



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

27 OCTOBER 2021

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held in via Microsoft Teams on **Wednesday, 27 October 2021 at 3.00pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS

6

- 4.1 Modification of development consent for 3 storey senior living development at 1 Reddall Street, Campbelltown

6

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 your questions at the end of your submission.

Recommendations of the Panel

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

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The panel's recommendations become public day following the Local Planning Panel meeting.

Information

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

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

Lindy Deitz
General Manager

4. REPORTS

4.1 Modification of development consent for 3 storey senior living development at 1 Reddall Street, Campbelltown

Community Strategic Plan

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

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the Minister's for Planning and Public Spaces Local Planning Panels Direction (the Direction), this application to modify the development consent under section 4.55(2) is to be determined by the Local Planning Panel as the development exceeds the maximum height criteria by more than 10 per cent and the modification itself increases the amount of that exceedance.

Executive Summary

Council is in receipt of a Section 4.55 (2) modification to development consent 3598/2017/DA-SL which granted consent to demolition of the dwelling and construction of a 3 storey 'Seniors Living' development comprising 14 units for self - care housing . The original consent was issued by the Campbelltown Local Planning Panel at its meeting on 26 February, 2020.

The modifications seek to respond to the original conditions of consent, make changes to open space and ramps and make changes to the access to the proposed development, including the extension of the cul-de-sac head in Moore Street.

The subject site is zoned R3 medium density residential under the Campbelltown Local Environmental Plan 2015.

The application was publicly exhibited and notified to adjoining and nearby properties between 5 July 2021 and 26 July 2021. One submission was received in response which raised concerns in regards to car parking and traffic. The proposed modification does not alter either the approved number of dwellings or the approved number of parking spaces.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* has been undertaken and it is recommended that the application to modify the consent be approved.

Officer's Recommendation

That 3598/2017/DA-SL/A for the modification of the development consent for the demolition of existing dwelling and construction of a 3 storey senior living building consisting of 14 independent living units at Lot A DP 412911, no. 1 Reddall Street, Campbelltown be approved and the consent modified as shown in attachment 1.

Purpose

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

Property Description	Modification of development consent for the demolition of existing dwelling and construction of a 3 storey senior living building consisting of 14 independent living units
Application No	3598/2017/DA-SL/A
Applicant	Michael Brown Planning Strategies
Owner	Jednic Lty Ltd
Provisions	State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (SEPPSL) Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	17 May 2021

History

Site and Surrounds

The subject is legally described as Lot A DP 412911, 1 Reddall Street, Campbelltown.

The site is rectangular in shape with a north-east (front) boundary measuring 27.372 m, south-east (side) boundary measuring 36.614 m, south-west (rear) boundary measuring 31.029 m and north-west (side) boundary measuring 32.957 m. It has an area of 1,129m² with a relatively flat topography.

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

The locality is characterised by a variety of residential developments including detached dwellings, multi dwelling developments and residential flat buildings, up to 3-storeys in height. To the north of the site is St Peters Anglican primary school while a 10-storey mixed use building has been approved for construction on the corner of Cordeaux Street and the Moore-Oxley bypass.

The property is not listed in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) as an item of Environmental Heritage, nor is it located within a Heritage Conservation Area.



Figure 1: Locality map.

Previous Uses

The existing building on this property was previously used as professional consulting rooms for community counselling that were owned and operated by Anglicare.

Referrals

The modification has been reviewed by Council's Development Engineer. The proposed amendments were generally supported, with the exception of the proposed extension to the head of the cul-de-sac at Moore Street which was not supported. Attachment 1 shows the recommended amendments to the conditions of consent.

Proposal

The proposed modification seeks the following:

- Modification of the roof profile from flat roof to pitch roof with a 115 mm increase in the height of the development
- Modification to the stair size and orientation
- Modification to the size of the lift
- Extension of the driveway to meet Moore Street
- Modification of level of common space and removal of the ramps
- Balconies on level one and 2 increased to satisfy condition of consent
- Modifications to elevations and external finishes

- Modifications to the plans to address condition 2 of the consent
- Deletion of conditions 25 and 75

1. Vision

Campbelltown 2027

Campbelltown 2027 is the Community Strategic Plan for the City of Campbelltown. The Strategic Plan addresses 4 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

Outcome 1 is most relevant to the proposed modification. The relevant strategy to this proposed modification is:

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

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

2. Planning Provisions

Section 4.55(2) of the EP&A Act in part says:

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or

- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.
- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

It is considered that the proposed modifications result in a development that is significantly the same development as that originally approved by the Panel. The modification has been notified in accordance with the Community Participation Plan. It is considered the changes to increase the height in the development result in an increased environmental impact, thus the classification of the modification as a Section 4.55 (2) is appropriate.

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.

State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (SEPPSL)

The proposed modifications do not amend the building setbacks to the rear and side boundary.

The proposal will further increase the height above the 8 m development standard, which is discussed in further detail below.

SEPPSL applies to the proposed modification. The proposal is defined in the following as "in-fill self-care housing" which is: -

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

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

Clause	Comment
33 Neighbourhood amenity and streetscape	
c) maintain reasonable neighbourhood amenity and appropriate residential character by:	The proposed modification to the balcony setback on the upper levels is not considered to affect building bulk or overshadowing.
i. providing building setbacks to reduce bulk and overshadowing, and	
iii. adopting building heights at the street frontage that are compatible in scale with adjacent development, and	The proposed modification to the roof form and minor height increase is relatively minor and consistent with surrounding older style 3 level residential flat buildings along Reddall Street.
d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	The proposed modification amends the plans to increase the ground floor balconies consistent with condition 2 of the consent. The modification also seeks to increase the first and second floor balconies to align with the ground floor, a 4.59 m front setback to the balconies will be provided. The setback to the front wall of the building has not been amended.
39 Waste Management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed modifications include the addition of a bulk waste storage area consistent with condition 2 of the consent.

40. Development standards – minimum sizes and building height

An assessment against the development standards is presented below:

Control	Required	Proposed	Compliance
Height	Where RFB's not permitted 8 m	The original request to vary the height of the development was supported. The proposal to further increase the height of the development by 115 mm is (check height) considered to be a minor increase and does not affect surrounding properties. The variation is supported. As the proposal is a modification to an existing non-compliance a further	No

		4.6 variation to the clause is not required in this instance.	
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50 Standards that cannot be used to refuse development consent for self-contained dwellings

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

Control	Required	Proposed	Compliance
Building Height	8 m	<p>The original request to vary the height of the development was supported. The proposal to further increase the height of the development by 115 mm is considered to be a minor increase and does not affect surrounding properties. The variation is supported.</p> <p>As the proposal is a modification to an existing non-compliance a further 4.6 variation to the clause is not required.</p>	No

1.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

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

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

Design Principle and Better Practices Required	Proposed
Impacts on Streetscape	
<p>Objectives:</p> <ul style="list-style-type: none"> - To minimise impacts on the existing streetscape and enhance its desirable characteristics - To ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scale appropriately in relation to the existing streetscape - To minimise dominance of driveways and car park entries in the streetscape 	<p>The proposed modification to increase the height of the proposal does not detract from the streetscape.</p> <p>The modification to increase the terrace and balcony areas is not considered to detract from the existing streetscape character.</p>

<ul style="list-style-type: none"> - To provide a high level of activation and passive surveillance to the street 	
<p>Built Form</p> <ul style="list-style-type: none"> • Reduce the visual bulk of a development by: <ul style="list-style-type: none"> - breaking up the building massing and articulating building facades. - allowing breaks in rows of attached dwellings - using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character. - setting back upper levels behind the front building façade. - where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses. - reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements. - using a roof pitch sympathetic to that of existing buildings in the street. - avoiding uninterrupted building facades including large areas of painted render. 	<p>The proposed modification to increase the height of the proposal does not affect compliance with the built form controls.</p> <p>The modification to increase the terrace and balcony areas is considered to improve the overall amenity of the proposal and is consistent with the built form controls.</p>
<p>Impacts on neighbours</p>	
<p>Built Form</p> <ul style="list-style-type: none"> • Design the relationship between buildings and open space to be consistent with the existing patterns in the block: <ul style="list-style-type: none"> - where possible maintain the existing orientation of dwelling 'fronts' and 'backs' - where the dwelling must be orientated at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impact on privacy of neighbours • Protect neighbours' amenity by carefully designing bulk and scale of the new development to relate to the existing residential character, by example: <ul style="list-style-type: none"> - setting upper storeys back behind the side or rear building line • Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure • Design second storeys to reduce overlooking of neighbouring properties, for example by: <ul style="list-style-type: none"> - incorporation them within the roof space and providing dormer windows - offsetting openings from existing neighbouring windows or doors 	<p>The proposed modifications are generally minor in nature and are not considered to detract from the amenity of the adjoining residential properties with regard to privacy and solar access.</p>

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

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

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.
- (3) Improving the design quality of residential apartment development aims:
 - (a) to ensure that it contributes to the sustainable development of New South Wales:
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
 - (b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
 - (c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
 - (d) To maximise amenity, safety and security for the benefit of its occupants and the wider community, and
 - (e) To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
 - (f) To contribute to the provision of a variety of dwelling types to meet population growth, and
 - (g) To support housing affordability, and
 - (h) To facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (4) This Policy aims to provide:
 - (a) Consistency of policy and mechanisms across the State, and
 - (b) A framework for local and regional planning to achieve identified outcomes for specific places.

The proposed modification satisfies the aims of this policy.

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

residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) The development consists of any of the following:

- (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) The building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 m above ground level (existing) that provide for car parking), and
- (c) The building concerned contains at least 4 or more dwellings.

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

The application was assessed against the 9 design quality principles under SEPP 65 and a planning response to the relevant principles are set out in Table 1 below:

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

Principle	Planning Comment
2. Built form and Scale	The proposed modification to the roof height will result in a very minor modification to the built form and scale of the development, however this is considered to be consistent with the original design, and is supported.
6. Amenity	The increased balcony size to the first and second floor will improve the amenity of the units.

Table 2: Apartment Design Guide

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

CONTROL	PROPOSAL	COMPLIANCE
Part 2: Developing the controls		
2C: Building Height	Modification to the roof form will increase the approved height by 115 mm, which is considered a nominal increase and is supported.	No
2G Street setbacks Street setbacks to be consistent with existing/desired future setbacks. In conjunction with height controls, consider secondary upper level setbacks to:	Modification to the first floor setbacks to increase the balcony depth and align with the ground floor do not affect the building setback and are considered to improve amenity and are supported.	Yes

<ul style="list-style-type: none"> reinforce the desired scale of buildings at the street frontage minimise overshadowing of the street and other buildings To improve passive surveillance, promote setbacks which ensure a person on a balcony or at a window can easily see the street 		
Part 3: Siting the development		
3G Pedestrian access and entries	The pedestrian entries have been modified to remove stairs and are an improvement to the original design	Yes
3F Vehicle access	The proposal seeks to increase the driveway crossover which is supported. However, the proposal to increase the head of the cul de sac to Moore Street is not supported and it is recommended that a condition of consent be included to require its removal from the plans.	Yes
Part 4: Designing the building		
4E: private open space and balconies Primary balconies minimum area: 1 bed – 8 m ² , 2 m 2 bed – 10 m ² , 2 m Ground floor units: 15 m ² , depth 3 m	The proposal seeks to address condition 2 of the consent to increase the ground floor balconies which is supported. The proposal also seeks to increase the first floor balconies which is considered to improve amenity and is supported.	Yes
4L: Ground Floor Apartments	The proposal seeks to address condition 2 of the consent and is supported.	Yes
4N: Roof Design	The proposal seeks to amend the roof form from a flat roof to a moderately pitched roof to facilitate water run-off, the height increase further varies the height control which is discussed elsewhere in this report.	Yes

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Sydney Region Growth Centres SEPP (GC SEPP) was amended on 6 December 2019 to include the Greater Macarthur Growth Area as a designated growth centre. The subject site is located within the boundaries of the Greater Macarthur Growth Area, and is therefore subject to the provisions of the SEPP. Clauses 16 and 17 of the SEPP are relevant to the application and are discussed below.

The GC SEPP does not include a precinct plan for the Greater Macarthur Growth Area, and therefore Clause 16 of the GC SEPP is to be considered. In this regard, the Campbelltown Precinct Plan released under the Glenfield to Macarthur Urban Renewal Corridor Strategy (which is not a Precinct Plan for the purposes of the GC SEPP but is rather a structure plan) indicates that the subject site would be "Medium Rise Residential". This implies that a future

land use zoning of R3 or R4 would apply. As the proposed modification relates to seniors living, the proposed modification would be consistent with the relevant precinct planning strategy.

Therefore, the proposed modification is considered to be satisfactory with regard to Clause 16 of the GC SEPP.

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

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

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

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

Campbelltown Local Environmental Plan 2015 (CLEP2015)

The site is zoned R3 medium density residential under the CLEP2015. In accordance with the provisions of the CLEP2015, consent must not be granted for any type of development within this zone unless it is consistent with one or more of the zone objectives, and the use is permissible within the zone.

The zone provisions for R3 medium density residential are:

- a. To provide for the housing needs of the community within a medium density residential environment.
- b. To provide a variety of housing types within a medium density residential environment.

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

The proposed modification is consistent with the objectives (b) and (d).

The proposed modification is defined as 'seniors housing' which is defined as:

Seniors housing means a building or place that is—

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

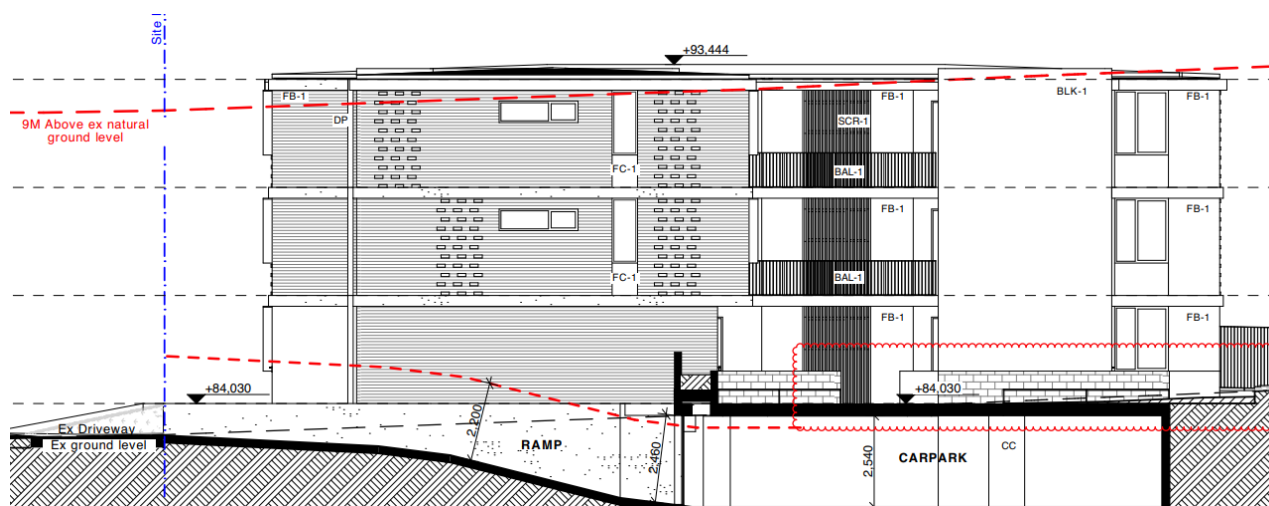
Note –

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

Seniors housing is permissible with Council's development consent within the R3 medium density residential zone.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject site has a height limit of 9 m. The proposed modifications increase the maximum building height from 9.94 m to 10.05 m at the highest point. The proposed modification will increase the overall height of the development by 115 mm. It is considered the height of the development above the approved height in the original consent is nominal and the majority of the building is below the approved height of 9.94 m, further the proposal is considered to be consistent with the objectives outlined in Clause 4.3. As stated in the development application the area is identified as part of the Campbelltown precinct for 3-6 storey development under the corridor strategy, which is now also identified under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as addressed above.



Given the significant social and economic benefit of the proposal to the local community with regard to increasing the provision of seniors housing in the locality, the minor increase in height to facilitate the development, is considered that the variation to the control is minor and is considered to be in the public interest.

Clause 4.6 Exceptions to Development Standards

Subclause (2) (3) and (4) of Clause 4.6 refers to development consent, not modifications. Section 4.55 is identified as being a free standing provision, set down in *North Sydney Council v Michael Standley and Associates Pty Ltd [1998]*, which stated, as a freestanding provision SEPP 1 does not apply to a Section 96 application (the provisions of section 96 transferred to section 4.55 when the EP&A Act was amended). Due to the consistent reference to 'development consent' in both SEPP 1 and Clause 4.6 of CLEP 2015, Clause 4.6 is not considered to apply to the subject Section 4.55 application. Notwithstanding, the proposed modification is still required to be assessed against the objectives of Clause 4.3 and the public interest.

Clause 5.6 Architectural Roof Features

The objectives of this clause are to permit variations to the maximum height standards only where roof features contribute to the building design and to ensure that the majority of the roof is contained within the maximum building height.

Part of the proposed roof exceeds the maximum height of building, in particular to the western part of the building, including the lift shaft. The part of the roof form that exceeds the height limit is considered to provide a pitched roof in place of the approved flat roof design and would provide a more architectural outcome with regard to the roof design, which is supported.

Clause 7.13 Design Excellence

Pursuant to Clause 7.13 of CLEP 2015, development consent must not be granted unless the consent authority has had regard to the matters of consideration.

In this case development consent has already been granted. The proposed modifications are generally considered to be minor in nature, therefore referral to the design excellence panel is not considered to be required in this instance.

Draft Environmental Planning Instruments

The draft State Environmental Planning Policy (Housing) 2021 (draft SEPP Housing) includes provisions for seniors housing and will replace the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The draft policy includes some changes to the current policy with regard to height including increasing the height from 8 m to 9 m. This scale of the non-compliance with the height standard would be reduced if the draft SEPP Housing was made. Other than this the proposed modifications are consistent with the Draft Housing SEPP

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP)

Part 3 - Low and Medium Density Residential Development and Ancillary Residential Structures

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

Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures			
3.4.1.1 Streetscape - Design requirements	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 modifications to the balcony and height of the building are generally consistent with the original proposal and supported.	Yes
3.4.1.2 Building Height	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 increase to the approved height of the development does not affect solar access levels to the adjoining properties.	Yes

Part 19 - Seniors Living and Housing for people with a Disability

The development application was further assessed under the relevant controls outlined in Part 19 of the SCDCP 2015 with regard to requirements for seniors living development.

Campbelltown (Sustainable City) Development Control Plan 2015			
Part	Requirement	Proposed	Compliance
Part 19 - Seniors Living and Housing for people with a Disability			
19.3.1 General Waste Requirements	a) The business operator must enter into a commercial waste contract agreement for regular	Waste Collection details have been previously addressed with conditions of consent.	Already conditioned

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	waste and recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.		
19.3.2 Waste Storage Areas	a) 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 to enable easy cleaning	Waste storage is located in the building basement.	Yes
	b) Closed 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	Waste storage is located in the building basement.	Yes
	c) 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 storage is located in the building basement.	Yes

19.3.4 For Independent Living Units and Self-contained Dwellings	<p>a) Development shall comply with the appropriate section of the Plan DCP as follows: i) Clause 2.15 provides the general waste requirements for all dwelling types. ii) Clause 3.7.1.10 provides the requirements for attached dwellings (zone R3) iii) Clause 3.7.2.10 provides the requirements for multi dwelling housing (zone R3) iv) Clause 5.4.8 provides the requirements for residential flat buildings and mixed use developments (zones R4, B3 and B4)</p> <p>v) Clause 5.6.5 provides the requirements for mixed use developments (zones B3 and B4)</p>	Waste requirements were addressed in the original application. Conditions of consent were included with regard to this and amended plans provide to address condition 2.	Yes
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3. Planning Assessment

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:

- Access and transport and traffic
- Waste
- Site design and internal design
- Built Form
- Privacy
- Conditions of Consent

Access and transport and traffic

The proposed modifications include widening the driveway over the road reserve and extension of the road at Moore Street. The proposed modification was reviewed by Council's Development Engineer who supported the driveway extension to the existing crossover, however, extension to the head of cul-de-sac is not supported due to the proximity of Moore Oxley bypass and the presence of a significant tree which would need to be removed to facilitate any extension.

It is recommended that condition 68 of the consent be amended accordingly and this is shown in attachment 1.

Waste

The proposal is amended to provide a bulk waste storage room as required by the condition 2 of the consent. It is considered that satisfactory arrangements for waste disposal have been made.

Site design and internal design

The proposed modifications to the internal design including the elimination of ramps and stairs to access the site will improve the functionality of the site.

Modification to the stair location and the lift is minor and does not affect the overall functionality of the development.

Built Form

The amendments to the balcony depth improve the amenity of the units on the first and second floors and the increase to the depth results in a minor modification to the building façade. The minor changes to the secondary street frontage would improve the elevation to Moore Street. Overall, the façade changes are considered to improve upon the existing approval and are supported.

Privacy

The proposed increase to the front balconies does not affect the privacy of the adjoining residential properties.

Conditions of consent

The proposal seeks to amend condition 1 which relates to the approved plans and condition 2 by providing amended plans to satisfy parts of the condition. The proposal also seeks to delete conditions 25 and 75 detailed below:

25 Architect to Supervise Design The preparation of the Construction Certification plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

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

The original development application was assessed in accordance with SEPP Seniors and SEPP 65 and certification was provided for the design at the DA stage. The applicant states due to the nature of the development as seniors living, the conditions of consent will unduly impact the proposal and have requested the conditions be deleted.

The removal of the conditions does not negate compliance with SEPP 65 during the assessment of the proposal. It is acknowledged the proposal is a seniors living development, which has precedence over compliance with SEPP 65. Therefore it is recommended that these conditions will be deleted from the consent.

Social, economic and environmental impacts

The proposed modifications would not alter the social economic and environmental impacts of the original development.

Suitability of the site

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

It is considered the proposed modifications are generally minor in nature and the additional height is not considered to detract from the amenity of the adjoining neighbours. The modification to the development is considered to be suitable for the subject site.

4. Public Participation

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions.

As the proposal is for a modification under Section 4.55(2), Council's Community Participation Plan requires the modification application to be exhibited and notified. The application was publicly exhibited and notified to adjoining and nearby properties between 5 July 2021 and 26 July 2021.

One submissions was received. The issues raised in the submission are discussed in detail below:

Issue: Parking for the development and local traffic and parking

Comment: The submission states there should be 14 to 20 parking spaces provided, the proposal does provide 14 parking spaces and the proposed modification does not seek to reduce the approved number of car parking spaces on the site.

The proposal provides for sufficient parking to service the proposal and is considered to have limited impacts on local parking and traffic.

5. Public Interest

The proposed modification has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed modification has demonstrated that the site is suitable for the proposed modification and accordingly it is considered that approval of the modification, with the exception of the extension of the cul de sac head in Moore Street, is in the public interest.

Conclusion

The subject application (3598/2017/DA-SL/A) proposing the modification of the development consent for the demolition of existing dwelling and construction of a three storey senior living building consisting of 14 independent living units at 1 Reddall Street, Campbelltown (Lot A DP 412911) has been assessed under the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

The proposed modification is consistent with the general intent of Campbelltown 2027 which outlines the long term vision for the Campbelltown and Macarthur Region. The proposed seniors living is permissible within the R3 medium density residential zoning and is generally in support of the zone objectives.

The modifications proposed generally respond to the conditions of consent or make minor functional alterations to the proposal that do not significantly alter its impact. The proposed modification to the cul-de-sac head in Moore Street has been reviewed by Council's engineers and is not supported.

It is recommended that the development consent be modified as shown in attachment 1 to this report.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Site Plan (contained within this report)
3. North Elevation (contained within this report)
4. South Elevation (contained within this report)
5. Roof Plan (contained within this report)
6. Basement Floor Plan (due to confidentiality)(distributed under separate cover)
7. Ground Floor Plan (due to confidentiality)(distributed under separate cover)
8. First Floor Plan (due to confidentiality)(distributed under separate cover)
9. Second Floor Plan (due to confidentiality)(distributed under separate cover)

Reporting Officer

Executive Manager Urban Centres

ATTACHMENT 1
3598/2017/DA-SL/A
Recommended Conditions of Consent
GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan/ Document No.	Version/ Revision	Prepared by	Date
A100 Cover Sheet	A	sdarchitecture	27.09.2018
A120 Site and Roof Plan	B	sdarchitecture	12.06.2019
A200 Basement Floor Plan	D	sdarchitecture	10.10.2019
A201 Ground Floor Plan	B	sdarchitecture	12.06.2019
A202 First Floor Plan	A	sdarchitecture	27.09.2018
A203 Second Floor Plan	A	sdarchitecture	27.09.2018
A300 Elevations	C	sdarchitecture	03.07.2019
A301 Elevations	C	sdarchitecture	05.02.2020
A302 Sections	C	sdarchitecture	14.06.2019
A303 Sections	B	sdarchitecture	14.06.2019
A400 Shadow Diagrams	A	sdarchitecture	27.09.2018
A401 Shadow Diagrams	A	sdarchitecture	27.09.2018
A402 Shadow Diagrams	A	sdarchitecture	27.09.2018
A500 External Materials and Finishes Board	A	sdarchitecture	24.06.2020
DA1345/1	C	Captivate landscape design	15.04.2020
Ref 17102E2 Sheet 1 of 4 Cover sheet	B	JMD	28.03.2018
Ref 17102E2 Sheet 2 of 4 Proposed Drainage and Soil and Water Management Plan	B	JMD	28.03.2019
Ref 17102E2 Sheet 3 of 4 Soil and Water Management Notes	B	JMD	23.03.2019
Ref 17102E2 Sheet 4 of 4			

- Arboricultural Assessment and Tree Management plan dated 24 October 2017 prepared by Horticultural Management Services.
- Access Report prepared by Code Performance ref17370-R2.0 dated July 2018.

Except as amended by:

Plan/ Document No.	Version/ Revision	Prepared by	Date
<i>DA000 Cover Sheet</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA030 Site Plan – Proposed</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA100 Basement Floor Plan</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA101 Ground Floor Plan</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA102 Level 01 Plan</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA103 Level 02 Plan</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA200 Elevations – Sheet 01</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA201 Elevations – Sheet 02</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA300 Sections – Sheet 01</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA301 Sections – Sheet 02</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>
<i>DA302 Sections – Sheet 03</i>	<i>B</i>	<i>BKA Architecture</i>	<i>19.04.2021</i>

2. Amended Plans

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

- An acoustic report is required to be provided to demonstrate the proposed development utilises appropriate materials to comply with Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007. All requirements are also required to be notated on the amended plans.
- Retaining walls to Moore Street or Redall Street frontages are required to be masonry retaining walls.
- The pedestrian footpath along the western side boundary is required to continue to the front boundary in a perpendicular direction.
- The terraces to units 1 to 4 are required to be increased in size to achieve an area of 15 m². The front setback to the property boundary is not permitted to be reduced to less than 4.5 m and the front building line is not permitted to be altered on the levels above.
- The plans are required to be amended to ensure access is provided to the front landscape area for maintenance purposes.
- All plans are required to be amended to ensure consistency between the required amendments. In this regard, the civil plans are required to be amended to ensure no retaining walls are provided on boundaries with private properties and a minimum setback of 450 mm is provided.
- The waste bin room is required to provide space for the following:
 - 6 waste bins
 - 6 recycling bins
 - 3 garden organic bins
- The waste storage room shall be reduced to provide an adjoining bulky goods waste storage area with a minimum size of 10 m².

3. Occupants of the Development

Occupants of the development are required to satisfy the requirements of Clause 18 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

A restriction is required to be placed on the title to ensure the development is only used for the purposed of Seniors Living.

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. Compliance with BASIX Certificate requirements

The development is to comply with BASIX Certificate No. 850669M, dated 3 October 2017.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

Note that the plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the BASIX Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

Such plans and specifications must be approved as part of the Construction Certificate.

6. Retaining Walls

No retaining walls are permitted to be located within 450mm of the property boundaries with 3 Reddall Street or 68 Moore Street Campbelltown.

7. Standards Applying to Self-Contained Seniors Dwellings

All of the design features and standards incorporated in this condition shall be shown on the plans as part of the approval of the Construction Certificate.

Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

If the whole of the site does not have a gradient of less than 1:10:

- a. the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and
- b. the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

Security

Pathway lighting:

- a. must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- b. must provide at least 20 lux at ground level.

Letterboxes

- a. must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
- b. must be lockable, and
- c. must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

Private car accommodation

The basement car park must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

Interior: general

- a. Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- b. Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- c. Circulation space at approaches to internal doorways must comply with AS 1428.1.

Bedroom

At least one bedroom within each dwelling must have an area sufficient to accommodate a wardrobe and a queen-size bed, and

- a. a clear area for the bed of at least:
 - i. 1,200 millimetres wide at the foot of the bed, and

- ii. 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- b. 2 double general power outlets on the wall where the head of the bed is likely to be, and
- c. at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- d. a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- e. wiring to allow a potential illumination level of at least 300 lux.

Bathroom

The bathrooms within the dwellings must have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- a. a slip-resistant floor surface,
- b. a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
- c. a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - i. a grab rail,
 - ii. portable shower head,
 - iii. folding seat,
- d. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- e. a double general power outlet beside the mirror.

Subclause (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

Toilet

Each dwelling must have a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

Surface finishes

Balconies and external paved areas must have slip-resistant surfaces.

Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

Ancillary items

Switches and power points must be provided in accordance with AS 4299.

Living room and dining room

A living room in a self-contained dwelling must have:

- a. a circulation space in accordance with clause 4.7.1 of AS 4299, and
- b. a telephone adjacent to a general power outlet.
- c. A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

Kitchen

A kitchen in a self-contained dwelling must have:

- a. a circulation space in accordance with clause 4.5.2 of AS 4299, and
- b. a circulation space at door approaches that complies with AS 1428.1, and
- c. the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - i. benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
 - ii. a tap set (see clause 4.5.6),
 - iii. cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - iv. an oven (see clause 4.5.8), and
- d. "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- e. general power outlets:
 - i. at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - ii. one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Laundry

A self-contained dwelling must have a laundry that has:

- a. a circulation space at door approaches that complies with AS 1428.1, and
- b. provision for the installation of an automatic washing machine and a clothes dryer, and

- c. a clear space in front of appliances of at least 1,300 millimetres, and
- d. a slip-resistant floor surface, and
- e. an accessible path of travel to any clothes line provided in relation to the dwelling.

Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

8. 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.

9. 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.

10. Garbage Room

The garbage storage room identified on the approved plans shall:

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

11. Fencing

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

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 driveway width, gradients, underground car park layout and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended). In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 m in width for a minimum distance of 6 m from the property boundary.

14. 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.

15. Lighting

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

16. Graffiti Removal

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

17. Unreasonable Noise, Dust and Vibration

The implementation, construction 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, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

- a. that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i. is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - ii. Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b. that is of a level, nature, character or quality prescribed by the regulations or
- c. that is made at a time, or in other circumstances, prescribed by the regulations.

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.

18. 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.

19. Car Parking Spaces

A total of 14 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

20. 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.

21. Rain Water Tank(s)

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

22. Construction Certificate

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

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

23. Building and Structures within the Property Boundaries

All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Moore Street boundary.

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 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.

24. Cut and Fill Management Plan

Prior to the issue of a Construction Certificate a Cut and Fill Management Plan shall be prepared for this site in accordance with Appendix 6 of the Campbelltown (Sustainable City) Development Control Plan 2015. If any fill is required to be imported onto the site it must only consist of Virgin Excavated Natural Material (VENM), as defined in the Protection of the Environment Operations Act 1997

25. Architect to Supervise Design

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

26. 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.

27. 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.

28. Geotechnical Report

Prior to Council or an accredited 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.

29. 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.

30. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval.

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to existing stormwater system. All proposals shall comply with Council's *'Engineering Design Guide for Development'* (as amended) and the applicable development control plan.

31. Dilapidation Report

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

These properties must include (but are not limited to) 3 Reddall Street and 68 Moore Street Campbelltown, and any others identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

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

32. Section 94A Developer Contribution - Community Facilities and Services

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council,

is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or

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

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

33. 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.

34. Telecommunications Infrastructure

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

35. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to issue of a construction certificate.

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

36. Vehicle turning movements

Prior to Council or an accredited certifier issuing a Construction 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 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.

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.

37. RMS Approval

Detailed design plans and hydraulic calculations of any changes to Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Documents should be submitted to

Development.Sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

38. Excavation RMS Approval

The developer is to submit design drawings and documents relating to the/any excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Documents should be submitted to

Development.Sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings.

The notice is to include complete details of the work.

39. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

40. Road Occupancy License

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Moore Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. Fencing

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

50. 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.

51. Demolition of Existing Dwelling

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

52. Construction Traffic Management Plan

Prior to the commencement of works, the building contractor shall submit a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified consultant, for the excavation and construction stages of the development.

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

- a. The staging and timing of the construction works.
- b. Perimeter fencing and hoarding requirements.
- c. Locations of temporary vehicular entry points to the site.
- d. Provisions for pedestrian traffic and any diversions that are proposed.
- e. Hoisting arrangements for cranes, travel towers or lift operations.
- f. The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements.
- g. Work zone requirements, if proposed.
- h. Traffic control associated with road occupancy and standing plant.
- i. Waste collection areas.

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

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

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. Vehicle Movements

All vehicles are to enter and leave the site in a forward direction.

54. Construction Vehicles

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore Street.

55. 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.

56. 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.

57. 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.

58. 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.

59. Excavation and Backfilling

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

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

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

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

60. 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.

61. Certification of Location of Building during Construction

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

62. Certification of Location of Building upon Completion

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

63. 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.

64. 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.

65. Earth Works/Filling Works

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

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

66. Compliance with Council Specification

All design and construction work shall be in accordance with:

- d. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- e. Campbelltown (*Sustainable City*) DCP - *Volumes 1 and 3 as amended*;
- f. *'Soils and Construction (2004) (Bluebook)*; and
- g. Relevant Australian standards and State Government publications.

67. 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.

68. 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.

The crossover shall have minimum 1.0m clearance from Street Power/Light pole. The crossover shall only be extended up to the blue hatched area as in stamped approved drawing DA101 Revision B Prepared by BKA Architecture. The crossover shall not be extended in the red hatched section. The red hatched area shall be retained as kerb & gutter and grass verge.

69. 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.

70. 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)*.

71. 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.

72. Imported 'waste-derived' fill material

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

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

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

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.

73. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land

> Water Servicing Coordinator or telephone 13 20 92.

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

74. Structural Engineering Certificate

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

75. Architect to Supervise Design – Occupation Certificate Documentation

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

76. 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.

77. 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.

78. Service Authorities

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

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

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

79. Lot/House Numbers

Prior to the principal certifying authority issuing an occupation/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 approved pavement marking grade paint.

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

80. 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.

81. 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.

82. Access Compliance

Prior to the issue of an Occupation Certificate certification shall be provided from a suitably qualified access consultant that the proposed development has been constructed in accordance with Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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. Covenants

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

Advice 7. Inspection within Public Areas

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

Advice 8. Adjustment to Public Utilities

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

Advice 9. Asbestos Warning

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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

Advice 10. 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 11. Dial before you Dig

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

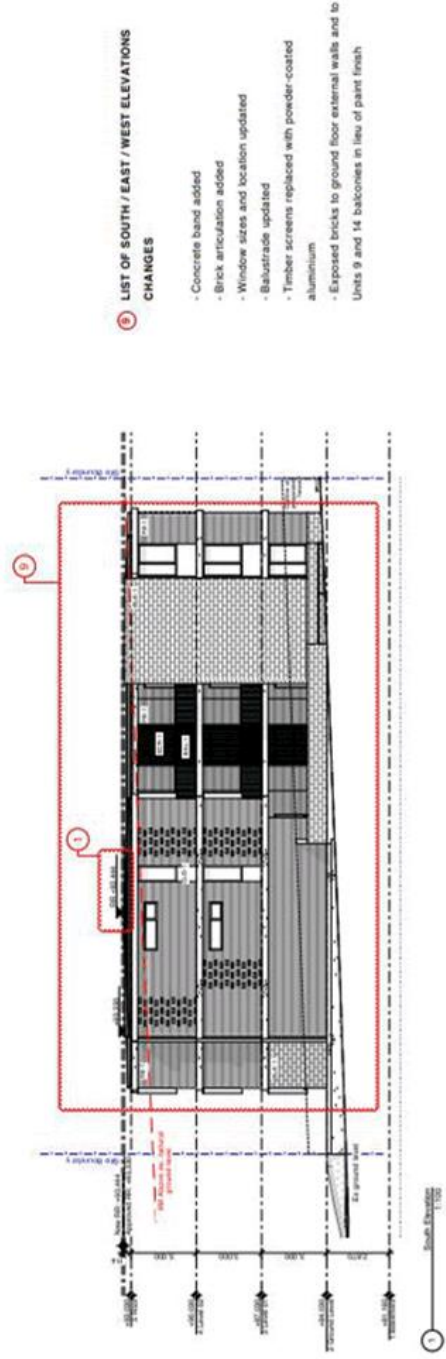
Advice 12. Telecommunications Act 1997 (Commonwealth)

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.

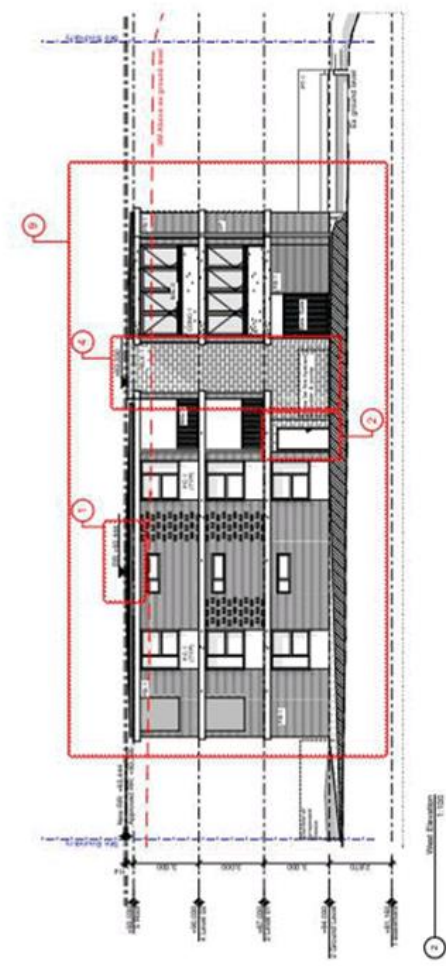
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

<p>General Notes:</p> <p>1. All dimensions are in millimetres unless otherwise stated.</p> <p>2. All work is to be in accordance with the Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>3. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>4. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>5. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>6. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>7. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>8. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>9. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p> <p>10. All work is to be in accordance with the relevant Australian Standards (AS) and New South Wales (NSW) Building Code of Australia (BCA).</p>	<p>Scale: 1:100</p> <p>Sheet: Section 4.05</p> <p>Client: 21/021</p> <p>Checked: JB</p> <p>Project: 1 Roddall Street, Campbelltown, NSW 2560</p>
<p>Client: Chairman Homes</p> <p>Architect: BKA Architecture</p> <p>Address: 1 Roddall Street, Campbelltown, NSW 2560</p> <p>Phone: 08 8333 1111</p> <p>Website: www.bka.com.au</p> <p>Project No.: 20071</p> <p>Revision: B</p> <p>Sheet No.: DA201</p>	<p>Scale: 1:100</p> <p>Sheet: Section 4.05</p> <p>Client: 21/021</p> <p>Checked: JB</p> <p>Project: 1 Roddall Street, Campbelltown, NSW 2560</p>

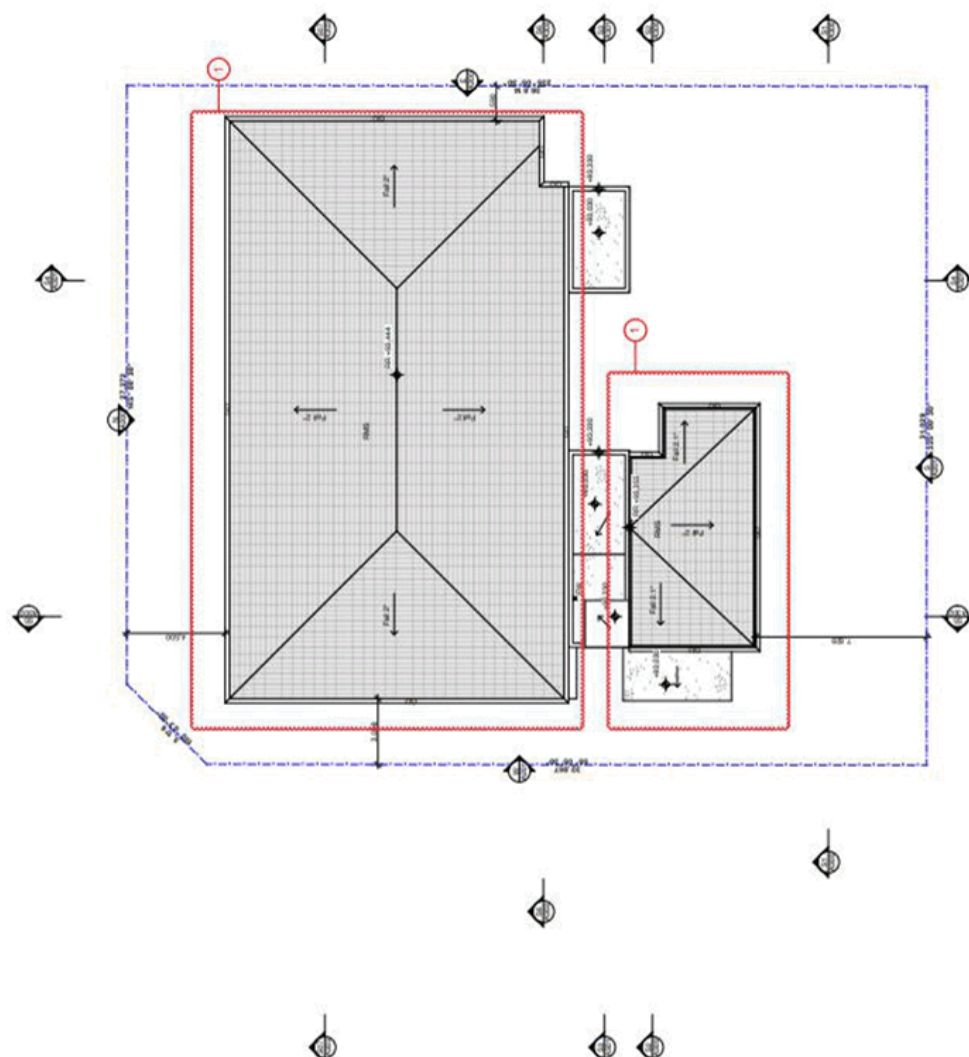


- LIST OF SOUTH / EAST / WEST ELEVATIONS CHANGES**
- Concrete band added
 - Brick articulation added
 - Window sizes and location updated
 - Balustrade updated
 - Timber screens replaced with powder-coated aluminium
 - Exposed bricks to ground floor external walls and to Units 9 and 14 balconies in lieu of paint finish



- LIST OF SOUTH / EAST / WEST ELEVATIONS CHANGES**
- Concrete band added
 - Brick articulation added
 - Window sizes and location updated
 - Balustrade updated
 - Timber screens replaced with powder-coated aluminium
 - Exposed bricks to ground floor external walls and to Units 9 and 14 balconies in lieu of paint finish

<p>General Notes</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>	<p>Revisions</p> <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>By</th> <th>Check</th> <th>Description</th> </tr> <tr> <td>1</td> <td>10/21</td> <td>GL</td> <td>AK</td> <td>FOR SUBMIT LIAISON</td> </tr> </table>	No.	Date	By	Check	Description	1	10/21	GL	AK	FOR SUBMIT LIAISON	<p>ASSESSMENTS:</p> <p>DA DA-1 DA-2 DA-3 DA-4 DA-5 DA-6 DA-7 DA-8 DA-9 DA-10 DA-11 DA-12 DA-13 DA-14 DA-15 DA-16 DA-17 DA-18 DA-19 DA-20 DA-21 DA-22 DA-23 DA-24 DA-25 DA-26 DA-27 DA-28 DA-29 DA-30 DA-31 DA-32 DA-33 DA-34 DA-35 DA-36 DA-37 DA-38 DA-39 DA-40 DA-41 DA-42 DA-43 DA-44 DA-45 DA-46 DA-47 DA-48 DA-49 DA-50 DA-51 DA-52 DA-53 DA-54 DA-55 DA-56 DA-57 DA-58 DA-59 DA-60 DA-61 DA-62 DA-63 DA-64 DA-65 DA-66 DA-67 DA-68 DA-69 DA-70 DA-71 DA-72 DA-73 DA-74 DA-75 DA-76 DA-77 DA-78 DA-79 DA-80 DA-81 DA-82 DA-83 DA-84 DA-85 DA-86 DA-87 DA-88 DA-89 DA-90 DA-91 DA-92 DA-93 DA-94 DA-95 DA-96 DA-97 DA-98 DA-99 DA-100</p>	<p>Client: Crashman Homes</p> <p>Project: STONEY MERRISTON STATIONARY</p> <p>Address: 11000 STONEY MERRISTON STATIONARY</p> <p>Location: 11000 STONEY MERRISTON STATIONARY</p> <p>Scale: 1:100</p> <p>Drawn: GL, AK</p> <p>Section: Section 4.05</p> <p>Date: 21/10/21</p> <p>Checked: JB</p> <p>Project: 11000 Stoney Merriston Stationary, NSW 2860</p> <p>Drawn: GL, AK</p> <p>Section: Section 4.05</p> <p>Date: 21/10/21</p> <p>Checked: JB</p> <p>Project: 11000 Stoney Merriston Stationary, NSW 2860</p>	<p>Project No: 20071 B</p> <p>Revision No: DA104</p>
No.	Date	By	Check	Description										
1	10/21	GL	AK	FOR SUBMIT LIAISON										



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