. As Planning Proposals are referred to the Panel for advice only, the Panel will generally provide such advice by circulation of papers electronically following a briefing by Council staff. The report and briefing will not involve persons other than Council staff and will not be held in public. The listing of a Planning Proposal on the agenda for the advice of the Panel will only reference the address of the land or any other description appropriate to describe the land, where relevant.
- f. The arrangements for the Panel before the briefing, and general administrative matters associated with the Panel shall be generally the same as for development applications, including distribution of papers to Panel Members, site inspections and Council staff and administrative support provided by the Council to the panel.
- g. Briefings or presentations to obtain advice on Planning Proposals will be provided by Council staff on the same day that the Panel considers Development Applications wherever practicable. At the discretion of the Chair, an applicant may provide a presentation to the Panel to facilitate consideration of the proposal.
- h. The Panel's advice on Planning Proposals will be published on Council's web site in the meeting minutes within two days of the briefing.

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## **5. CONFIDENTIAL ITEMS**

### **5.1 Planning Proposal Request - Campbelltown**

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(f) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

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