



**CAMPBELLTOWN
CITY COUNCIL**

LOCAL PLANNING PANEL

24 FEBRUARY 2021

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held in Civic Centre, Campbelltown on **Wednesday, 24 February 2021 at 3:00 pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

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

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS

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General Information

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

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

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

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

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

Recommendations of the Panel

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

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

Information

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

The following report is referred to the Local Planning Panel Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Construction of a single storey dwelling and associated works - 1 Denfield Circuit, St Helens Park

Community Strategic Plan

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

Referral Criteria

The subject site does not achieve the minimum qualifying site area standard in Clause 4.1C of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and falls short of that standard by more than 10 per cent. Therefore in accordance with the Direction issued by the Minister for Planning and Public Spaces dated 30 June, 2020 and section 4.8 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) the consent authority is the Campbelltown Local Planning Panel.

Executive Summary

- This development application proposes the construction of a single storey dwelling house, and associated works at Lot 8177 DP 881519, 1 Denfield Circuit, St Helens Park.
- The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.
- The site has an area of 166.6 sqm which is less than the minimum qualifying site area of 500 sqm under clause 4.1C of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) for a residential dwelling in an R2 zone. The shortfall is 333.4 sqm which equates to a contravention of the development standard by 66.67 per cent.
- In accordance with Council's Community Participation Plan, the application was notified to adjoining and surrounding properties for a period of 21 days. Two submissions objecting to the proposal were received.
- The site is not considered suitable for the proposed development by reason of its inability to achieve a high level of residential amenity for its occupants and the adverse streetscape impact, as discussed throughout this report.
- A deemed refusal appeal has been submitted to the NSW Land and Environment Court in regards to this application. This does not prevent the Local Planning Panel determining the application.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* has been undertaken and it is recommended to the Panel that the application be refused for the reasons outlined in this report and listed in attachment 1.

Officer's Recommendation

That development application 2225/2020/DA-DW for the construction of a single storey dwelling and associated site works at Lot 8177 DP 881519, 1 Denfield Circuit, St Helens Park be refused for the reasons detailed 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	Lot 8177 DP 881519, 1 Denfield Circuit, ST HELENS PARK
Application No	2225/2020/DA-DW
Applicant	Mr James Michael Forsyth
Owner	Mr James Michael Forsyth and Mrs Michelle Anne Forsyth
Provisions	Campbelltown 2027 – Community Strategic Plan State Environmental Planning Policy 55 - Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	15 July 2020

Site and Development History

The subject allotment was created under Subdivision Application No: S25/97 approved in September 1997. The allotment was identified as a residue allotment for the purposes of providing sufficient vehicular access to each of the potential subdivided lots from the land formally known as 'Robinson' property (Lot 122, DP813654).

The subject allotment is under the same land ownership as Lot 122, DP 813654 (located to the rear of the Lot 8177).

The applicant submitted a development application (2378/2017/DA-M) for the construction of a single storey dwelling with an attached secondary dwelling and detached outbuilding on Lot 122, DP 813654 which was approved in January 2018. This development has been constructed.

The subject allotment (Lot 8177 DP 881519) is vacant.

The Site and Surrounding Locality

The site is legally defined as Lot 8177, DP 881519 and as noted above was created as an access handle to service the rear allotment being Lot 122, DP 813654. Lot 122 and Lot 8177 are under the same ownership. The site is known as 1 Denfield Circuit, St Helens Park. The allotment is rectangular in shape with a depth of 31.2 metres, frontage of 5.36 metres to Baynton Place and contains a total land area of 166.6 sqm.

The subject site is located within an established residential area with surrounding development to the site comprising of generally single storey detached dwellings, Denfield homestead (a state-listed heritage item) and its listed heritage curtilage are located to the rear (north) of the site.

The site contains a cross fall of approximately 3.8 meters from the sites rear northern boundary at RL 156.47 to the sites front southern boundary at RL 152.66.

A location map is provided in attachment 2 of this report.

The Proposal

Development consent is sought for the construction for a single storey dwelling house and associated site works.

Specifically, the proposed development will comprise of the following:

- Construction of a single storey dwelling with a total gross floor area of 49.5 sqm. The proposed dwelling comprises of 2 bedrooms, bathroom, laundry and a combined living, dining and kitchen area
- Associated support infrastructure including retaining walls, driveways, landscaping and drainage works.

Report

1. Vision

Campbelltown 2027 Community Strategic Plan

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:

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

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown 2027 Community Strategic Plan. It is considered that the proposed development is not generally consistent with the long term vision for the Campbelltown and Macarthur Region. The proposal is not considered to contribute in enabling a

range of housing choices to support different lifestyles as the proposed development fails to achieve a high level of residential amenity for its occupants.

2. Planning Provisions

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

2.1. State Environmental Planning Policy 55 - Remediation of Land (SEPP55)

SEPP 55 requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

Requirement	Action	Response
<p>Clause 7(2): 1. Is the development for a change of use to a sensitive land use or for residential subdivision?</p> <p>Sensitive land use include residential, educational, recreational, child care purposes or hospital.</p>	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	Residential development.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998.	The subject allotment was subdivided in 1997 as a residue allotment to service Lot 122.
<p>Clause 7(1) 2. Is Council aware of any previous investigation or orders about contamination on the land?</p>	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken on 16 December 2020. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken on 16 December 2020. No evidence was found of contaminating land activities having occurred on the land.
<p>Clause 7(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?</p>	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken on 16 December 2020. No evidence was found of approved contaminated land activities having occurred on the land.
<p>Clause 7(1) 4. Has the land previously been zoned for potentially contaminating uses?</p>	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 2 (b)–

		Residential B and zone 2 (b)– Residential B did not allow for potentially contaminating uses.
Clause 7(1) 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	Based on Council's site inspection carried out on 8 September 2020, no evidence of potentially contaminated uses were present on site.

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

2.2. Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment (GMREP)

The development site is located within the Georges River Catchment, therefore the provisions of the GMREP apply to the subject application.

The general aims and objectives of this GMREP are as follows:

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

The proposal does not conflict with any of the relevant provisions of the GMREP and is considered acceptable in this regard.

2.3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

A BASIX Certificate has been provided for the proposal and is satisfactory.

2.4. Campbelltown Local Environmental Plan 2015 (CLEP 2015)

The subject site is subject to the provisions of CLEP 2015 and is zoned R2 Low Density residential. The application proposes the construction of a dwelling house and dwelling houses are permissible with consent within the R2 zone.

R2 Low Density Residential Zone

The objectives of the R2 zone are:

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

The proposed development is considered inconsistent with the objectives of the R2 zone, specifically the first and fourth objective.

Clause 4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

Development consent may be granted to development for a purpose of a residential dwelling in an R2 Zone if the area of the lot is equal to or greater than 50 sqm.

The subject site has an area of 166.6 sqm.

The development proposes a variation of 333.4 sqm to the minimum qualifying site area required for dwelling houses within an R2 Zone and equates to a contravention of this development standard by 66.68 per cent.

Clause 4.3 Height of Building

Clause 4.3 provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The Height of Building Map identifies a

maximum height of 8.5 metres. The proposal complies with the maximum building height prescribed for the site.

Clause 4.3A Height restrictions for certain residential accommodation

Clause 4.3A requires a dwelling house must not be higher than 2 storeys. The proposed dwelling is single storey.

Clause 4.4 Floor Space Ratio

Clause 4.4 a maximum floor space ratio of 0.55:1 for dwelling houses in an R2 Low Density Residential Zone. The application proposes a gross floor area of 49.5 sqm which equates to a floor space ratio of 0.30:1.

Clause 4.6 Exceptions to Development Standards

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

The objectives of Clause 4.6 are to:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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

Development standards are defined in Section 1.4 of the EP&A Act as:

provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,

- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

Clause 4.1C meets the definition of a development standard in accordance with Section 1.4 of the EP&A Act.

The development application is seeking a departure from Clause 4.1C minimum qualifying site area and lot size for certain residential development in residential zones of the CLEP 2015 and is summarised in the below table.

Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation %	Consent authority
Campbelltown Local Environmental Plan 2015	R2 Low Density Residential	Clause 4.1C Minimum qualifying site area and lot size for certain residential development in residential zones	Refer below.	66.67%	Campbelltown Local Planning Panel

The proposed non-compliance contravenes the development standard by more than 10 percent.

Clause 4.6 (3) requires:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

A written variation request has been submitted and seeks to justify the contravention of the development standard. The written request provides commentary that compliance with the

development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. A copy of the written variation request is provided as an attachment to this report.

Clause 4.6 (4) requires:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

Comment:

It is considered that the written request has not adequately demonstrated with sufficient detail, that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case nor has it provided sufficient environmental planning grounds to justify contravening the development standard. The written request notes on page 9.

"The discussion provided throughout this variation request demonstrates that the existing lot size will not result in any adverse environmental impacts, in terms of amenity impacts, nor will there be any adverse streetscape impacts given the nature of the departure. It is submitted that there are sufficient environmental planning grounds to support the variation."

The application fails to achieve the minimum private open space, solar access and parking requirements required for dwelling houses within the R2 zone as required in Volume 1, Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015. The application proposes a built form that does not achieve the desired future character of the area and proposes an internal dwelling layout that offers minimal amenity for its future occupants and is unacceptable. The written request is not considered to have adequately addressed the matters required to be demonstrated by subclause (3).

Concurrence of the Secretary is not required to be obtained in this instance.

Clause 4(a)(ii) provides that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of Clause 4.1C are as follows:

- (a) to achieve planned residential densities in certain zones,
- (b) to achieve satisfactory environmental and infrastructure outcomes,
- (c) to minimise any adverse impact of development on residential amenity,
- (d) to minimise land use conflicts.

The proposal is not consistent with the objectives of Clause 4.1C in that the proposal fails to minimise any adverse impacts of the development on residential amenity. As previously stated, the application fails to achieve the minimum private open space, solar access and parking requirements required for dwelling houses within the R2 zone as required in Volume 1, Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015. The application proposes a built form that is not considered to compliment the desired future character of the area and proposes an internal dwelling layout that offers minimal amenity for its future occupants and is unacceptable.

The objectives of the R2 Low Density Residential zone are as follows:

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

The proposal is considered inconsistent with objectives of the R2 Low Density Residential zone. The application proposes a dwelling house that fails to accommodate a functional internal dwelling layout suitable for modern living and fails to achieve the minimum solar access requirements in accordance with Council's Development Control Plan.

The applicant's written request to vary Clause 4.1C is considered unsatisfactory and fails to adequately address the matters required to be demonstrated by subclause (3) of Clause 4.6.

The proposal is not considered to be in the public interest because the development is considered inconsistent with both the objectives of Clause 4.1C and the objectives of the R2 Low Density Residential Zone.

It is recommended that the Campbelltown Local Planning Panel refuse the variation.

Clause 5.10 Heritage

Clause 5.10(5) provides that before granting consent to any development on land that is within the vicinity of a heritage item the consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. The subject site adjoins a state-listed heritage item known as Denfield Homestead item no. I00540.

A Heritage Impact Statement (HIS) and Curtilage study has been prepared by Taylor Brammer Landscape Architects Pty Ltd and submitted in support of the application. The HIS assesses the impact of the proposed development on the heritage items significance, visual curtilage and setting and is acceptable.

Clause 7.1 Earthworks

Clause 7.1 requires the consent authority to consider whether the proposed works will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Substantial earthworks are proposed to facilitate the development and insufficient information has been submitted with the development application to demonstrate compliance with this clause.

Clause 7.10 Essential Services

Clause 7.10 requires the consent authority to ensure development consent must not be granted to development unless the essential services listed in this clause are available or that adequate arrangements have been made to make them available when required for the development.

The site is located within an established residential area with essential services readily available to service the site. Should the application be supported, conditions of consent requiring approvals from the relevant authorities to be obtained prior to construction commencing can be imposed.

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

The SCDCP 2015 includes volumes and parts which relate to specific localities and various developments. Volume 1 which relates to development controls for all types of development with the following sections of the DCP, relevant to this application:

- Part 2 of this volume applies to all types of residential development;
- Part 3 applies to Low and Medium Density Residential Development and Ancillary Residential Structures; and

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

Part	Requirement	Proposed	Compliance
2.2 Site Analysis	A Site Analysis Plan shall be lodged with the development application.	A rudimentary site plan of the proposal has been submitted with the application. No site analysis plan including a streetscape analysis was submitted with the application to provide an understanding of how the development relates to the site, despite previous	Unsatisfactory

Part	Requirement	Proposed	Compliance
		requests.	
2.4.1 Rain Water Tanks	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings.	2,000L rain water tank proposed.	Satisfactory
	f) Above ground water tanks shall be located behind the primary or secondary building line.	Rain water tank proposed is located behind the primary building line.	
2.4.3 Natural Ventilation	a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	Windows are proposed to each elevation to maximise opportunities for cross flow ventilation.	Satisfactory.
2.4.5 BASIX	BASIX Certificate to be provided in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	Compliant BASIX certificate has been provided.	Satisfactory
2.5 Landscaping	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape design is complimentary to the proposed development.	Satisfactory
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	No existing trees located on the subject site.	Satisfactory
	c) Landscape design shall add value to the quality and character of the streetscape.	Achieved.	Satisfactory
	d) A Landscape Concept Plan is required to be submitted for development applications in the opinion of Council a landscape plan is required.	A concept landscape plan prepared by definitive drafting has been submitted.	Satisfactory
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	Satisfactory landscape plan has been submitted.	Satisfactory
	f) Landscaping shall maximise the use of locally indigenous	Satisfactory planting species proposed. Should	Satisfactory

Part	Requirement	Proposed	Compliance
	and other drought tolerant native plants and avoid the use of invasive species.	the application be supported, conditions of consent can be applied to ensure the majority of species are selected from Council's Native Planting Guide.	
2.7 Erosion and Sediment Control	a) An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application.	Erosion and Sediment Control details are noted on site plans provided with the development application.	Satisfactory.
2.8 Cut, Fill and Floor Levels	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Natural ground levels shown on section plans to demonstrate proposed cut and fill proposed.	Satisfactory
	b) dwellings within residential zone maximum 1m cut and fill when measured at any corner of the building platform.	The application proposes cut and fill to facilitate the proposed development. Maximum 620 mm cut is proposed at the rear north western corner of the dwelling and maximum 490 mm of fill to the front southern corner of the dwelling. Maximum 1m of cut is proposed to facilitate at grade parking within the drive way.	Satisfactory
	d) Development incorporating any cut or fill shall comply with the requirements set out in this part.	Should the application be supported, conditions of consent can be applied.	Satisfactory
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	Should the application be supported, conditions of consent can be applied.	Satisfactory
2.10.2 Stormwater	a) All stormwater systems shall be sized to accommodate the 100- year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development available from Council's website at www.campbelltown.nsw.gov.au .	Should the application be supported, conditions of consent can be applied.	Satisfactory
	b) The design and certification	Concept stormwater design	

Part	Requirement	Proposed	Compliance
	of any stormwater system shall be undertaken by a suitably qualified person.	has been prepared by definitive drafting.	
	d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	The subject site falls to the street. Stormwater via gravity to street proposed.	
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device.	Stormwater via gravity to street proposed. Should the application be supported, conditions of consent can be applied to ensure stormwater connection at kerb to be clear of driveway and existing stormwater outlets.	
	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development available from Council's website at www.campbelltown.nsw.gov.au .	Should the application be supported, conditions of consent can be applied.	
2.10.3 Stormwater Drainage	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction, demonstrating to Council how the stormwater will be collected and discharged from the site.	Concept stormwater design has been prepared by definitive drafting.	Satisfactory
2.11.2 Heritage	a) Any development application made in respect to development on land that is: i) occupied by a heritage item; or ii) adjoining land occupied by a heritage item; or	A Heritage Impact Statement (HIS) and Curtilage study has been prepared by Taylor Brammer Landscape Architects Pty Ltd and submitted in support of the application. The HIS	Satisfactory

Part	Requirement	Proposed	Compliance
	<p>iii) located within a heritage conservation area shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.</p>	<p>assesses the impact of the proposed development on the heritage items significance, visual curtilage and setting and is acceptable.</p>	
<p>2.12 Retaining Walls</p>	<p>a) Any retaining wall that is not complying or exempt development as specified in the SEPP (E&CDC) 2008 shall be designed by a suitably qualified person.</p>	<p>Retaining walls are proposed within the front setback and along the side boundaries of the allotment.</p>	<p>Satisfactory</p>
	<p>b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.</p>	<p>Retaining walls are proposed within 2 m of property boundary, specifically side allotment boundaries. Insufficient details relating to proposed retaining walls have been submitted to demonstrate the location of these walls will not adversely impact stormwater management and access to the site or adjoining properties.</p>	<p>Unsatisfactory</p>
	<p>c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:</p> <p>i) The retaining wall shall be setback a minimum of 450 mm from the rear and side boundary of the lot containing the cut.</p> <p>Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has</p>	<p>Retaining walls are proposed on the side property boundaries and adjoining land owners consent has not been submitted with this application.</p> <p>Additionally, insufficient details relating to proposed retaining walls have been submitted to demonstrate top and bottom of wall heights these walls.</p>	<p>Unsatisfactory</p>

Part	Requirement	Proposed	Compliance
	been obtained and submitted as part of the DA.		
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	Retaining wall structures are located with the front setbacks of the adjoining residential properties. No Structural Engineering Report has been submitted with the application. Should the application be supported, a condition of consent can be applied to ensure Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of these structure.	Unsatisfactory
	g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 metres to 1.2 metres.	Retaining walls are proposed along the side boundaries. Side setback proposed 0.9m and does not achieve the minimum 1.2 m required.	Unsatisfactory
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner(s).	Retaining walls are proposed on the side property boundaries and adjoining land owners consent has not been submitted with this application	Unsatisfactory
	i) Retaining walls higher than 900 mm shall be designed by a structural engineer and made from appropriate material.	Insufficient details relating to proposed retaining walls have been submitted to demonstrate top and bottom of wall heights these walls to confirm structural engineering requirements.	Unsatisfactory

2.15 Waste Management	A detailed Waste Management Plan (WMP) for dual occupancies developments are to detail how demolition and construction waste will be managed is required to be submitted.	WMP has been submitted with the development application.	Satisfactory
2.15.2 Waste Management During Demolition and Construction	Waste management plan is required to be submitted in accordance with this control.	WMP application detailing how construction and ongoing waste will be managed has been submitted.	Satisfactory
2.15.3 On-going Waste Management	Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.	Proposed waste storage areas are located forward of the primary building line within an alcove under the porch area. This area is unacceptable as access to these bins will be obstructed when a car is parked in the driveway.	Unsatisfactory
2.16 Provision of Services	This section of the DCP details requirements to ensure that development is provided with adequate water and power supply.	Services are available in the street. Should the application be supported conditions of consent could be applied to ensure compliance with this requirement is achieved.	Satisfactory
Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures			
3.4.1.1 Streetscape	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 application proposes materials, finishes and design elements that are complimentary to adjoining residential properties and is satisfactory in this regard. Due to the irregularity of the allotment size a streetscape analysis is considered necessary to understand how the proposal integrates harmoniously with adjoining properties and surroundings. No streetscape analysis has been submitted with the application and is unsatisfactory.	Unsatisfactory

		The proposal is considered uncharacteristic and inconsistent with the desired character of the area.	
	b) Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design. Landscaping shall be used to reduce the impact of any privacy fencing.	Subject site not located on a corner.	N/A
	c) The built form shall relate to the natural landform and setting.	<p>The allotment was created as a residue lot to service Lot 122 and was not created for the purpose of a dwelling house.</p> <p>Cut of up to one metre is proposed to facilitate onsite parking areas and up to 620 mm cut/490 mm fill for the dwelling house.</p> <p>Due to the irregularity of the allotment size considerable alteration of the natural landform is proposed and this is considered unacceptable.</p>	Unsatisfactory
	d) On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	The application proposes car parking arrangements within the driveway. Due to the irregularity of the allotment size and width, this area will be highly prominent when viewed from the street and is unacceptable. Further discussion regarding the non-compliance is provided below.	Unsatisfactory
	e) Garage doors facing a public street shall not be wider than 50% of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).	Nil proposed.	N/A
	f) No carports or garages (or	Nil proposed.	Satisfactory

	like structures) shall be located within 6 metres of the primary street boundary, for additional requirements of setbacks for the various types of residential development refer to section 3.5,3.6 and 3.7 of this part of the plan.		
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment	Achieved.	Satisfactory
	i) All windows facing the street (primary and secondary) must have a balanced architectural design.	Achieved.	Satisfactory
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.	Single storey dwelling proposed. Solar diagrams submitted demonstrate the proposal will not result in any significant loss of solar access to surrounding residential properties.	Satisfactory
3.4.2 Car Parking and Access	a) The minimum external dimensions of any required parking space shall be 2.5 m x 5.5 m.	Achieved.	Satisfactory
	b) The minimum internal dimension of an enclosed garage shall be 3 m x 6 m.	No garages proposed.	N/A
	c) Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	The application proposes excavation within the road reserve to accommodate the proposed driveway crossing. Insufficient information has been submitted to demonstrate compliance with this part and Council's Engineering specifications. Due to the confined nature of the allotment, levels from the adjoining properties would be required to be submitted to determine the appropriate grades within the road reserve.	Unsatisfactory

	d) The maximum garage floor levels (above or below) for a garage setback 6 metres from the front property boundary shall be in accordance with the requirements contained under Council's Engineering Guide for Development, (Appendix K - Standard Drawings No. SD-R08 and SDR09), which is available at Council's website at www.campbeltown.nsw.gov.au .	No garages proposed.	N/A
	f) Driveways shall be located a minimum distance of 6 metres from the tangent point of any unsignalised intersection (refer to Figure 3.4.2.1).	The subject site is more than 6 metres from the nearest tangent point of the unsignalised intersection.	Satisfactory
	g) The minimum width of the driveway at the street kerb shall be: i) 2.5 metres where the driveway provides access for one dwelling.	Achieved.	Satisfactory
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2.2).	Achieved	Satisfactory
	j) Plain concrete driveways including crossover and layback shall not be permitted. Details of driveway colours and patterns shall be submitted with the development application.	Should the application be supported, a condition of consent can be applied.	Satisfactory
	k) Internal driveways and vehicle access shall be provided with sufficient widths to ensure easy access to and from designated car parking areas/garages.	Achieved.	Satisfactory
3.4.3.1 Acoustic Privacy	a) Development that adjoins significant noise sources, (such as main roads, commercial/industrial development, public transport interchanges and railways) shall be designed to achieve acceptable internal noise levels, based on recognised Australian Standards and any criteria and standards regulated by a relevant State Government Authority.	The subject site is not located within proximity to significant noise sources. Appin Road (Classified Road) is 59 m west of the site. The site does not front Appin road.	Satisfactory

	b) Development shall incorporate noise attenuation measures that are compatible with the scale, form and character of the street.	Nil required.	Satisfactory
	c) On-site noise generating sources including, but not limited to, plant rooms and equipment, air conditioning units, pool pumps, and recreation areas shall be designed and located to ensure that the noise levels generated by such facilities do not exceed 5 dBA above background levels at the property boundary.	On site noise generating sources have been appropriately sited. Proposed location of AC unit is at least 450 mm from the side boundary. Should the application be supported conditions of consent can be applied in accordance with this part.	Satisfactory
3.4.3.2 Visual Privacy	a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).	Windows have been appropriately sited to protect the privacy of retain adjoining properties.	Satisfactory
	b) Notwithstanding Clause 3.4.3.2a) any window of a living room located on an upper level shall: i) be offset by 2 metres to limit views between windows and balconies; or ii) have a sill height 1.7 metres above the floor level; or iii) be splayed to avoid direct views between windows; or iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.	Single storey proposed.	Not applicable.
	c) Notwithstanding 3.4.3.2a), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	No Balconies proposed.	Not applicable.
	d) No wall of a proposed building shall be permitted to be constructed on the boundary for that portion of the boundary that is directly adjacent to an existing required private open space area on the adjoining allotment.	No buildings are proposed on the property boundary.	Not applicable.
3.4.4 Solar Access	a) Living areas shall generally have a northerly orientation.	Living areas are located with a north east orientation.	Satisfactory

	b) A minimum 20 sqm fixed area of the required private open space shall receive 3 hours of continuous direct solar access on 21 June, between 9.00 am and 3.00 pm, when measured at ground level.	The application fails to achieve the minimum 20 sqm of solar access to POS areas for 3 hours on 21 June, between 9.00 am and 3.00 pm and is unacceptable. Further discussion is provided below.	Unsatisfactory
	c) Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development.	Solar diagrams submitted demonstrate the development will not adversely impact solar access received on adjoining residential properties.	Satisfactory
	d) Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures.	The subject site was created as a residue allotment to service Lot 122 at the rear. The proposal does not achieve the minimum POS area or solar access requirements under this section of the DCP and is unacceptable.	Unsatisfactory
3.5.1 Fencing	a) Bonded sheet metal fencing shall not be constructed at any location other than alongside and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	Existing fencing to be retained.	Satisfactory
	f) Details for fencing shall be submitted with the development application.	Existing fencing to be retained.	Satisfactory
3.6.1 Dwelling Houses - Zones R2 & R3			
3.6.1.1 Site Requirement	a) A dwelling house shall not be erected on land with an average width less than 15 metres (measured at the primary street building setback), unless the allotment was in existence at the date upon which the Plan came into effect.	The site has a frontage of 5.36 m. The allotment was in existence at the date upon which the Plan came into effect. Notwithstanding, the allotment being created before the Plan came into effect, the allotment was created for the purpose of access for Lot 122, DP 813654 located at the rear.	Unsatisfactory

3.6.1.2 Deep Soil Planting	<p>a) A dwelling house shall satisfy the following provisions relating to deep soil planting:</p> <p>i) no more than 30% of the area forward of any building line shall be surfaced with impervious materials; and</p> <p>ii) a minimum of 20% of the total site area shall be available for deep soil planting.</p>	<p>Non-compliance. The impervious area forward of the building line equates to 70.8%.</p> <p>Non-compliance. The area at the rear of the site that can accommodate deep soil planting is 32.93 sqm and equates to 19.8% of the site.</p>	<p>Unsatisfactory</p>
3.6.1.3 Setbacks	<p>a) A dwelling house shall be setback a minimum of:</p> <p>i) 5.5 metres from the primary street boundary for the dwelling;</p> <p>ii) 6.0 metres from the primary street boundary for the garage;</p> <p>v) 0.9 metres from any side boundary; and</p> <p>vi) 3 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and</p> <p>vii) 8 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing).</p>	<p>The application proposes the following setbacks:</p> <p>i) 8.35 m front setback proposed.</p> <p>No garage proposed</p> <p>v) The setback is insufficient – see comment on section 2.12(g)</p> <p>vi) 5.9 m rear setback proposed.</p> <p>vii) N/A</p>	<p>Unsatisfactory</p>
	<p>b) Each dwelling shall have a minimum of 0.9 m unobstructed side access that is free from air conditioning units, rainwater tanks hot water systems, or any other structure that may block access to the rear of the dwelling.</p>	<p>Unobstructed side access is achieved along the sites eastern side.</p>	<p>Satisfactory</p>
3.6.1.4 Car Parking Rates	<p>a) A dwelling house shall be provided with a minimum of one undercover car parking space.</p>	<p>The proposal fails to accommodate one undercover car parking space.</p>	<p>Unsatisfactory</p>

<p>3.6.1.5 Private Space</p> <p>Open</p>	<p>a) A dwelling house shall be provided with an area of private open space that:</p> <p>i) is located behind the primary street building setback;</p> <p>ii) has a minimum area of 75 sqm;</p> <p>iii) has a minimum width of 3 metres;</p> <p>iv) includes a minimum levelled area of (5x5) sqm;</p> <p>v) has a minimum unfragmented area of 60 sqm;</p> <p>vi) has an internal living room directly accessible to the outdoor private open space areas; and</p> <p>vii) Satisfies solar access requirements contained in section 3.4.4.</p>	<p>i) Proposed POS area is located behind the primary building setback.</p> <p>ii) an area of 32.93 sqm proposed.</p> <p>iii) minimum width of 5.36 m achieved.</p> <p>iv) a levelled area of at least (5x5) sqm is achieved</p> <p>v) an unfragmented area of 32.93 sqm proposed.</p> <p>vi) POS area accessible from living area.</p> <p>vii) Non-compliance.</p>	<p>Unsatisfactory</p>
<p>3.6.1.6 Waste Requirements</p> <p>Bin</p>	<p>a) Space shall be allocated behind the primary and secondary street building lines and out of public view to store the following:</p> <p>i) a 140 litre bin; and</p> <p>ii) 2 x 240 litre bins</p>	<p>Proposed waste storage areas are located forward of the primary building line within an alcove under the porch area. This area is unacceptable as access to these bins will be obstructed when a car is parked within driveway.</p>	<p>Unsatisfactory</p>
<p>3.6.1.7 Site Services</p>	<p>a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.</p>	<p>Services are available in the street. Should the application be supported conditions of consent can be applied.</p>	<p>Satisfactory</p>
	<p>b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).</p>	<p>Services are available in the street. Should the application be supported conditions of consent can be applied.</p>	<p>Satisfactory</p>
	<p>c) All site services shall be placed underground.</p>	<p>Should the application be supported conditions of consent can be applied.</p>	<p>Satisfactory</p>

2.6. Developer Contributions

Section 7.11 development contributions are applicable to the proposed development.

3. Planning Assessment

3.1 Impacts on the natural and built environment

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for considerations when considering the subject development's potential impact on the natural and built environment are streetscape, off street parking and waste management.

Streetscape

In accordance with Volume 1, Part 2.2 of the SCDCP, a site analysis plan is required to be submitted as part of a development application. A site analysis plan would aid in providing an understanding of how the development relates to the site and its surroundings. In the circumstances of this application, the site is not a conventional allotment in terms of total site area or lot frontage nor is it a relatively flat site. The site contains a number of constraints and a site analysis that features a streetscape analysis would have aided in identifying those constraints and identifying the capability and suitability of the site.

The proposal fails to satisfy a number of objectives and design requirements required in the SCDCP relating to retaining walls, setbacks, private open space areas, solar access, waste management, off street parking and landscaping and has produced a development that would adversely impact the streetscape, is uncharacteristic of the desired character of the area and provides minimal amenity for its future occupants.

In addition, the applicant has noted the proposal is not dissimilar to a secondary dwelling under the provisions of the SEPP (Affordable Rental Housing) 2009. Whilst the size of the proposal may be similar to a secondary dwelling, the siting, appearance, parking and access requirements of the proposal do not comply with Council's requirements for secondary dwellings within the R2 zone. For example, the DCP does not require car spaces for secondary dwellings and secondary dwellings shall be designed to ensure that the entry door to the secondary dwelling is not visible from the street or other public place. Fundamentally, secondary dwellings are to be subservient and developed in conjunction with the principal dwelling, not on a standalone allotment.

Parking

Volume 1, Part 3.4 and 3.6 of the SCDCP requires on-site parking areas to be designed and sited to reduce the visual prominence of external parking spaces as viewed from the street or other public place and a dwelling house shall be provided with a minimum of one undercover car parking space.

The objectives of Volume 1, Part 3.4.1 and Part 3.6.1 of the SCDCP 2015 are as follows:

- Ensure that the massing and scale of new development are complementary to the desired future character of residential neighbourhoods.
- Ensure that buildings are designed to enhance the existing and future desired built form and character of the neighbourhood by encouraging innovative and quality designs that fit harmoniously with their surroundings.
- Ensure that parking areas, garages and driveways are appropriately sited, designed and constructed so that they do not detract from the appearance of the development or the streetscape.
- Ensure the provision of equitable access to natural light and ventilation for the occupants of all residential dwellings
- Encourage quality-designed dwelling houses that make a positive contribution to the streetscape and amenity of the neighbourhood.

The proposal does not provide a covered car space for the dwelling and relies on the external car space located within an area that is 1.8 m lower than the FFL of the dwelling that is accessed via an external stair case and is an unacceptable outcome for the site. The parking area will be visually prominent when viewed from the street.

Additionally, the proposal's failure to provide one covered car space at least 6m from the front property boundary results in a reliance on street parking for visitors and is inconsistent with the objectives Volume 1, Part 3.4.1 and Part 3.6.1 of the SCDCP 2015.

The applicant has provided the following response to this requirement:

Given the Council controls in the DCP for carports in front of the building line, it is proposed to have a car space instead. A carport may not be appropriate in the streetscape and impact on the appearance of the dwelling. It is requested that Council vary the requirement based on the above. This is not dissimilar to the controls under SEPP Affordable Housing, where car parking is not required for a secondary dwelling.

As previously mentioned, secondary dwellings are to be subservient and developed in conjunction with the principal dwelling, not on a standalone allotment that requires its own parking. A secondary dwelling is potentially able to benefit from shared use of the facilities provided for a principal dwelling, such as a parking space. This opportunity is not available for the only dwelling on a lot. As such the applicants request to vary the development control has not demonstrated the objective of the clause has been achieved. The proposal is unacceptable.

Waste Management

The SCDCP 2015 requires waste storage areas to be located behind the primary street building lines and out of public view. The proposed waste storage areas are located within an alcove under the front porch, in front of the proposed car space and is considered an unacceptable solution. Access to these bins and travel paths to collection points will be restricted when a car is parked within the driveway. Furthermore, due to the substantial earthworks proposed retaining walls are proposed along the sides of the driveway limiting functional access.

3.2 Social, economic and environmental impacts

Section 4.15(1)(b) of the EP&A Act requires the Consent Authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The social, economic and environmental impacts associated with the proposed are discussed below.

Solar Access and Private Open Space (POS)

The proposal fails to achieve the minimum required private open space for dwelling houses within the R2 zone (minimum area of 75 sqm). Additionally, shadow diagrams submitted as part of the application demonstrate that the POS area does not receive the required 20 sqm of solar access. A lack of solar access to the POS area reduces the desirability of the use of this space and therefore reduces the available option for residents to have access to outdoor space that achieves a nominal amount of sunlight.

The proposals inability to achieve compliant solar access to at least 20 square meters for 3 hours between 9.00 am – 3.00 pm on June 21 is considered to have an unacceptable impact for future occupants and is unacceptable.

Amenity

Volume 1, Part 3.2 of the SCDCP 2015 provides that low density residential neighbourhoods shall continue to be characterised by one and 2 storey dwelling houses that are designed to provide a high level of residential amenity for their occupants and the occupants of adjoining properties.

The proposal is not considered to accommodate a functional dwelling layout that would accommodate a high level of residential amenity for its occupants for the following reasons:

- bedrooms are small, sizing ranges between 2.3 m x 3.3 m (bed one) and 2.4 m x 3 m (bed 2) excluding provisions for wardrobes
- combined kitchen and living area are small with no dining area nominated
- no internal or weather protected access from parking area to front dwelling entry is provided
- private open space is less than half of the minimum required for dwelling houses within the R2 zone
- solar access at ground level within the private open space area is limited
- retaining walls are proposed within the side boundaries of the driveway limiting access and manoeuvrability within this space when this area is occupied

Despite the applicant's comments that in their view the proposal is not dissimilar to a secondary dwelling, the proposal is substantially dissimilar to a secondary dwelling as the proposal is for a principal dwelling on its own allotment that requires different requirements to accommodate future occupants.

The number of non-compliances discussed throughout this report will have a detrimental impact on the use and amenity of the proposal and is therefore considered unsatisfactory.

Social and Economic Impacts

Socially, the proposal would contribute to the provision of housing choice within the Campbelltown locality, to meet the housing needs of the local community. However, in this case the provision would be in a manner that does not provide sufficient amenity having regards to the lack of solar access.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development. However, the social and economic benefits are not considered to be sufficient to justify the impacts of the proposal or the exceedance of development standards identified in this report. Further, the energy costs will be greater for a dwelling with insufficient solar access than for one with sufficient solar access and therefore the proposal would result in relative economic disadvantage to the future occupants.

3.3 Site Suitability

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

The site is not considered suitable for the proposed development due to its adverse impacts to the internal and external amenity of the surrounding properties and future residents as raised throughout this report.

Fundamentally, the allotment was created as a residue lot for the purposes of access to Lot 122 DP 813654, not residential accommodation. The application proposes a number of non-compliances to the Campbelltown LEP 2015 and SCDCP and therefore the site is not considered suitable for the proposed development.

3.4 Public Interest

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

In the circumstances of this case, the proposed development is not considered to be in the public interest. The proposal has failed to consider critical aspects including streetscape, parking, waste management, private open space and the amenity of the future occupants of the development.

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

4. Public Participation

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions. The development application was notified to adjoining properties on 18 January 2019 for a period of 21 days. Two submissions, objecting to the proposal were received during the notification period and 2 submissions including a 42 signature petition received outside the notification period.

A summary of the concerns raised in the submissions/petition is provided below:

Issue	Response	Action
<p>Inconsistency with streetscape and character</p> <p>The proposed dwelling is out of character for the street, is located in a very prominent position resulting in an unsightly Street view. The proposal is considered out of place amongst existing homes of brick and tiles, single and double storey homes.</p>	<p>The application, specifically the materials and finishes, have been amended since lodgment to consist of rendered and painted finish walls, gable roof, metal roof and timber posts to tie into similar materials and finishes reflected in the street.</p> <p>It is agreed the proposal is uncharacteristic with surrounding development. A streetscape analysis was requested to understand how the proposal relates to the site and its surroundings. No streetscape analysis was submitted.</p>	<p>Recommend that the development application is refused.</p>
<p>Safety concerns with proposed driveway gradient and location of parking areas.</p> <p>The proposal would constantly have vehicles parked in the driveway at all times(unsightly) Safety concerns are raised over the steepness of the driveway and impacts to pedestrians and children playing in the street.</p>	<p>It is agreed, the proposal fails to accommodate the parking requirements for dwellings houses (one covered car space) required by the SCDCP.</p> <p>Additionally, insufficient information has been submitted with the application to undertake an adequate assessment of the proposed driveway and the grades within the road reserve.</p>	<p>Recommend that the development application is refused.</p>
<p>Subject lot is not a 'formal lot'</p> <p>Development Application is invalid, subject site is not a formally recognized independent lot with a physical street address. Subdivision is not proposed.</p>	<p>The subject allotment is a separate allotment, however shares the same property address with Lot 122. Should the application be supported, Council's property information section would be consulted to confirm the new street frontage address.</p>	<p>Nil required.</p>
<p>Failure to meet minimum lot size</p> <p>Proposal does not meet minimum lot size and sub-standard quality of Clause 4.6 submission to vary the minimum lot size Development Standard</p>	<p>As discussed throughout this report, the written request is not considered to have adequately demonstrated the requirements set out in Clause 4.6 of the CLEP 2015.</p>	<p>Recommend that the development application is refused.</p>

lodged with Application should not be supported.		
<p>Non compliance with R2 zone objectives</p> <p>The proposal does not comply with the objectives of the R2 Low Density Zone Objectives contained in Campbelltown LEP 2015.</p>	As discussed throughout this report, it is agreed the proposal is not considered consistent with the objectives of the R2 zone.	Recommend that the development application is refused.
<p>No heritage assessment submitted</p> <p>The application has failed to provide Heritage Assessment of Heritage Item and is an incomplete Development Application.</p>	Since lodgment, a heritage assessment has been submitted in response to Clause 5.10 of the CLEP 2015 and is acceptable to satisfy the requirements of Clause 5.10.	Nil required
<p>Non compliance with CDCP 2015</p> <p>The application proposes a number of non compliances with the Campbelltown (Sustainable City) Development Control Plan 2015, specifically:</p> <ul style="list-style-type: none"> - Sustainable design - Heritage - Future desired character - Building form and character - Visual and acoustic privacy - Requirements for dwellings houses within an R2 zone. - Deep soil planting requirements. 	It is agreed the proposal includes a number of non-compliances with the SCDCP as discussed throughout this report.	Recommend that the development application is refused.
<p>Precedence and overdevelopment</p> <p>The development would result in a lot size, width and shape which is completely out of character with the existing pattern of subdivision in the locality and would immediately establish an irreversible undesirable precedent for development in the Campbelltown LGA. The development does not 'fit' on the site.</p>	It is agreed, the application includes a number of non-compliances to the CLEP 2015 and the SCDCP as the subject site was created as a residue allotment to service Lot 122 at the rear. The proposal offers minimal amenity for its occupants and would set an undesirable precedent for non-compliant development.	Recommend that the development application is refused.

<p>Reduced of amenity for occupants</p> <p>Minima amenity offered for occupants and adjoining properties.</p>	<p>It is agreed, the proposed dwelling layout fails to provide a high level of residential amenity for its future occupants.</p>	<p>Recommend that the development application is refused.</p>
<p>Subdivision</p> <p>The site is too small to be subdivided, the LEP requires 500 sqm for subdivision and the Clause 4.6 submission does not adequately address the provisions of Clause 4.6.</p>	<p>The application does not propose subdivision and the provisions of Clause 4.1 of the CLEP 2015 (Minimum subdivision lot size) do not apply to this development. Clause 4.1C of the CLEP 2015 sets the minimum qualifying site area and lot size for certain residential development in residential zones.</p>	<p>Nil required.</p>
<p>Timeline of DA lodgment</p> <p>The application on Council's Development online services notes the application has remained unchanged as 'assessment in progress' for approximately 4 months.</p>	<p>Noted. The application has been under assessment.</p>	<p>Nil required.</p>
<p>Previous Advice Received by the Director of Planning – Campbelltown Council request for update on application.</p> <p>Communication was provided to the objector advising an invitation to withdraw the application has been sent on 19 October 2020. This correspondence has not been provided on Council's DA tracker.</p> <p>Regular status updates to the objectors is requested.</p>	<p>Noted. An invitation to withdraw the application was issued to the applicant on 19 October 2020. Council's DA tracker does not include all correspondence.</p> <p>Council's Development online services is a tool that allows the public to view and track development applications.</p>	<p>Nil required.</p>
<p>Withdrawal or Refusal of Development Application</p> <p>An update to the status of the application is requested.</p>	<p>Noted. At the time of the receipt of this submission, the application was under assessment. The applicant subsequently provided advice that the application would not be withdrawn and requested the application be determined by the relevant authority.</p>	<p>It is recommend that the development application be refused.</p>
<p>Receipt of amended plans</p> <p>The amended plans should be re-notified.</p>	<p>In accordance with Council's Community Participation Plan when revised information is received that is different from how the application might have originally notified, the assessing officers will consider how significant the changes are and may re-notify it again. The amended plans were not significantly different to the proposal as</p>	<p>Nil required.</p>

	submitted and did not warrant re-notification. A copy of the originally submitted plans is attached to this report.	
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5. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. While the proposed development is permissible with consent under the provisions of the Campbelltown Local Environmental Plan 2015, it does not satisfy the minimum qualifying site area for a dwelling under Clause 4.1C. The submitted variation request has not demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case nor that there are sufficient environmental planning grounds to justify the non-compliance.

The allotment was created as a residue lot as access for Lot 122 and was not intended to accommodate a detached dwelling house. The proposal fails to adequately address a number of critical aspects such as streetscape, parking, waste management, private open space and does not deliver a high standard amenity for its future occupants. As such, it is considered the subject site is unsuitable for the proposed development.

Overall, having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and relevant matters discussed within this report, it is recommended that the development for the construction of a single storey dwelling and associated works at 1 Denfield Circuit, St Helens Park (Lot 8177, DP 881519) be refused subject to the reasons for refusal detailed in attachment 1.

Attachments

1. Recommendations for refusal (contained within this report)
2. Location plan (contained within this report)
3. Revised Plans (contained within this report)
4. Applicants Statement of Environmental Effects (contained within this report)
5. Applicants Clause 4.6 Variation Request (contained within this report)
6. Heritage Impact Statement (contained within this report)
7. Applicants response to additional information request (contained within this report)
8. Original Submission (contained within this report)
9. Revised Plan - Floor Plan (due to confidentiality) (distributed under separate cover)
10. Floor Plan from Heritage Impact Statement (due to confidentiality) (distributed under separate cover)
11. Floor Plan from Original Submission (due to confidentiality) (distributed under separate cover)

Reporting Officer

Executive Manager Urban Centres

ATTACHMENT 1
2225/2020/DA-DW
Recommended Reasons for Refusal

Development application 2225/2020/DA-DW for the construction of a single storey dwelling and associated works, Lot 8177 DP 881519, 1 Denfield Circuit, ST HELENS PARK is refused for the following reasons identified in the assessment of the application under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

1. The application does not achieve the minimum lot size required for dwelling houses within the R2 zone required by Clause 4.1C of the Campbelltown Local Environmental Plan 2015. The applicant's written request has not adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The application is inconsistent with the first and fourth objectives of the R2 zone of the Campbelltown Local Environmental Plan 2015. The application fails to accommodate a building design that provides for the housing needs of the community within a low-density residential environment and does not achieve a desired level of solar access to all properties.
3. The application does not comply with the objectives and controls of the Campbelltown (Sustainable City) Development Control Plan 2015 including:
 - a) Insufficient information has been submitted to demonstrate how the proposal integrates with the site and its surroundings in accordance with Volume 1, Part 2.2 of the DCP. No site analysis plan has been submitted with the application.
 - b) Insufficient information relating to proposed retaining walls have been submitted to demonstrate the location of these walls will not adversely impact stormwater management and access for the site or adjoining properties in accordance with Volume 1, Part 2.12 of the DCP.
 - c) Minimum 450mm setback alongside boundaries for retaining walls has not been achieved in accordance with Volume 1, Part 2.12 of the DCP.
 - d) Minimum side setback of 1.2m along the side boundaries where retaining walls are proposed has not been achieved in accordance with Volume 1, Part 2.12 of the DCP.
 - e) It has not been demonstrated that ongoing waste management requirements in accordance with Volume 1, Part 2.15 and Part 3.6.1.6 of the DCP has been achieved. Waste storage areas shall be located behind the primary building line and out of public view.
 - f) It has not been demonstrated that streetscape requirements for development within low density areas in accordance with Volume 1, Part 3.4.1.1 of the DCP has been achieved.
 - g) It has not been demonstrated that solar access requirements in accordance with Volume 1, Part 3.4.4 of the DCP has been achieved.
 - h) It has not been demonstrated that deep soil planting requirements in accordance with Volume 1, Part 3.6.1.2 of the DCP has been achieved.
 - i) It has not been demonstrated that car parking requirements for dwelling houses in an R2 zone in accordance with Volume 1, Part 3.6.1.4 of the DCP has been achieved.
 - j) It has not been demonstrated that private open space requirements for dwelling house within an R2 zone in accordance with Volume 1, Part 3.6.1.5 of the DCP has been achieved.
4. The site is not considered suitable for the proposed development having regards to the undersized nature of the allotment, adverse impact the proposal would have on the streetscape and inability to achieve a high level of residential amenity for its occupants.
5. The proposed development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

GENERAL NOTES:

1. STORM WATER DRAINAGE AS PER STORMWATER PLAN & THE BASIX REPORT
2. SEWER DRAINAGE & WASTE WATER TO SYDNEY WATER SEWER MAIN
3. SEDIMENT CONTROL BARRIER TO COUNCIL SPECIFICATIONS DURING CONSTRUCTION
4. SURVEY LEVELS & CONTOURS TO AUSTRALIAN HEIGHT DATUM OR AS INDICATED ON SURVEY PLAN +/-100mm
5. TERMITE CONTROL CHEMICAL OR PHYSICAL BARRIER TO BE INSTALLED IN ACCORDANCE WITH AS3660
6. VERIFY ALL DIMENSIONS, LEVELS & EXISTING CONDITION ON SITE PRIOR TO COMMENCEMENT OF WORK
7. ALL WORK & MATERIALS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & RELEVANT STANDARDS AUSTRALIA CODES
8. FIGURED DIMENSIONS TAKE PREFERENCE TO SCALE
9. ALL DIMENSIONS IN MILLIMETRES U.N.O.
10. DRIVEWAY GRADIENT TO COMPLY WITH COUNCIL REGULATIONS
11. DROP EDGE BEAMS TO ENGINEERS DETAILS IF REQUIRED
12. ALL STRUCTURAL BEAM SIZES & DETAILS TO ENGINEERS SPECIFICATIONS
13. ANY RETAINING WALL REQUIRED WILL BE CONSTRUCTED TO ENGINEERS DETAILS
14. AN ALL WEATHER ACCESS CONSISTING OF RECYCLED CONCRETE WILL BE PROVIDED
15. PERMANENT DRIVEWAY TO BE REINFORCED CONCRETE
16. ANY CONCRETE PATHS TO BE REINFORCED CONCRETE
17. SURFACE DRAINS WILL BE INCORPORATED IN THE LANDSCAPING TO REMOVE SURFACE WATER FROM GRASSED & CONCRETE AREAS
18. AGRICULTURAL DRAINS WILL BE APPLIED BEHIND ALL RETAINING WALLS & WILL BE CONNECTED INTO THE STORMWATER LINE
19. SURVEY DATA OBTAINED FROM SYDNEY REGISTERED SURVEYORS - PLAN REFERENCE 4810

AUSTRALIAN STANDARD CODES

AS 1288	Glazing
AS 1684.4	Timber Framing
AS 1728.1	Timber Structures Code
AS 2857	Termite Protection
AS 2878.1	Residential Slabs & Footings
AS 3500	National Plumbing & Drainage
AS 3600	Concrete Structures
AS 3700	Masonry in Buildings
AS 3786	Smoke Alarms
AS 4100	Steel Structures

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DD-928-2	BASIX Commitments
DD-928-3	Site Plan
DD-928-4	Site Analysis Plan
DD-928-5	Ground Floor
DD-928-6	Elevations
DD-928-7	Sections & Details
DD-928-8	Stormwater Plan
DD-928-9	Landscape Plan
DD-928-10	Electrical & Area Calculation Plan
DD-928-11	Shadow Diagrams

Revision Schedule

No.	Description	Date
2	Revised facade & finishes, provided additional detail for DA	25/11/20
1	Issued for DA submission	11/06/20

Notes

James Forsyth
 Lot 8177 DP 881519, Baynton Pl St Helens Park 2560
 Project number: DD-928 | Design
 Date: 13/05/20 | Facade
 Scale @ A3

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Schedule of BASIX commitments

The commitments set out below explain how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CCDC plans & specs	Comply
Water			
Fitlers			
The applicant must install downpipes with a minimum rating of 3 star (4.0 for 4.0 EFW) in all showers in the development.			
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.			
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.			
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.			
Alternative water			
Alternative tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must be installed in accordance with the requirements of all applicable regulatory authorities (including the area of the roof which drains to any rainwater tank for private use).			
The applicant must connect the rainwater tank to:			
• all toilets in the development			
• the cold water tap that supplies each outdoor shower in the development			
• all cold water outdoor taps in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply)			
Thermal Comfort Commitments			
General Features			
The dwelling must not have more than 2 storeys.			
The conditioned floor area of the dwelling must not exceed 300 square metres.			
The dwelling must not contain open masonry area exceeding 25 square metres.			
The dwelling must not contain fixed non-ventilable attic roof.			
Floors, walls and ceilings/roof			
The applicant must construct the floors, walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.			
Commencement	Additional insulation required (R-Value)	Show on specifications	
floor concrete slab on ground	nil		
external wall - framed (unventilated, blow correct, metal ceiling and roof - flat ceiling) (closed roof)	2.20 (or 2.60 including construction)		
ceiling - 4.00/1.00/flat ceiling	ceiling - 4.00/1.00/flat ceiling	unventilated, each timber obstruction x 0.170	

Note 1 - Insulation specified in the Certificate must be installed in accordance with Part 3.3.3.1.1 of the Building Code of Australia.

Note 2 - In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments	Show on DA plans	Show on CCDC plans & specs	Comply
Windows, glazed doors and skylights			
The applicant must install the windows, glazed doors and skylights shown in the table below, in accordance with the specifications listed in the table below. The applicant must also provide a minimum rating of 3 star for each window and glazed door. The window must have a height (or 7 square metres) which is not based in the table.			
The following requirements must apply to all windows in relation to each window and glazed door:			
• For the following glass and frame types, the window should be performed by visual inspection:			
- Aluminium single clear			
- Aluminium double (flat clear)			
- Triple-PCV/Clonergis single clear			
- Triple-PCV/Clonergis double (flat clear)			

Window/Door No.	Minimum height (mm)	Minimum width (mm)	Type	Rating (Energy Efficiency)	Rating (Thermal Performance)	Overhead/Under
North facing						
01	2100	2000	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
East facing						
W2	600	2410	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
W3	600	2410	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
W4	600	2410	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
W5	600	2410	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
South facing						
W1	1800	1210	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
West facing						
W6	1000	1210	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm
W7	600	1810	aluminium, single, clear	not over 1000mm	not over 1000mm	not over 1000mm

Energy Commitments	Show on DA plans	Show on CCDC plans & specs	Comply
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous water heater.			
Cooling systems			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area, 1 kitchen and 1 bedroom: Energy rating EER3.3 - 3.5.			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom, 1 kitchen and 1 bedroom: Energy rating EER3.3 - 3.5.			
The cooling system must provide for dehumidification during heating and cooling.			
Heating systems			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area, 1 kitchen and 1 bedroom: Energy rating EER3.3 - 3.5.			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom, 1 kitchen and 1 bedroom: Energy rating EER3.3 - 3.5.			
The heating system must provide for dehumidification during heating and cooling.			
Ventilation			
The applicant must install the following exhaust system in the development:			
At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off			
Kitchen: individual fan, not ducted; Operation control: manual switch on/off			
Laundry: individual fan, not ducted; Operation control: manual switch on/off			
Artificial lighting			
The applicant must ensure that the "typical type of artificial lighting" in a room or area is not over 1000lm/m ² in each of the following rooms: living area, kitchen, bedroom, bathroom, laundry, and garage.			
• all living areas, bedrooms, bathrooms, laundry, and garage			
• all bedrooms, bedrooms, bathrooms, laundry, and garage			
• all bathrooms, bedrooms, bathrooms, laundry, and garage			
Natural lighting			
The applicant must install a glass window or skylight in 1 bathroom (bathroom) in the development for natural lighting.			
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.			
The applicant must construct each ventilator space in the development so that it is "well ventilated", as defined in the BASIX.			
The applicant must install a fixed outdoor clothes drying line as part of the development.			



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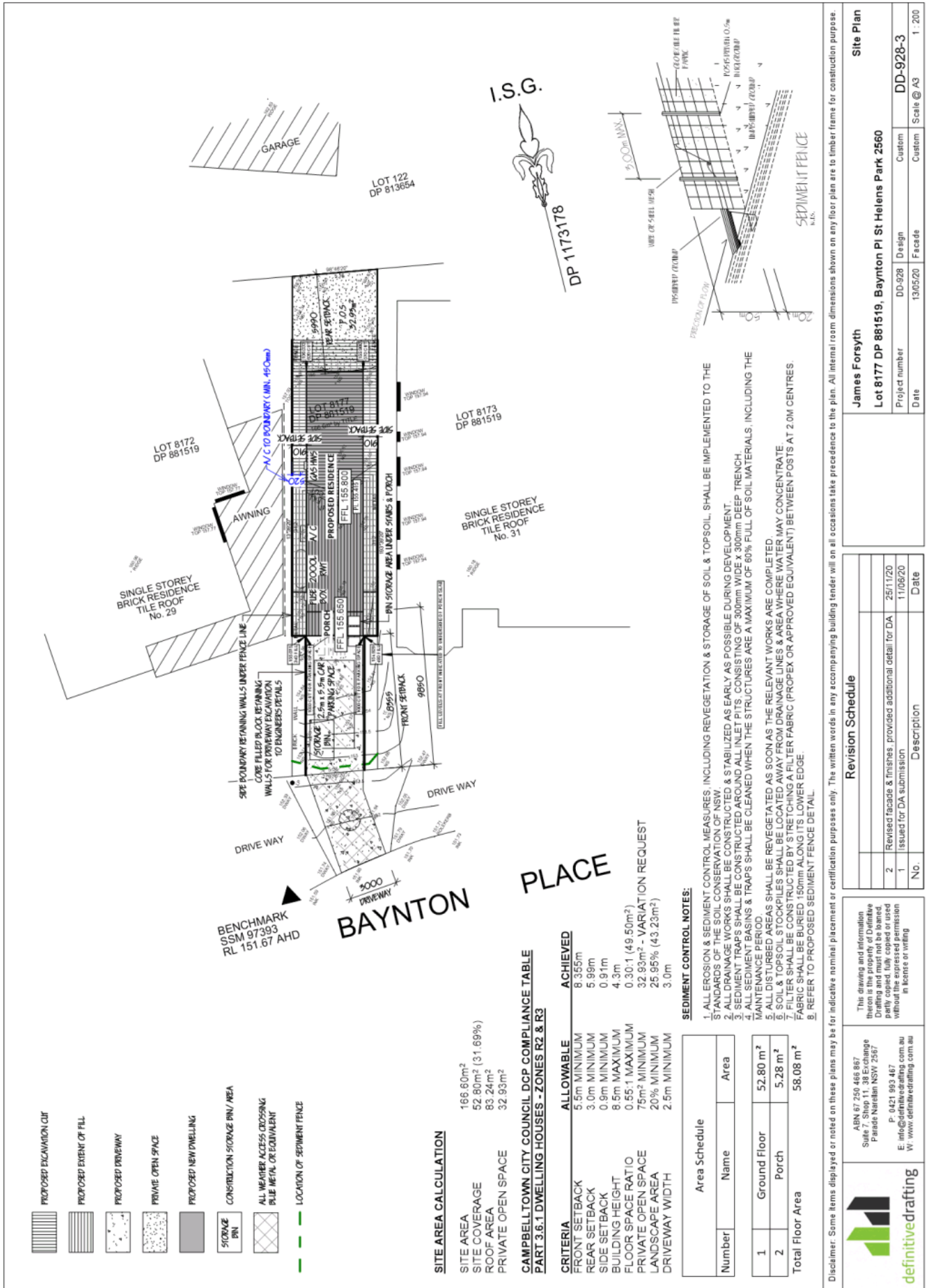
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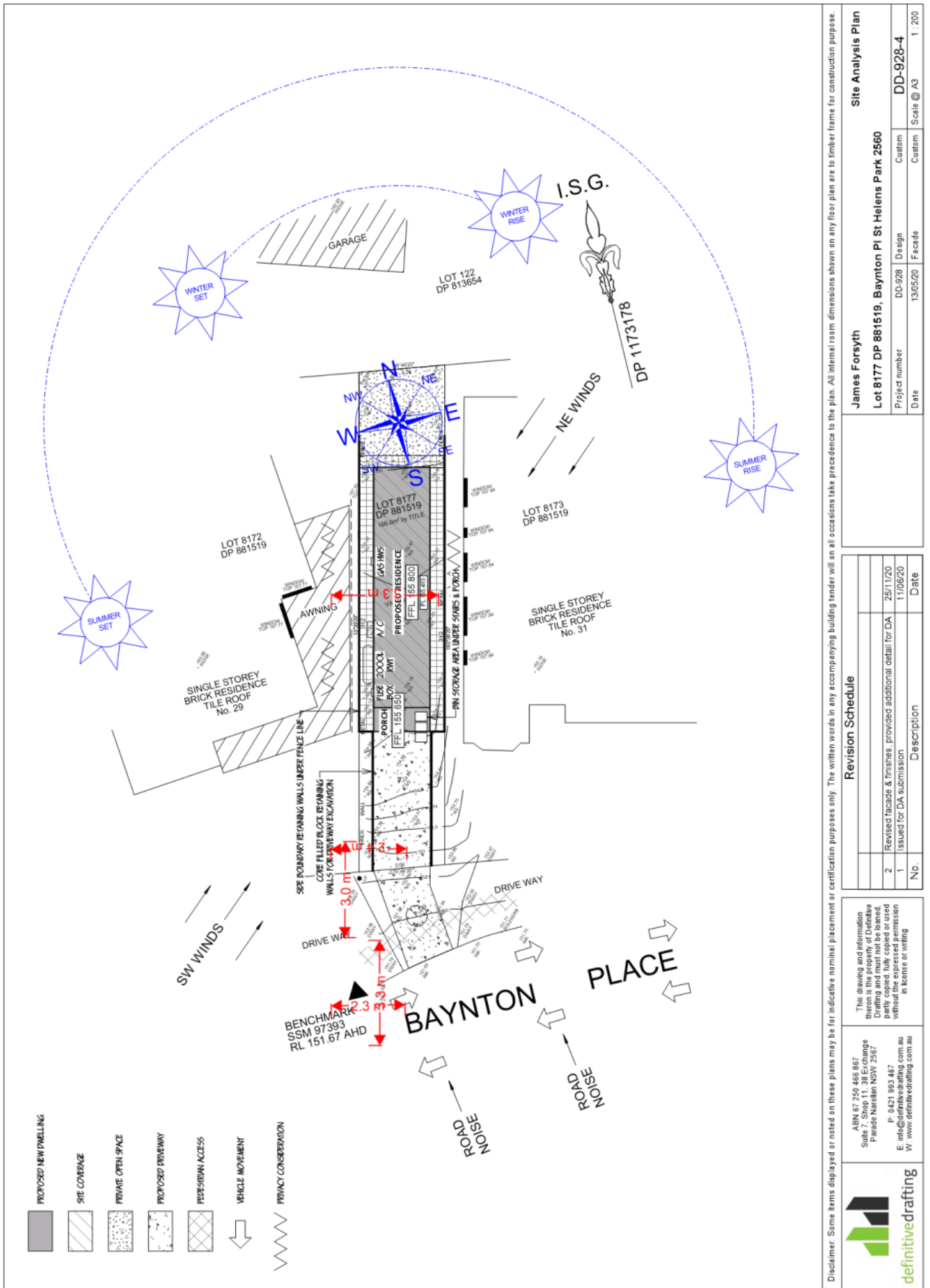
No.	Description	Date
2	Revised facade & finishes, provided additional detail for DA	25/11/20
1	Issued for DA submission	11/06/20

Revision Schedule

James Forsyth	BASIX Commitments
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928
Date	13/05/20
Scale	Scale @ A3

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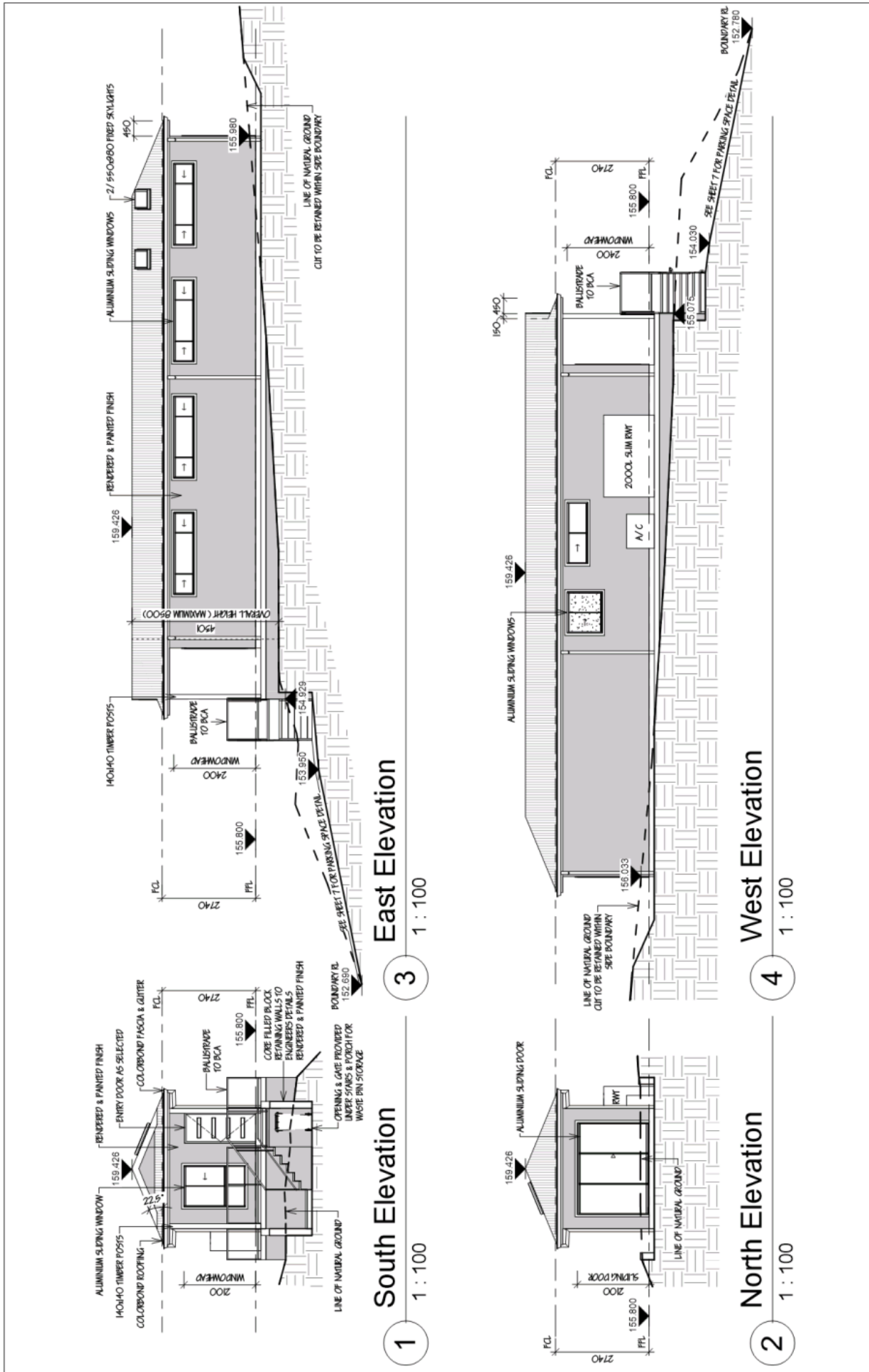
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Revision Schedule	
No.	Description
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1	Issued for DA submission
	25/11/20
	11/06/20
	Date

Site Analysis Plan	
James Forsyth	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928
Design	Custom
Facade	Custom
Date	13/05/20
Scale	A3
	1 : 200

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<p>James Forsyth Lot 8177 DP 881519, Baynton Pl St Helens Park 2560</p>		<p>Elevations</p>	
Project number	DD-928	Design	Custom
Date	13/05/20	Facade	Custom
Scale	@ A3		1 : 100

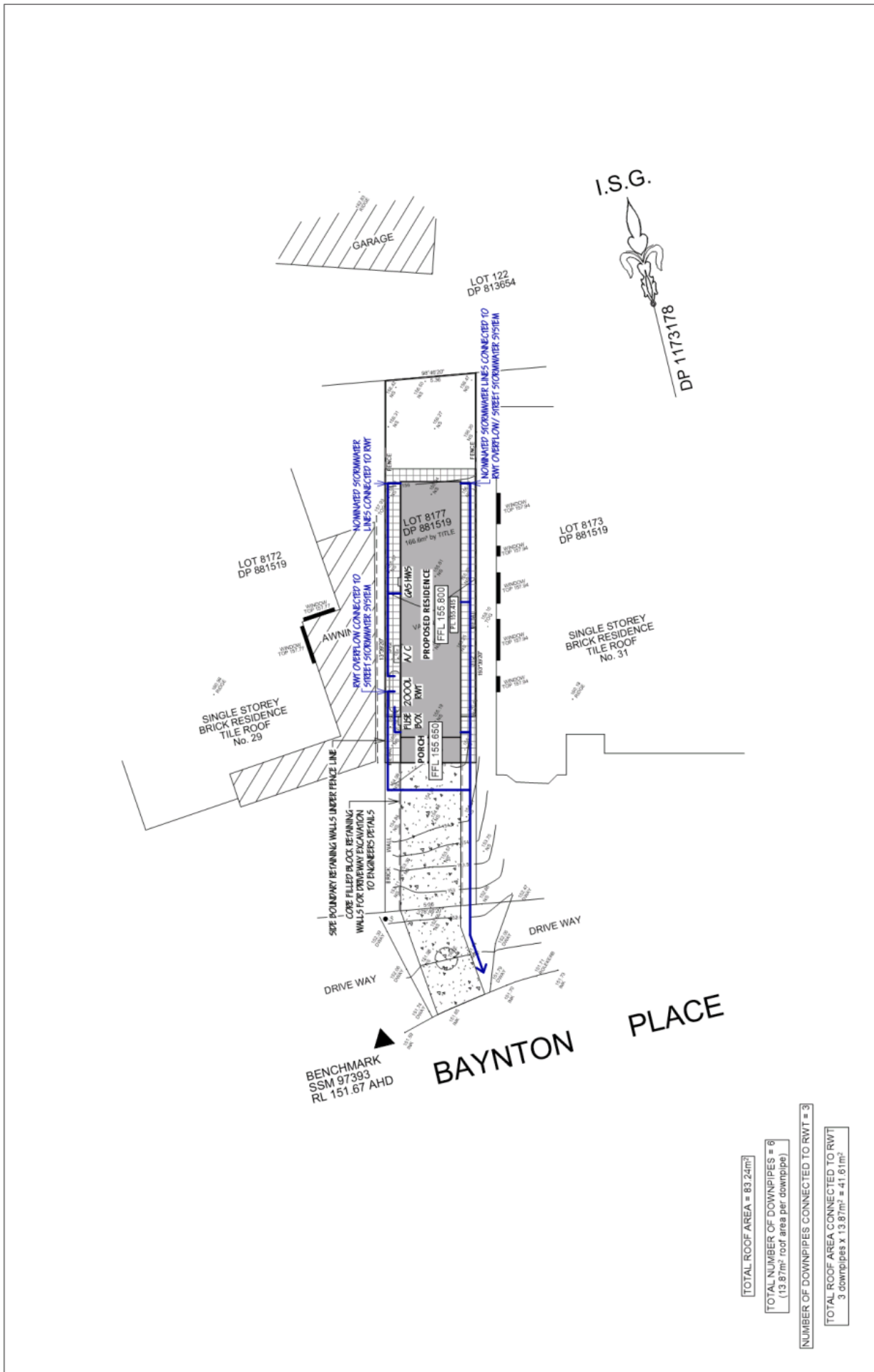
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1	Issued for DA submission	11/06/20

Revision Schedule	
No.	Description

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TOTAL ROOF AREA = 83.24m²
 TOTAL NUMBER OF DOWNPIPES = 6
 (13.87m² roof area per downpipe)
 NUMBER OF DOWNPIPES CONNECTED TO RWY = 3
 TOTAL ROOF AREA CONNECTED TO RWY
 3 downpipes x 13.87m² = 41.61m²

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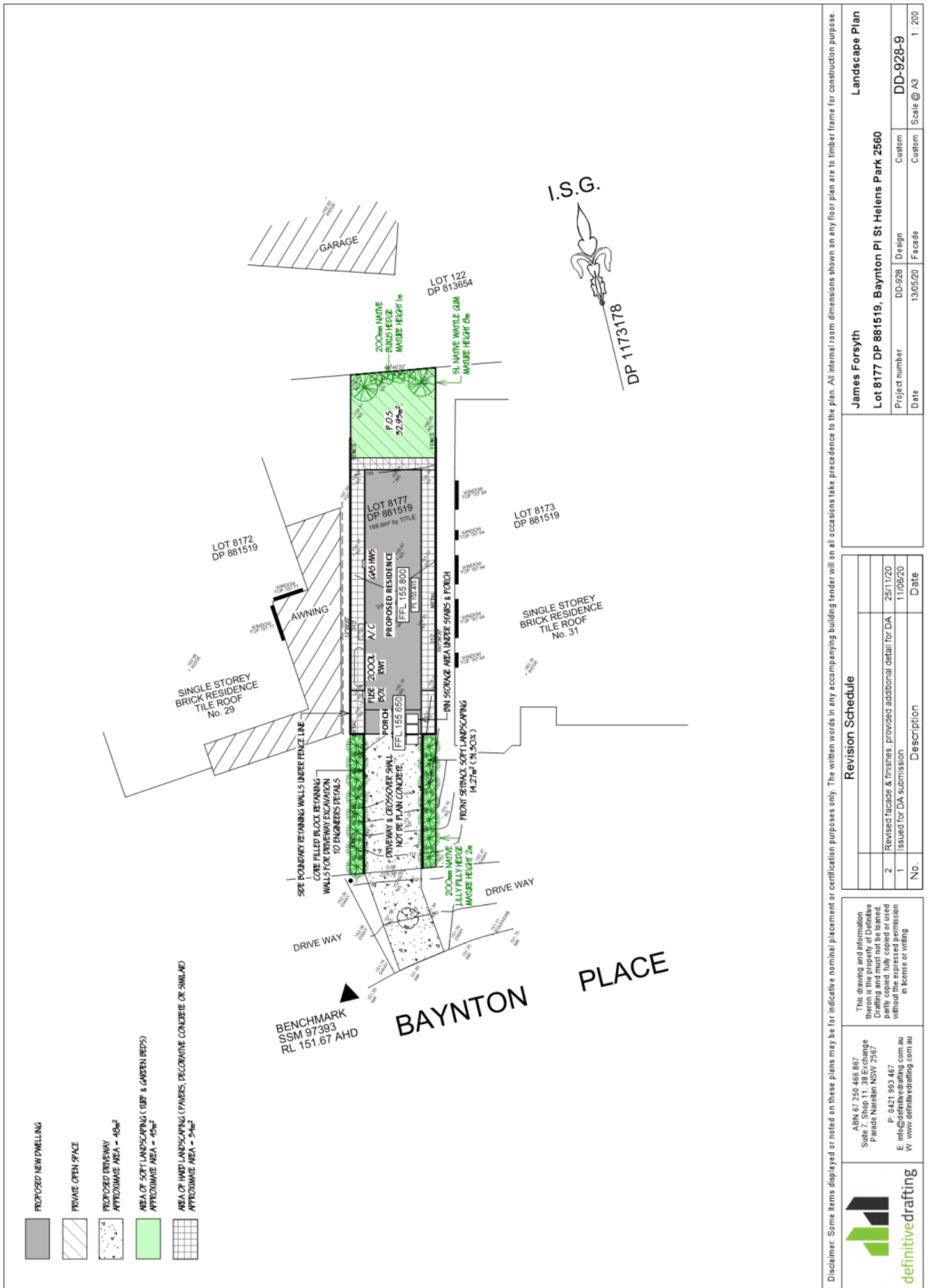
Revision Schedule		Stormwater Plan	
No.	Description	Date	Scale @ A3
2	Revised facade & finishes, provided additional detail for DA	25/11/20	Custom
1	Issued for DA submission	11/06/20	Custom

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James Forsyth
 Lot 8177 DP 881519, Baynton Pl St Helens Park 2560
 Project number: DD-928
 Design: 13/05/20
 Facade: DD-928-8
 Date: 11/06/20
 Scale @ A3: 1:200



ELECTRICAL LEGEND	
▲	SINGLE POWER POINT
●	OVERHEAD LIGHT
▲▲	DOUBLE POWER POINT
●●	DOWNLIGHT
△	W/ PROOF POWER POINT
▽	WALL MOUNTED LIGHT
○	TELEPHONE POINT
○	DOUBLE POINT LIGHT
○	FLOURESCENT LIGHT
○	SMOKE ALARM
⊥	HEATLAMP/ EXHAUST FAN (2 IN 1)
⊗	CEILING FAN
⊕	EXHAUST FAN
⊕	SPA PUMP POSITION

EXHAUST FANS INDICATED TO ROOMS WITHOUT NATURAL VENTILATION MUST MEET THE FLOW RATES DETAILED IN BCA VOLUME 2 PART 3.8.7.

2000L SLURRY
A/C
GAS MMS
F

Electrical Plan

1
1 : 100

GF Gross Floor Area
49.50 m²

Area Calculation Plan

2
1 : 100

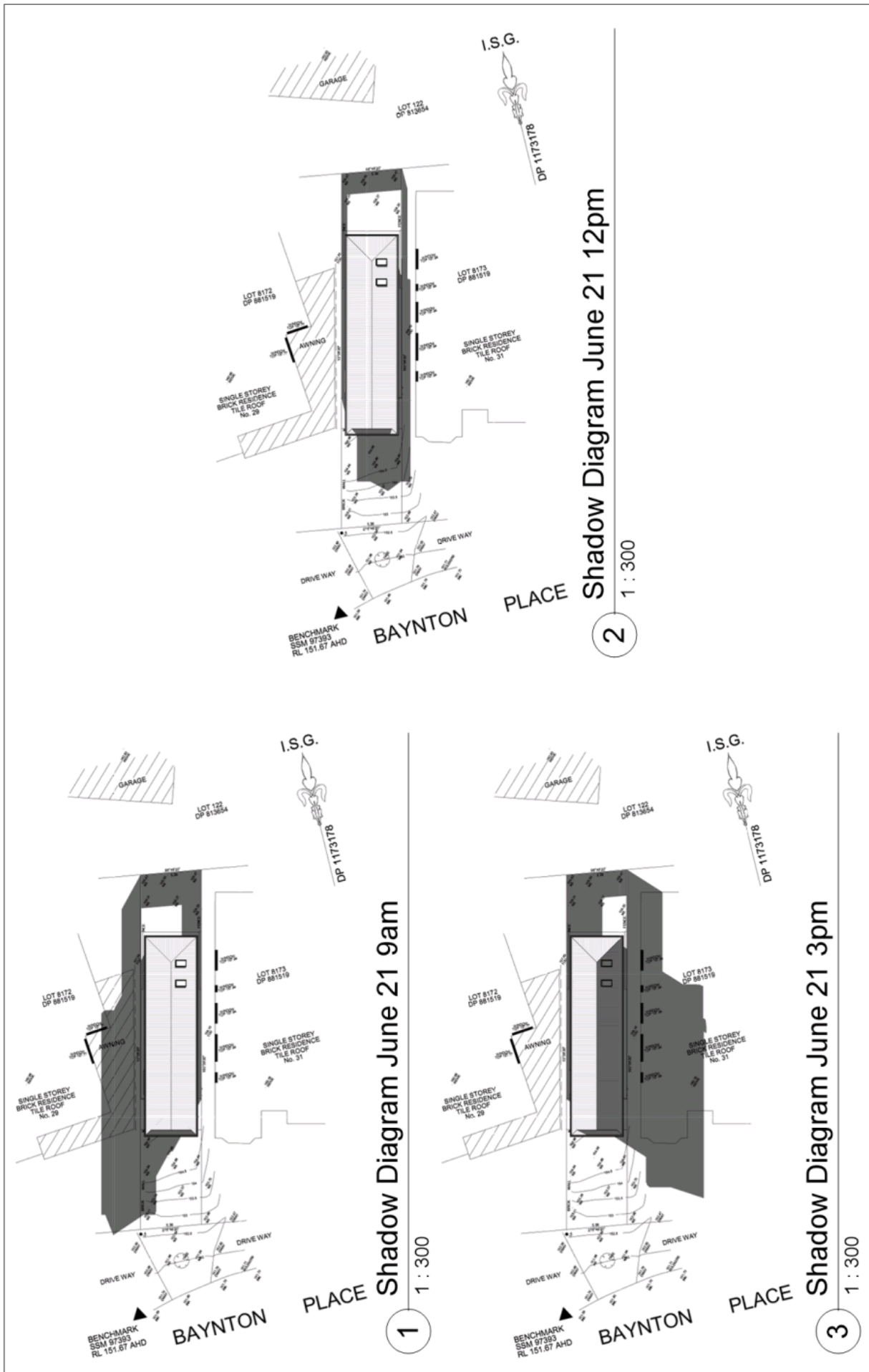
INDICATES EXTENT OF GROSS FLOOR AREA

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Revision Schedule		
No.	Description	Date
2	Revised facade & finishes, provided additional detail for DA	25/11/20
1	Issued for DA submission	11/06/20

James Forsyth		Electrical & Area Calculation Plan	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560		Project number	DD-928-10
Date	13/05/20	Design	Facade
Date	13/05/20	Scale @ A3	1 : 100

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No.	Description
2	Revised facade & finishes, provided additional detail for DA
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Shadow Diagrams	
James Forsyth	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928
Date	13/05/20
Scale @ A3	1 : 300

Shadow Diagrams	
Project number	Design
Date	Facade
DD-928	Custom
13/05/20	Custom

**STATEMENT OF ENVIRONMENTAL EFFECTS -
DEVELOPMENT APPLICATION:**

Construction of Single Storey Dwelling

Lot 8177 DP 881519, Baynton Place, St Helens Park

Prepared For:
Mr James Forsyth

Prepared By:



July 2020

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Email: michael@michaelbrown.com.au • **Web:** www.michaelbrown.com.au

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
1	07/07/20	MB	MB	MB

Document Certification

This report has been developed based on agreed requirements as understood by Michael Brown Planning Strategies Pty Ltd at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:

Position: Town Planner

Date: 10/07/20

Michael Brown Planning Strategies Pty Ltd

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- A: Plans – Definitive Drafting
- B: Clause 4.6 Request

Executive Summary

This Statement of Environmental Effects accompanies a Development Application (DA) submitted to Campbelltown City Council by Mr James Forsyth (proponent) relating to a development proposal for the construction of a single storey dwelling at Baynton Place, St Helens Park. The lot already exist, being the small lot subdivision created a number of years ago in St Helens Park.

The proposal does not meet the minimum lot size to construct a dwelling, being only 166.6m². The existing lot was created by Landcom a number of years ago (1991), as part of the subdivision of St Helens Park. **A proposal to incorporate the subject lot with the adjoining Lot 122 DP 8136554 to the north to undertake a four-lot subdivision in 2013 was refused by the Heritage Council and the application was subsequently withdrawn.**

Essentially this application sought consent to create two standard residential lots (500m² and 607m²) on the eastern boundary to Denfield Circuit and two larger residential lots (1297m² and 2000m) on the majority of Lot 122 (central and western part). **The standard lots have access from Denfield Circuit and the two larger lots have access to Baynton Place from the access handle lot, which was created in 1991.**

A dwelling has subsequently being constructed on Lot 122, leaving the subject lot, an isolated undersized lot.

As the lot does not meet the minimum lot size for the lot does not meet the minimum lot size under Clause 4.1 of the LEP to construct a dwelling, a Clause 4.6 request for variation to the minimum lot size accompanies the application at **Annexure B**. Given the extent of variation, the application will be determined by the Council Local Planning Panel.

There are also a number of non-compliances with DCP 2015, which will be addressed in the report, with a request for variation.

In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979, as amended;
- The Environmental Planning and Assessment Regulation;
- Local Environmental Plan 2015;
- Campbelltown (Sustainable City) Development Control Plan 2015;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy 55 – Remediation of Land;
- Deemed State Environmental Planning Policy No 2 – Nepean River; and
- Campbelltown Community Strategic Plan 2017-2027.

This report clearly and comprehensively addresses the statutory regime applicable to the application.

Detailed investigations of the site constraints and opportunities demonstrate that the site is relatively free of major physical limitations for development, notwithstanding the size of the allotment.

This Statement of Environmental Effects (SoEE) provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979, as amended.

The SoEE assesses the proposal and concludes that the DA will achieve appropriate and desirable development outcomes for the site and that the application should be approved subject to conditions.

1 Introduction

This Statement of Environmental Effects (SoEE) accompanies a Development Application (DA) submitted by Mr James Forsyth (the proponent) relating to the land at Lot 8177 in DP 881519, Baynton Place, St Helens Park ('the site').

The DA seeks approval for the construction of a single storey dwelling. It would be noted that the lot already existing as a small lot, as part of a subdivision that occurred a number of years ago.

The proposal does not meet the minimum lot size to construct a dwelling, being only 166.6m². The existing lot was created by Landcom a number of years ago, as part of the subdivision of St Helens Park. A proposal to incorporate the subject lot with the adjoining Lot 122 DP 8136554 to the north to undertake a four-lot subdivision in 2013 was refused by the Heritage Council and the application was subsequently withdrawn. A dwelling has subsequently being constructed on Lot 122, leaving the subject lot, an isolated undersized lot.

As the lot does not meet the minimum lot size for the lot does not meet the minimum lot size under Clause 4.1 of the LEP to construct a dwelling, a Clause 4.6 request for variation to the minimum lot size accompanies the application at **Annexure B**. Given the extent of variation (greater than 10%), the application will be determined by the Council Local Planning Panel.

There are also a number of non-compliances with DCP 2015, which will be addressed in the report, with a request for variation.

The development is described in Section 3 of this report.

1.1 SCOPE OF REPORT

This document has been prepared pursuant to the *Environmental Planning and Assessment Act, 1979 (Section 4.12 EP & A Act 1979)*, and the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*.

The Report describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations and a request for approval of the application subject to conditions.

1.2 PROJECT TEAM

Michael Brown Planning Strategies Pty Ltd, in preparing this SoEE has relied on relevant inputs from the following as detailed in **Table 1** below:

TABLE 1 - PROJECT TEAM

The Project Team	
Architectural Plans	Definitive Drafting - (Annexure A)

1.3 HISTORY

As stated in the executive summary, the existing lot was created by Landcom a number of years ago (1991), as part of the subdivision of St Helens Park. A proposal to incorporate the subject lot with the adjoining Lot 122 DP 8136554 to the north to undertake a four-lot subdivision in 2013 was refused by the Heritage Council and the application was subsequently withdrawn.

Essentially this application sought consent to create two standard residential lots (500m² and 607m²) on the eastern boundary to Denfield Circuit and two larger residential lots (1297m² and 2000m²) on the majority of Lot 122 (central and western part). The standard lots would have had access from Denfield Circuit and the two larger lots have had access to Baynton Place from the access handle lot, which was created in 1991.

The 1991 subdivision of the then Property reinforced the emphasis on the significance of Denfield's buildings and its cultural/ social aspects of land use - over the rural setting and its interpretation in the urban environment. The interpretation of heritage significance is internal and achieved only onsite.

Lot 122 was always been intended for housing development in the urbanisation of St Helens Park in the knowledge of and in close proximity of the Denfield State heritage item. Access to Lot 122 was provided for from the access-handle Lot 8177 to Baynton Place and by street frontage to Denfield Circuit in the subject subdivision stage. Development approval was obtained in 1991 for the subdivision of the lot into two large residential lots, though the consent was not activated (by previous owner). The local heritage item curtilage includes Lot 101 and Lot 122 and it appears this larger curtilage was adopted to allow for more detailed assessment of permitted housing development on Lot 122 to retain the significance of the Denfield house complex on Lot 101 as heritage assessment skills in land use planning evolved.

The proposed standard residential lots on the eastern boundary were designed to read as part of Denfield Circuit, a residential street; and to be the furthest from the Denfield house.

The proposed larger residential lots were designed so the bigger lots are near the Denfield house on the shared boundary. This provided for the ability to locate the new houses away from the shared boundary, to maximise amenity for all concerned.

The result of the refusal of the subdivision and the subsequent approval of a dwelling on Lot 122 has resulted in undersized isolated allotment, i.e. Lot 8177. This may not have been the intended outcome when approving a dwelling on Lot 122; however, the subject site is now an isolated lot and a Clause 4.6 request to construct a dwelling accompanies the application at **Annexure B**.

1.4 REPORT STRUCTURE

This SoEE is structured in the following manner:

Section 2 – Describes the Site and provides a detailed description of the site and the nature of surrounding development.

Section 3 – Details the Proposed Development and other relevant information.

Section 4 – Details the Statutory Controls that apply to the Development Site.

Section 5 – Details the Environmental Assessment of the proposed Development.

Section 6 – Provides a Conclusion.

The following commentary and assessment is provided in respect of the above.

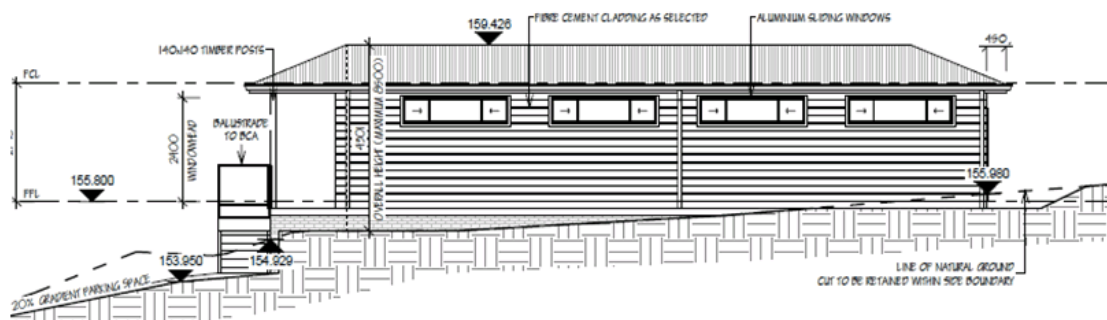
2 The Site

The site is located on the northern side of Baynton Place, St Helens Park and is legally described as Lot 8177 DP 881519. The site has a total combined area of 166.6m². The property has a width of 5.36m and a depth of 31.2m Refer to **Figure 1** below. The site has a slope of approximately 3m-3.5m over the length of the site and approximately 1m over the length of the proposed building, as show below in **Figure 2** with more detail shown on the survey plan prepared by Sydney Registered Surveyors. The slope of the site does not constrain the construction of a dwelling and the dwelling has been designed to take into account this slope.

FIGURE 1 - SITE CONTEXT



FIGURE 2 - CONTOURS OF LAND



2.1 SITE CONTEXT

The immediate locality is described as residential. St Helens Park is an older suburb of the Campbelltown LGA. The subject site is located a short distance to the Rosemeadow Shopping Centre.

2.2 UTILITY SERVICES

All utility services are available to the site, which includes water, sewer, electricity and telephone. Appropriate arrangements will be made with service authorities to augment the services to the site, if necessary.

3 Development Proposal

This Development Application has been submitted by the Proponents under the provisions of the Environmental Planning and Assessment Act, 1979. The proposal is described below:

3.1 DEVELOPMENT PROPOSAL

The proposal is to construct a single storey dwelling. The development proposal and data is provided below in Table 2.

TABLE 2 - PROPOSED DEVELOPMENT DETAILS

Proposal	Private Open Space M ²
Two (2) bedrooms and combined kitchen/living. Floor area 52.80m ² , excluding porch. A carparking space is provided in front of the dwelling.	32.93

3.2 SUBMITTED PLANS

The following plans accompany the application, as shown in Table 3 below.

TABLE 3 - SUBMITTED PLANS

Plan No	Sheet	Revision	Prepared by	Plan title	Date
DD-928	1	1	Definitive Drafting	Notes	11/06/20
DD-928	2	1	Definitive Drafting	BASIX Commitments	11/06/20
DD-928	3	1	Definitive Drafting	Site Plan	11/06/20
DD-928	4	1	Definitive Drafting	Site Analysis Plan	11/06/20
DD-928	5	1	Definitive Drafting	Ground Plan	11/06/20
DD-928	6	1	Definitive Drafting	Elevations	11/06/20
DD-928	7	1	Definitive Drafting	Stormwater Plan	11/06/20
DD-928	8	1	Definitive Drafting	Landscape Plan	11/06/20
DD-928	9	1	Definitive Drafting	Electrical & Area Calculation Plan	11/06/20
DD-928	10	1	Definitive Drafting	Shadow Diagrams	11/06/20

3.3 CONSTRUCTION MANAGEMENT CONTROLS

3.3.1 SEDIMENT AND EROSION CONTROL

Drains will be blocked or barricaded and silt fencing, sandbags and/or hay bales will be used to prevent offsite sediment movement.

However these should be more fully developed in consultation with the contractor and incorporated into a Soil and Water Management Plan in accordance with NSW Department of Housing (1998) *Managing urban stormwater: soils and construction*. The controls outlined in the plan should be put in place prior to any works commencing.

3.3.2 CONSTRUCTION

The construction will be in accordance with the requirements as set out under the Australia Standard. The construction of the development will have minor impacts in terms of potential noise impacts for adjoining residents, as a result of construction work and construction vehicles. A Construction Management Plan (CMP) will be prepared on the basis of ensuring that there is minimal impact/disruption to adjoining residents during the construction phase.

If required, a Site Management Plan (SMP) will be prepared to ensure the safety of the public during the construction program. This will include the methods for managing dust, noise and fencing.

During Construction on-site waste will be collected in a designated area. The designated area will be a contained waste sorting area located away from adjoining residents. Post construction and the ongoing operation, waste is taken to the street for collection by Council's service.

3.3.3 WASTE MINIMISATION AND MANAGEMENT

The proposed development has embraced the principles of waste minimisation and management from the earliest days of visioning/design work. In a like manner, construction phase has been the subject of significant waste minimisation and resource recovery thinking. A Waste Management Plan (WMP) accompanies this application and addresses waste generated during demolition, construction and on-going operation (refer to attached waste management plan).

3.3.4 OFFSITE WORKS

The creation of new entry point necessitates approval under the Roads Act 1993. Section 138(1) of the *Roads Act 1993* requires consent to:

*“(a) erect a structure or carry out a work in, on or over a public road, or
(b) dig up or disturb the surface of a public road, or
(c) remove or interfere with a structure, work or tree on a public road, or
(d) pump water into a public road from any land adjoining the road, or
(e) connect a road (whether public or private) to a classified road”.*

Consent is therefore sought for the construction of the new driveway from Baynton Place to provide vehicle access to the property.

4 Assessment of Relevant Controls and Policies

The Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) provide the framework for environmental planning in NSW and include provisions to ensure that proposals which have the potential to impact the environment are subject to detailed assessment and public participation. The development assessment system in New South Wales is set out in Parts 3A, 4 and 5 of the EP&A Act.

4.1 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following planning documents are relevant to the proposed development:

- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy (BASIX) 2004;
- Deemed State Environmental Planning Policy No 2 – Nepean River;
- Local Environmental Plan 2015;
- Campbelltown (Sustainable City) Development Control Plan 2015; and
- Campbelltown Community Strategic Plan 2017-2027.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT SECTION 4.15 (1) – MATTERS FOR CONSIDERATION

Under the provisions of Section 4.15 (1) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

- (a) *the provisions of:*
- (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified, and*
 - (iii) *any development control plan, and*
 - (iv) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (v) *any matters prescribed by the regulations that applied to the land to which the development relates, and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979.*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The assessment of the application is undertaken in the following sections.

4.3 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The proposed development is subject to the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55).

This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

Depending on the level of contamination, remediation may be required with the consent (Category 1) or without the consent (Category 2) of the consent authority. The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation – where contamination is likely to be an issue;
- A Detailed investigation – where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation;
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

The subject land has been vacant for a number of years (1991) and it is unlikely that the land is contaminated. As such we consider it unnecessary to require a Phase 1 assessment of this land.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

BASIX is the Building Sustainability Index, the State Government's web-based planning tool designed to assess the potential performance homes against a range of sustainability indices, being: Landscape, Stormwater, Water, Thermal Comfort and Energy.

The BASIX SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.

The BASIX assessment accompanies this application at **Annexure A** – Plan No DD-928-2.

4.5 DEEMED STATE ENVIRONMENTAL PLANNING POLICY NO 2 – HAWKESBURY NEPEAN RIVER

This Deemed Plan aims to protect the water quality of the Hawkesbury Nepean River and its tributaries and the environment of the whole. These central objectives are to be achieved through coordinated land use planning and development control.

The specific aims and objectives are as follows:

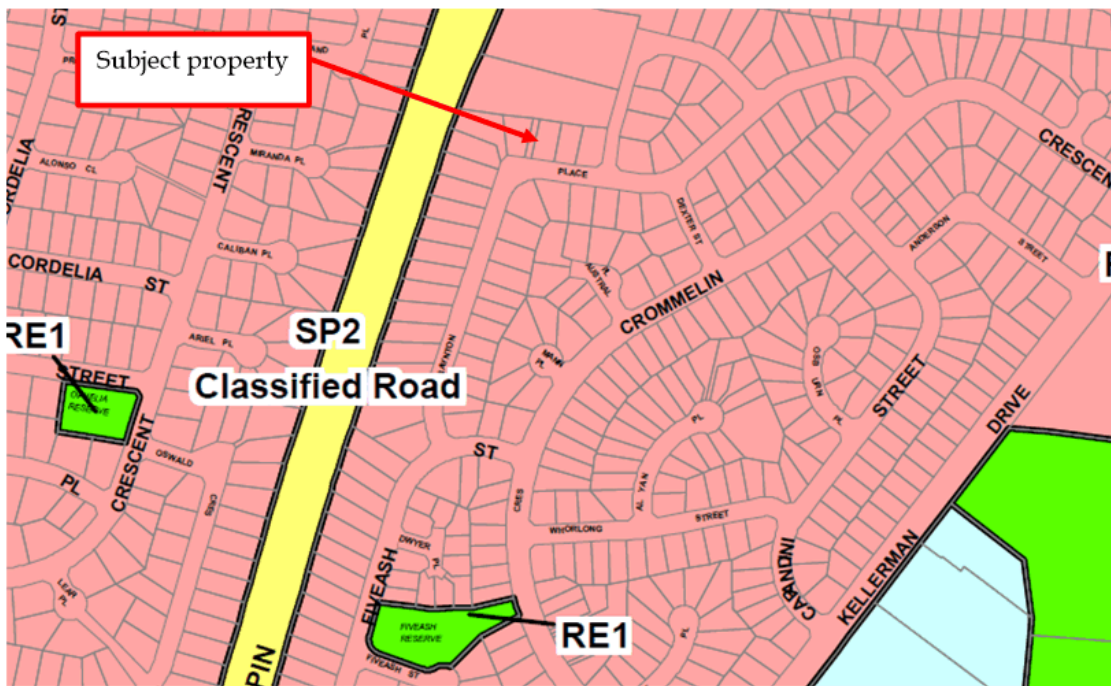
- (a) to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments such as wetlands (including mangroves, saltmarsh and seagrass areas), bushland and open space corridors within the , by identifying environmentally sensitive areas and providing for appropriate land use planning and development controls,
- (b) to preserve, enhance and protect the freshwater and estuarine ecosystems within the by providing appropriate development,
- (c) to ensure that development achieves the environmental objectives for the ,
- (d) to identify land uses in the which have the potential to impact adversely on the water quality and river flows in the Nepean River and its tributaries and to provide appropriate planning controls aimed at reducing adverse impacts on the water quality and river flows,
- (e) to conserve, manage and improve the aquatic environment within the which is a significant resource base for the aquaculture industry, by providing controls aimed at reducing pollution entering the 's watercourses,
- (f) to protect the safety and well being of the local and regional community in accordance with standards and processes aimed at improving the water quality and river flows in the to enable recreation,
- (g) to aid in the improvement of the environmental quality of Botany Bay in conjunction with other regional planning instruments.

The proposed development is consistent with the preceding relevant aims and objectives and general and specific planning provisions contained in Clause 8. The development is located within an established residential area. Certain environmental controls, such soil and erosion devises can be installed at the construction stage to minimise impacts on the river system, particularly given the distance to the river system.

4.6 LOCAL ENVIRONMENTAL PLAN 2015

Under the LEP 2015 the subject land is zoned R2 – Low Density Residential (refer to **Figure 3** below).

FIGURE 3 - ZONE



Under Clause 2.3 of the LEP the following objectives apply to the R2 zone:

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

It is considered that the proposed development is consistent with all the objectives, except dot point two, which is not relevant to the proposal.

The following uses are permissible in the zone.

“Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Semi-detached dwellings”

It is noted that dwellings are permissible with consent. Having regard to the zonal objectives and that the development is not prohibited, the subject proposal is therefore permissible with development consent in the zone and the proposal is consistent with the objectives of the R2 – Low Density Residential zone.

4.6.1 SPECIFIC CLAUSES OF THE LEP

4.6.1.1 CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

The subject property has a combined area of 166.6m² and non-compliant with the minimum lot size of 500m² under this clause of the LEP. However, it is not proposed to subdivide the land and as stated above, the subject lot was created by the subdivision of land undertaken by Landcom over twenty years ago. However, the provisions of clause 4.1C apply and is addressed below.

4.6.1.2 CLAUSE 4.1C – MINIMUM SITE AREA

Clause 4.1C provides the following objectives:

- (a) to achieve planned residential densities in certain zones,
- (b) to achieve satisfactory environmental and infrastructure outcomes,
- (c) to minimise any adverse impact of development on residential amenity,
- (d) to minimise land use conflicts.

The following subclauses apply:

(2) Development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the lot is equal to or greater than the area specified in Column 3 of the table.

(3) Development consent may be granted to the subdivision of land in a zone that is specified in the table to this clause for a purpose listed beside the zone, if the area of the lot to be created is equal to or greater than the area specified in Column 4 of the table.

The minimum lot size for a dwelling in the R2 zone is 500m². It is not proposed to subdivide the development as part of this application, as the lot already exist and therefore the Clause is not applicable to the development proposal.

However, subclause (2) applies to the existing lot. It would be noted that the minimum lot size to permit a dwelling is 500m² and the existing lot has an area of 166.6m² and therefore non-compliant.

In this regard, the provisions of clause 4.6 of the LEP needs to be addressed with a request for a variation to the development standard (refer to **Annexure B**). As the variation is greater than 10% the Local Planning Panel will consider and determine the application.

4.6.1.3 CLAUSE 4.3 – HEIGHTS OF BUILDINGS

Clause 4.3 provides a height limit for buildings. **Figure 4** provides for a height requirement of 8.5m. The proposed single storey dwelling is 4.3m high to ridge and therefore compliant.

FIGURE 4 - HEIGHT MAP



4.6.1.4 CLAUSE 4.4 – FLOOR SPACE RATIO

Clause 4.4 of the LEP applies to floor space restrictions. A floor space restriction does not apply to the subject property, with FSR provided with the DCP 2015 and addressed below in **Table 4**. Notwithstanding, as stated above, site has an area of 166.6m². The floor area of the dwelling is 52.80m² or 0.31.69:1, having regard to the calculation of FSR in the LEP.

4.6.1.5 CLAUSE 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS

As stated above, the site has an area of 166.6m² and under clause 4.1C the minimum area for a lot to enable a dwelling to be constructed in 500m². As such a request for a variation to the development standard is provided in **Annexure B**.

4.6.1.6 CLAUSE 5.6 – ARCHITECTURAL ROOF FEATURES

Clause 5.6 relates to architectural roof features. The proposed development provides for a hip roof to reflect the character of the area.

4.6.1.7 CLAUSE 5.10 – HERITAGE CONSERVATION

The subject property is not heritage listed, but is within the vicinity of a heritage item (No 100540) known as Denfield House. This item is listed as state significant. The proposed dwelling is unlikely to have an impact on Denfield House, given the location of the dwelling.

Refer also to comments in Section 1.3 of this report for a brief history.

1. Ensure that the aims and objectives of CLEP are complemented by the Plan;
2. Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
3. Facilitate innovative development of high quality design and construction in the City of Campbelltown;
4. Ensure that new development maintains or enhances the character and quality of the natural and built environment;
5. Ensure that new development takes place on land that is capable of supporting development;
6. Encourage the creation of safe, secure and liveable environments;
7. Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and
8. Provide for the design requirements for a variety of housing within the City of Campbelltown.

Comment

In respect of these objectives, the following is provided.

- 1 The proposed development meets the objectives of CLEP 2015, as discussed above.
- 2 The proposed units comply with BASIX requirements and are therefore ecological sustainable.
- 3 The proposed development would not out of character with the existing streetscape. The development provides dwelling that addresses Baynton Place.
- 4 This aspect has been addressed throughout this report.
- 5 The development is not affected by bushfire. In respect of flooding, it is unlikely that the land would be subject to flooding given the elevation of the land in the landscape.
- 6 The development has been designed to comply with CPTED principals and provides for a secure living environment.
- 7 This aspect has been addressed in other sections.
- 8 The proposed development has been designed to suit circumstances of this property.

Having regard to the above, we are of the opinion that the objectives of this part of the DCP have been met.

4.7.2 SECTION 1.3 – CAMPBELLTOWN 2025

This matter is addressed in Section 4.8.

4.7.3 SECTION 2.2 – SITE ANALYSIS

The subject plans provide a site analysis (DD-928-4).

4.7.4 SECTION 2.3 – VIEWS AND VISTAS

The subject site is not located in an area of high visual significance and not listed in the LEP as of scenic value.

4.7.5 SECTION 2.4 – SUSTAINABLE BUILDING DESIGN

The development has been designed to maximise as much as possible solar access to private open space area and part of the indoor living area of the dwelling, which has a northerly aspect. Given the size and orientation of the property, it is not possible to achieve solar access to most of the living areas. However, it was seen as important to maximise solar access to the private open space area.

We are of the opinion, that this is consistent with the requirements of the DCP. A BASIX Certificate has been provided for the development (refer to Plan No DD-928-2). A 2000L rainwater tank is provided to meet BASIX requirements. Given the size of the dwelling, the proposal can easily meet sustainability requirements.

4.7.6 SECTION 2.5 – LANDSCAPING

The following objectives apply to the proposed development.

- Maintain and rehabilitate the natural environment and assist in the conservation of Campbelltown's landscape character.
- Provide landscaping that compliments the scale of development.
- Enhance the appearance of development.

Comment

The property will be landscaped as part of this development (Plan No DD-928-8).

4.7.7 SECTION 2.7 – EROSION AND SEDIMENT CONTROL

This aspect was addressed above in section 3.2.1. Sediment control devices will be installed for the construction of the new dwelling.

4.7.8 SECTION 2.8 – CUT, FILL AND FLOOR LEVELS

The proposed development will require minimal cut given the fall of the land described above in Section 2 above and shown on **Figure 2**. It is proposed to overcome over cutting of the land, that a drop edged beam be employed. This reduces impacts on adjoining properties given the width of the site.

4.7.9 SECTION 2.10 – WATER CYCLE MANAGEMENT

It is proposed to convey water to Council's stormwater system.

4.7.10 SECTION 2.11 – HERITAGE CONSERVATION

Addressed above in Section 4.6.1.7.

4.7.11 SECTION 2.12 – RETAINING WALLS

Retaining walls are proposed, as shown on the submitted plans at **Annexure A**.

4.7.12 SECTION 2.13 – SECURITY

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by restricting access to the property. This can be achieved with boundary fencing and casual surveillance of the front of the property, mainly from the bedroom and front porch.

4.7.13 SECTION 2.14 – RISK MANAGEMENT

The subject site is not subject to bushfire or flooding.

4.7.14 SECTION 2.15 – WASTE MANAGEMENT

Domestic waste from the residential use of the property will be taken to the street for collection by Council's waste services. A waste management plan accompanies the application and addresses the construction stage of the proposed dwelling in accordance with Council Policy.

4.7.15 SECTION 2.16 – PROVISION OF SERVICES

The site is readily accessible to all services. Some of the services may require augmentation.

4.7.16 SECTION 2.17 – WORKS ON LAND

This was addressed above.

4.7.17 SECTION 3.2 – DESIRED FUTURE CHARACTER

The controls that apply to this development are set out below:

The low density residential neighbourhoods shall continue to be characterised by:

- one and two storey dwelling houses that are designed to provide a high level of residential amenity for their occupants and the occupants of adjoining properties;
- streetscapes where buildings are setback from the primary street frontage to provide opportunities for deep soil planting and landscaping; and
- articulated front facades where garages are setback and do not dominate the streetscapes; and
- limited stock of multi dwelling housing and attached dwellings that:
 - respect the existing character of the low density neighbourhoods; and
 - are of low scale and density.

Comment

The proposed dwelling is consistent with the above, as discussed in this report.

4.7.18 SECTION 3.4 – GENERAL REQUIREMENTS FOR LOW DENSITY RESIDENTIAL

Section 3.4.1 – Building Form and Character

The objectives are:

- Ensure that the massing and scale of new development are complementary to the desired future character of residential neighbourhoods.

- Ensure that buildings are designed to enhance the existing and future desired built form and character of the neighbourhood by encouraging innovative and quality designs that fit harmoniously with their surroundings.
- Ensure that parking areas, garages and driveways are appropriately sited, designed and constructed so that they do not detract from the appearance of the development or the streetscape.
- Ensure the provision of equitable access to natural light and ventilation for the occupants of all residential dwellings.

Comment

The proposed single storey dwelling is compatible with the existing streetscape that contains single and two storey dwellings on various size parcels of land (first dot point). It is considered that the design is innovative, having regard to the size of the property and the constraints (second dot point). Carparking is provided by a hardstand space at front of property. This is permissible and given the constraints of the site, a hardstand space is acceptable (third dot point). The dwelling has reasonable access to natural light and ventilation given the northerly aspect of the site (fourth point).

3.4.1.1 - Streetscape - Design Requirements

- a) Building design (including façade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.
- b) Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.
- c) The built form shall relate to the natural landform and setting.
- d) On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.
- e) Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).
- f) No carports or garages (or like structures) shall be located within 6 metres of the primary street boundary.

In respect of the above, the following is provided:

- a) The dwelling has been designed to provide for the particular purpose, being a small dwelling on a small lot. The design has taken into consideration the constraints of the site and provided a good built form outcome.
- b) The development is not situated on a corner site.
- c) The built form complies with this requirement.
- d) No garage, but hardstand area provided in front of dwelling. .
- e) Not applicable.

f) Not applicable.

Section 3.4.1.2 Building Height

The proposed development complies with the height requirements of the DCP and LEP.

4.7.19 SECTION 3.4.2 - CAR PARKING AND ACCESS

Car space is provided in front of the dwelling.

4.7.20 SECTION 3.4.3 - ACOUSTIC AND VISUAL PRIVACY

Given the single storey nature of the dwelling, it is unlikely that acoustic and privacy impacts will occur.

4.7.21 SECTION 3.4.4 - SOLAR ACCESS

The private open space areas of the dwelling has a northerly aspect.

4.7.22 SECTION 3.5.1 - FENCING

It is not proposed to provide a front fence. Side boundary fencing will be 1.8m high and compliant, noting that fencing is already provided to boundaries.

4.7.23 SECTION 3.6 LOW DENSITY RESIDENTIAL DEVELOPMENT

This section of the DCP provides controls for dwellings in a R2 zone. In respect of Section 3.6.1 of DCP 2015, the following **Table 4** addresses semi-detached dwellings.

TABLE 4 - COMPLIANCE TABLE

Development Standard	Proposal	Comments	Compliance
3.6.1.1 Site Requirement			
a) A dwelling house shall not be erected on land with an average width less than 15 metres (measured at the primary street building setback), unless the allotment was in existence at the date upon which the Plan came into effect.	The property have a frontage of 5.36m.	Non-compliant. However, the lot is existing and therefore the minimum frontage does not apply. Refer to Annexure B with a request to vary the minimum frontage standard. The proposed development is site-specific and the controls need to have regard to the particular circumstances of this proposal and consider the merits of this application. The lot size is essentially the main issue with the proposal and results in a number of non-compliances.	N/A.

Development Standard	Proposal	Comments	Compliance
3.6.1.2 Deep Soil Planting			
a) A dwelling house shall satisfy the following provisions relating to deep soil planting:	Most of the site is covered in hard surfaces, i.e. dwelling and carparking space.	There is little opportunity for deep soil planting given the constraints of the site. This is not dissimilar to narrow frontage lots that are being created in new release areas, i.e. lots with 9m width frontage. Once a driveway is proposed, the amount of area available for deep or soft landscaping is reduced. We note the objective of this part of the DCP is to encourage quality-designed houses that make a positive contribution to the streetscape. Whilst this is subjective, it is considered that the development contributes to the streetscape. If necessary, the carparking space could be constructed in a grass-crete or similar material to 'soften' the appearance of a hardstand space. As such, Council is respectfully requested to vary the standard in the circumstances of this particular case.	N/A
i) no more than 30% of the area forward of any building line shall be surfaced with impervious materials; and	Approximately 26% of site is available for soft landscaping		Yes
ii) a minimum of 20% of the total site area shall be available for deep soil planting.			
3.6.1.3 Setbacks			
a) A dwelling house shall be setback a minimum of:	8.355m to porch and 9.85m to wall of dwelling provided.	Compliant.	Yes.
i) 5.5 metres from the primary street boundary for the dwelling;			
v) 0.9 metres from any side boundary; and	0.91m side boundary setbacks.	Compliant	Yes.
vi) 3 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground	5.99m	Compliant	Yes

Development Standard	Proposal	Comments	Compliance
level (existing);			
3.6.1.4 Car Parking Rates			
a) A dwelling house shall be provided with a minimum of one undercover car parking space.	An open hardstand carparking space	Given the Council controls in the DCP for carports in front of the building line, it is proposed to have a car space instead. A carport may not be appropriate in the streetscape and impact on the appearance of the dwelling. It is requested that Council vary the requirement based on the above. This is not dissimilar to the controls under SEPP Affordable Housing, where a carparking is not required for a secondary dwelling.	N/A.
3.6.1.5 Private Open Space			
a) A dwelling house shall be provided with an area of private open space that:			
i) is located behind the primary street building setback;	Located behind setback.		Yes.
ii) has a minimum area of 75sqm;	32.93m ² provided behind dwelling.	The lot width limits the amount of area available for POS. Whilst not a medium density development or similar, generally 24m ² is accepted by Council's as the required POS. The important aspect of POS, and noted in the Council DCP, is that such area is an extension of the indoor space and is useable. In this case, it meets those requirements and under the circumstances of this case, should be considered acceptable. As such Council is respectfully request to vary the requirement.	N/A

Development Standard	Proposal	Comments	Compliance
iii) has a minimum width of 3 metres;	Yes.		Yes.
iv) includes a minimum levelled area of (5x5)sqm;	Level area 5m x 5m provided and an extension of indoor		Yes.
v) has a minimum unfragmented area of 60sqm;	Area unfragmented, but only 32.93m ²	Refer to above comments	N/A
vi) has an internal living room directly accessible to the outdoor private open space areas; and	Directly accessible.	Compliant.	Yes.
vii) satisfies solar access requirements contained in section 3.4.4.	Indoor and outdoor areas will receive good solar access.	Open space has a northerly aspect.	Yes.
3.6.1.6 Waste Bin Requirements			
a) Space shall be allocated behind the primary and secondary street building lines and out of public view to store the following: i) a 140 litre bin; and ii) two (2) 240 litre bins	Waste bins located behind building line on western side.	Refer to plans for details of compliance.	Yes.
3.6.1.7 Site Services			
a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council. b) Adequate provision shall be made available for all essential services (i.e. water, sewerage, electricity, gas, telephone, internet and stormwater drainage). c) All site services shall be placed underground. d) All communication dishes, antennae and the like shall be located	Services available to the subject property.	Compliant.	Yes.

Development Standard	Proposal	Comments	Compliance
to minimise visual prominence.			

4.7.23.1 CONCLUSION

The subject application represents a site-specific application to construct a dwelling on a lot that cannot meet all the requirements/controls of the Development Control Plan. It is a parcel of land that was created by Landcom some twenty + years ago, with the intention of providing vehicle access to Lot 122 DP 813654.

The approval of a dwelling on Lot 122 has resulted in a zoned isolated lot and one that clearly does not meet the minimum lot size under LEP 2015, as addressed above. Notwithstanding, the lot has a dwelling entitlement, putting aside the lot size, which is addressed by **Annexure B**.

The owner has been paying rates on the lot and clearly has a 'right' to construct a dwelling, that in all circumstances, does not meet a number of controls of LEP 2015 or DCP 2015. However, a dwelling has been designed on the lot that meets a number of controls of both planning documents, as addressed in Sections 4.6 and 4.7, above. It is our opinion that the only matter of concern that the Council would raise in this particular application is the size of the existing lot.

As stated above, in the new urban release areas, lot with a minimum lot size of 180m² can be approved as part of a subdivision, provided such application is accompanied with a dwelling/s. This proposal does not involve the creation of a subdivision, as the lot already exists. The proposal is to construct a dwelling on an existing undersized isolated lot of 166.6m², for which this application seeks consent to construct. The size is not dissimilar in area to a 180m² lot.

4.8 CAMPBELLTOWN COMMUNITY STRATEGIC PLAN 2017-2027

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

The proposed development is consistent with these documents in providing increased housing choice, particularly close to service and facilities.

4.9 SECTION 7.12 - COMMUNITY FACILITIES

This aspect of the proposal will need to be addressed with Council through the Section 7.12 Contribution Plan, based on the cost of the development. Such contribution will be made prior to the release of the Construction Certificate.

5 Assessment of Environmental Impacts

5.1 GENERAL

An overview assessment of the environmental effects of conducting the subject activity in the manner previously described in this report is provided below. This assessment has had regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (as amended).

5.2 SECTION 4.15 (1) (a) - (I) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (II) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (III) DCP, (IV) THE REGULATIONS.

The relevant matters for consideration include the provisions of Campbelltown LEP 2015 and DCP 2015 and a suite of planning policies, all of which have been considered in Section 4 of this Report.

The objects of the Environmental Planning and Assessment Act 1979, as stated under Section 5(a), form the fundamental consideration for development proposals. Specifically, Section 5(a) encourages:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing.

The subject application will provide for a dwelling on a small isolated lot and hence is an 'orderly and economic' use of the land. The proposed development is in a location well served by major road and rail infrastructure. It does not generate adverse impacts such as traffic on any residential areas within the surrounding area. It therefore encourages 'the proper management, development and conservation of natural and artificial resources'.

There are no significant adverse impacts on air quality, water quality, acoustic amenity and solar access, hence supporting the 'protection of the environment' and principles of ecological sustainable development. The proposal therefore satisfies the objects of the Act.

5.3 SECTION 4.15 (1) (b) - IMPACT OF THE DEVELOPMENT

5.3.1 SOCIAL AND ECONOMIC IMPACTS

The proposal will deliver social benefits at local level. The development offers modest accommodation for the owners of the land. The proposal is not dissimilar to a secondary dwelling that could be approved under SEPP Affordable Housing, except it is technically accompanied with a Principle Dwelling and is on a separate isolated lot. As such the proposal will contribute to the achievement of a wide range of social outcomes that will benefit future residents. The following provides a summary of the social benefits:

- The proposal provides positive benefits through the provision of housing, to meet the needs for affordable housing for the owners, which has been addressed throughout this report;

- The proposal generates positive changes to the character and amenity of the local area;
- The proposal is designed to effectively integrate the new community into the established residential area; and
- Implementation of a quality design which incorporates environmentally sustainable principles.

It is an orderly and economic use of land. The proposal achieves the highest and best use for the site. The likely impacts of the development are positive, and the proposed development satisfies the statutory requirements under both state and local planning frameworks, as discussed above.

5.4 SECTION 4.15 (1) (c) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered suitable to accommodate the proposed development, as demonstrated by the following:

5.4.1 LOCATION AND CONTEXT

The site is located close to urban services such as schools, shops, medical and recreational areas, such as the sporting fields. The surrounding road system has capacity to cater for the increased traffic movements from one x two bedroom dwelling.

5.4.2 AVAILABILITY OF SERVICES

Water, sewer, electricity and gas services are all provided to the site.

5.4.3 RELATIONSHIP TO NEIGHBOURING PROPERTIES AND STREETSCAPE

The proposed dwelling is not expected to be a very prominent element of the locality, however it achieves a level of urban design and has been located and setback appropriately to mitigate its impacts upon residential developments in the immediate area.

The proposed dwelling presents to Baynton Place with its principal façade providing a modest scale to the building when viewed from the street.

5.5 SECTION 4.15 (1) (d) – SUBMISSIONS

This cannot be dealt with as part of this Statement.

5.6 SECTION 4.15 (1) (e) – THE PUBLIC INTEREST

The public interest is an overarching concept. It is considered that the proposal is in the public interest, for the following reasons:

- The site design and dwelling to be accommodated will provide residential accommodation on an isolated lot
- The proposal will make appropriate use of land and will create a new residential dwelling with good standards of urban design and amenity.

5.7 SECTION 4.15(A)(IIIA) – ANY PLANNING AGREEMENT

There are no Voluntary Planning Agreements (VPAs) applicable to this proposal.

6 Conclusion

This SoEE concludes that the development will achieve appropriate and desirable outcomes on the site that should be recommended for approval on the following grounds:

- The proposal is consistent with relevant town planning policies and statutory controls, including State Government Policies;
- The proposal represents an appropriate balance between built form, density and open space;
- The proposal contributes to a sustainable development of the site; and
- The proposal results in no unacceptable impacts.

Having regard to the above analysis it is clear that people are experiencing housing stress due to a housing shortage, which is resulting in creating pressure in the housing and rental market, driving prices up and ensuring Sydney remains the least affordable capital city in Australia. With an increase in house prices, there is a significant demand for accommodation that meets the needs of people.

Annexure "A"
Reduced Architectural Plans

Annexure "B"
Clause 4.6 Request

Written Request under Clause 4.6 Exceptions to Development Standards of Campbelltown Local Environmental Plan 2015

Lot 8177 DP 881519, Baynton Place, St Helens Park

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1. Introduction

1.1 BACKGROUND

This report comprises a written request from the Applicant under Clause 4.6 of Campbelltown Local Environmental Plan 2015 ("LEP 2015") that seeks to justify the contravention by a proposed dwelling to the development standard for minimum lot size in Clause 4.1C(2) of LEP 2015, which state:

"(2) Development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the lot is equal to or greater than the area specified in Column 3 of the table".

Subclause (2) applies to the existing lot. It would be noted that the minimum lot size to permit a dwelling is 500m² and the existing lot has an area of 166.6m² and therefore non-compliant.

This clause is to ensure that a dwelling can be erected on a parcel of land and meets controls specified in the LEP or in some respects Development Control Plan 2015 (DCP 2015). The subject property has an area of 166.6m² and under the LEP the minimum lot size to construct a dwelling house is 500m². As such the lot does not meet the minimum standard to permit a dwelling to be constructed.

Clause 4.6(2) & (3) of LEP 2015 states:

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The land the subject of this objection is known as C Lot 8177 DP 881519 Baynton Place, St Helens Park. The proposal seeks consent to construct a dwelling on the subject lot.

The remainder of this report seeks to demonstrate that compliance with Clause 4.1C of CLEP 2015 is both unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard in this instance.

Clause 4.6(4), (5) & (8) of LEP 2011 states:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

The existing lot does not have the minimum lot size of 500m² to enable a dwelling to be erected, without seeking a variation to the standard.

This report has been prepared to support a variation to the development standards of Clause 4.1C(2) of *Campbelltown Local Environmental Plan 2015* (LEP 2015). As such a variation is sought under 'Clause 4.6 - Exceptions to development standards' under LEP 2015, with the existing lot being 333.4m² less than the minimum lot size. This equates to a 66.68% variation to the standard. As such, the variation is greater than 10% and must be considered by the Council Local Planning Panel. The subject property is zoned R2 Low Density Residential.

2 Exception to Development Standards - Clause 4.6

Clause 4.6 of the LEP 2015 operates as a precondition to the exercise of power to grant consent and unless a consent authority is satisfied that the precondition has been met, consent cannot be granted to a proposed development that contravenes development standards. Two positive opinions of satisfaction under clause 4.6(4)(a)(i) and (ii) must be made.

2.1 CLAUSE 4.6(4)(A)(I) - ADEQUATE ADDRESS OF MATTERS UNDER CL 4.6(3)

In response to cl. 4.6(3) two matters must be addressed:

- A. compliance with the development standards is unreasonable and unnecessary in the circumstances of the case; and
- B. there are sufficient environmental planning grounds to justify contravention of the development standard.

(A) Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case

The objectives of cl 4.1C are:

- (a) to achieve planned residential densities in certain zones,
- (b) to achieve satisfactory environmental and infrastructure outcomes,
- (c) to minimise any adverse impact of development on residential amenity,
- (d) to minimise land use conflicts.

These objectives are achieved notwithstanding the breach of the standard, making it unnecessary to apply the minimum lot size for an existing lot that was created by the subdivision of lands in St Helens Park in 1991 by Landcom.

A proposal to incorporate the subject Lot 8177 with the adjoining Lot 122 DP 8136554 to the north to undertake a four-lot subdivision in 2013 was refused by the Heritage Council and the application was subsequently withdrawn.

Essentially this application sought consent to create two standard residential lots (500m² and 607m²) on the eastern boundary to Denfield Circuit and two larger residential lots (1297m² and 2000m²) on the majority of Lot 122 (central and western part). The standard lots would have had access from Denfield Circuit and the two larger lots would have had access to Baynton Place from the access handle lot, which was created in 1991.

The 1991 subdivision of the then Property reinforced the emphasis on the significance of Denfield's buildings and its cultural/ social aspects of land use - over the rural setting and its interpretation in the urban environment. The interpretation of heritage significance is internal and achieved only onsite.

Lot 122 was always been intended for housing development in the urbanisation of St Helens Park in the knowledge of and in close proximity of the Denfield State heritage item. Access to Lot 122 was provided for from the access-handle Lot 8177 to Baynton Place and by street frontage to Denfield Circuit in the subject subdivision stage. Development approval was obtained in 1991 for the subdivision of the lot into two large residential lots, though the consent was not activated (by previous owner). The local heritage item curtilage includes Lot 101 and Lot 122 and it appears this larger curtilage was adopted to allow for more detailed assessment of permitted housing development on Lot 122 to retain the significance of the Denfield house complex on Lot 101 as heritage assessment skills in land use planning evolved.

The proposed standard residential lots on the eastern boundary were designed to read as part of Denfield Circuit, a residential street; and to be the furthest from the Denfield house.

The proposed larger residential lots were designed so the bigger lots are near the Denfield house on the shared boundary. This provided for the ability to locate the new houses away from the shared boundary, to maximise amenity for all concerned.

The result of the refusal of the subdivision and the subsequent approval of a dwelling on Lot 122 has resulted in undersized isolated allotment, i.e. Lot 8177. This may not have been the intended outcome when approving a dwelling on Lot 122; however, the subject site is now an isolated lot and a Clause 4.6 request to construct a dwelling is required to be submitted.

(a) to achieve planned residential densities in certain zones.

There are no residential densities applying to the land or the estate. The densities referred to in the objective, is for planned estates, such as new release areas, whereby a certain density has to be achieved to meet infrastructure costs normally associated with road upgrades, servicing, etc where a Section 7.11 Contribution Plan would apply.

The only contribution applicable to Council would be for the estimated cost of the dwelling through the Section 7.11A Contribution Plan.

(b) to achieve satisfactory environmental and infrastructure outcomes,

As demonstrated in the Statement of Environmental Effects prepared by this firm, the proposed dwelling is to be constructed on an existing isolated lot. Environmental and infrastructure outcomes were considered by the subdivision of the lands in 1991 by Landcom and through the approval of the subdivision by Council. There is no requirement by this development to upgrade infrastructure.

(c) to minimise any adverse impact of development on residential amenity,

The proposed dwelling is single storey and meets the requirements of the LEP controls, except the minimum lot size. There are no overshadowing, visual, acoustic or privacy impacts on adjoining properties. The proposal is for a dwelling with a floor area of 52.8m², basically the size of a secondary dwelling that would be permissible in the zone under SEPP Affordable Housing and the provisions of Clause 5.4(9) of LEP 2015, i.e. 60m². The development would be considered to be compliant with a secondary dwelling, except it is not part of an application for a principle dwelling and is on a separate lot. The SEPP does not allow a secondary dwelling to be subdivided, either by Torrens Title and Strata Title.

(d) to minimise land use conflicts.

The subject site and adjoining lands are zoned R2 Low Density Residential under the LEP. It is unlikely that land use conflicts would occur.

Notwithstanding the above, it is considered appropriate to provide additional information to assist with the consideration of the request to vary the development standard, particularly the extent of variation.

The Council minimum lot size for the LGA differs significantly across the various area. The subject property has a minimum lot size control of 500m² that applies. Notwithstanding this control, dwelling houses are permissible with development consent. This control is not a prohibition, but merely a control whereby a minimum lot size applies for a dwelling to be erected on the property. It is noted that the subject lot and adjoining lots were created in 1991 before LEP 2015 came into force, which provided minimum lot sizes.

As the proposed dwelling exceeds the control, clause 4.6 applies. It is our understanding that the minimum lot size was a Development Control Plan (DCP) standard prior to 2015. As such the lots to be created were considered on merit, although a minimum lot size under the DCP was 500m². An application to vary the lot size was considered via a DCP variation.

The maximum extent of non-compliance is for an existing lot and not for a proposed new lot. This equates to a maximum numerical variation of 333.4m² and a percentage variation of 66.68%.

It is noted that Clause 4.1 is not “expressly excluded” from the operation of Clause 4.6 and it is therefore open to the consent authority to grant development consent to the development pursuant to this Clause, despite the proposed variation to Clause 4.1.

This objective articulates the minimum lot size that development standard for various lots in the LGA. The minimum lot size on land within the Campbelltown Local Government Area is identified on the Minimum Lot Size Map. As previously described, the minimum lot size for a dwelling permitted on the subject site is 500m². The proposal varies the standard, which has prompted the preparation of this written variation request.

Despite the nature and scale of development proposed by the submitted Development Application, Clause 4.1 achieves the objective of nominating a range of minimum lot sizes across land use zones, using the Lot Size Map as a mechanism to do so.

This written request identifies the extent of variation proposed and explains why the variation is acceptable in the circumstances.

Objective 1(a) of Clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of Subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of Subclauses 4.6(3) & (4) in order to demonstrate to the consent authority that the exception sought is consistent with the exercise of “an appropriate degree of flexibility” in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by Subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, Subclause 4.6(6).

As described at Section 2 of this written request, the existing property has a lot size area of 166.6m² and cannot be increased in area to comply. It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 so as to permit a dwelling house to be erected on the land, equates to a numerical variation of 333.4m² and a percentage variation of 66.68%.

The issue of part of the property being less than the minimum lot size has been addressed by a Clause 4.6 request for variation, submitted with this application.

We do not consider that there is an abrupt change in size of the lot to adjoining properties, as a lot size control applies and we note that adjoining lots are of various sizes. We note that decision of O’Neil C in the matter of Mustaca and others v Ku-ring-gai Council (2017) NSWLEC 2016/383344, wherein a proposal to create two lots would result in one of the lots containing a dwelling that was less than the minimum lot size. The appeal in this matter was upheld. Cases cited were Wehbe V Pittwater Council. We also note the decision of Hussey C in the matter of Frank McKeown V Ballina Shire Council (2005) NSWLEC 13, where the proposal was to construct a caretaker’s cottage on a small rural lot, less than the minimum lot size. The property was an existing lot created by a Crown subdivision. The issues in this appeal were:

- Consistency with the aims and objectives of Ballina LEP 1987;
- Whether the site had a dwelling entitlement;
- Adequacy of the SEPP 1 objection to the minimum lot area for dwelling houses.

The appeal was upheld.

Having regard to the above L&E Court decisions, we are of the opinion that the planning controls permit dwellings and therefore the proposed development is acceptable in terms of the above clause.

It is considered that the requirement for strict compliance with the control would be counterproductive to achieving the aims to support residential accommodation in the LGA, particularly as the property lot size is existing and cannot be increased in size.

The surrounding area is characterised by predominantly lots of various sizes, and developed with housing. The LEP controls came into effect in 2015 after the property was created in 1991. Notwithstanding, a dwelling house can be erected on the subject property, as such is not prohibited under the zone.

Having regard to all of the above, it is our opinion that compliance with the minimum lot size standard is unnecessary in the circumstances of the case as the development meets the objectives of that standard and the zone objectives, as described in this written variation request.

Compliance with the development standard is both unreasonable and unnecessary in this case given the fact that the property and the size of the lot already exist. The potential site development is in keeping with the existing character that has occurred in the immediate area having regard to the zoning of the land.

It is also relevant that, as a general principle, the highest and best economic use of land which has been identified as appropriate for residential development, will conversely act to preserve the character of the area, particularly having regard to the setting of the area and adjoining developments.

Having regard to the above we consider that the approach taken serves the objects of the Act of promoting the orderly and economic use of land, with a development that provides for housing **close to services and facilities in the immediate area.**

It is not considered that a variation to the development standard in these circumstances would act as a general planning change more appropriately dealt with under *Part 3* of the *Environmental Planning & Assessment Act 1979*.

3 Objectives of the Zone

The objective of the R2 Low Density Residential Zone are stated as follows:

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

It is noted that the proposed dwelling is not inconsistent with zonal objectives, which permit dwelling houses.

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The proposed development is consistent with the objectives of the zone and a dwelling house is also a permitted use, and therefore will complement the existing development composition on adjoining and nearby sites.

For these reasons the development proposal meets the objectives for development in the R2 Low Density Residential Zone, despite non-compliance with the minimum lot size development standards of Clause 4.1.

4 Compliance with the Standard is Unreasonable and Unnecessary

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case.

In *Wehbe v Pittwater Council* (2007) NSW LEC 827, Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary.

The judgement goes on to state that:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved.

However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

Having regard to all of the above, it is our opinion that compliance with the lot size development standard is unnecessary in the circumstances of the case as the development meets the objectives of that standard and the zone objectives, as described at Part 3 of this written variation request. On this basis, the requirements of Clause 4.6(3)(a) are satisfied.

5 Sufficient Environmental Planning Grounds

(B) that there are sufficient environmental planning grounds to justify contravening the development standard.

Having regard to the objectives of the *Environmental Planning and Assessment Act 1979* sufficient environmental planning grounds exist in this case to justify breaching the minimum lot size control for a dwelling house. In particular the objects under section 1.3(a), (b), (c), (g) and (h) are pursued by this development. The objective seeking orderly and economic development of land is clearly supported by approval of this development.

Part of the environmental planning grounds in this matter arise from the fact that this is an existing lot that cannot be increased in size to meet the standard.

Clause 4.6(3)(b) requires that the written request to vary a development standard demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard. In order to demonstrate that there are sufficient environmental planning grounds to justify varying the development standard and to satisfy objective (1)(b) of Clause 4.6 by demonstrating that the proposed variation allows for a better outcome for and from the development. The following discussion is provided:

- The discussion provided throughout this variation request demonstrates that the existing lot size will not result in any adverse environmental impacts, in terms of amenity impacts, nor will there be any adverse streetscape impacts given the nature of the departure. It is submitted that there are sufficient environmental planning grounds to support the variation.

The lot size requirements under LEP 2015 are, in the circumstances of this matter, unreasonable and unnecessary, as discussed in this submission, being an existing lot. The site is zoned for a dwelling house, with a lot size control of 500m².

Exceedance of the lot size control is therefore not a prohibition, but more relating to development that may be developed in residential zones, with lot size controls restricting development on lots less than 500m². The zoning of the land clearly envisages a dwelling house to be constructed on the property.

(C) In addition, under cl 4.6(4)(a)(ii) of the LEP, the consent authority must also be satisfied that:

(1) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and with the objectives for the development within the zone in which the development is proposed to be carried out.

Having regard to the objectives of the *Environmental Planning and Assessment Act 1979* sufficient environmental planning grounds exist in this case to justify breaching the lot size standards, in particular the fact that this is an existing property created before the coming into force LEP 2015, noting the controls of minimum lot size for subdivision and not a dwelling house were contained in a DCP. In particular the objects under section 1.3(a), (b), (c), (g) and (h) are pursued by this development.

The objectives of the standard and the zone are addressed above under heading A. In addition the public interest is well served by a dwelling constructed on a vacant parcel of land.

It is considered that this represents an individual response which Clause 4.6 was intended to be available to set aside compliance with the generic controls as unreasonable or unnecessary in the circumstances of this particular case.

TaylorBrammer



HERITAGE IMPACT STATEMENT & CURTILAGE STUDY

HERITAGE IMPACT STATEMENT & CURTILAGE STUDY
PROPOSED DWELLING - ST HELENS PARK

December 2020



Image: Entry to Denfield House

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HERITAGE IMPACT STATEMENT & CURTILAGE STUDY
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1. Introduction

1.1 Background and purpose of the report

This Heritage Impact Statement and curtilage report has been prepared on behalf of James Forsyth, owner of Lot 8177 Appin Road, St Helens Park, NSW. It has been prepared to accompany the Development Application for a proposed residence on Lot 8177 DP 881519, Bayton Place, St Helens Park that forms part of the landscape curtilage to Denfield, a State Heritage Register Item, No 00540. The purpose of the report is to assess the heritage impact on Denfield and its curtilage.

1.2 Methodology and terminology

This report follows the general guidelines for Statements of Heritage Impact, set out in the NSW Heritage Manual, Heritage Office and Department of Urban Affairs and Planning (1996).

This report also follows the methodology and terminology described in The Conservation Plan, Sydney, National Trust of Australia (NSW), 5th edition 2000 by Dr J. S. Kerr and in the Australia ICOMOS Burra Charter, 1999 as described below. The methodology of these documents is combined with the State Heritage Register criteria to formulate an assessment of cultural significance (refer Section 3).

J.S. Kerr's The Conservation Plan considers the concept of cultural significance according to three qualities: The ability of a place to demonstrate a process, event, custom or style; associational (historical) links for which there may be no surviving evidence; and formal or aesthetic qualities.

The process of assessment of culturally significant places set out in the Australia ICOMOS Burra Charter breaks the concept of significance into "historic", "aesthetic", "technical/scientific" and "social" categories.

1.3 Author identification

This document was prepared by D. Matthew Taylor, heritage landscape architect of Taylor Brammer Landscape Architects Pty Ltd.

1.4 Development Application documents

The following documents have been used as the basis for the preparation of this document:

Plans prepared by James Forsyth (appendix A)

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1.5 Site location and description

The subject application, which is 166.60 square metres in extent, is located on the southern boundary of Lot 8177 which in turn is located to the southern boundary of the Denfield House, located on a local rise on the Appin Road at St Helens Park, NSW. The site is accessed from Baynton Place.

The subject site is located between established dwellings in an established residential subdivision. As noted, the site is located to the southern side of Denfield and its garden. The site slopes gently to the south and features open grassed areas and scattered small trees. The site is currently vacant with an extension of Denfield House abutting the northern boundary, timber fencing to the southern boundary and an open wire country style fence located on the boundary between Denfield House and the site.



Figure 1 Location plan showing Lot 8177 highlighted, not to scale.
Source: Nearmap (accessed - 10.12.2020)

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Figure 2 Site plan showing Lot 8177 highlighted, not to scale.
Source: Nearmap (accessed - 10.12.2020)

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1.6 Statutory and heritage listings

NSW Heritage Branch

Denfield is listed in the NSW State Heritage Register, listing No 00540

Campbelltown Council

Denfield is listed as a heritage item by Campbelltown City Council. It is included in the Local Environmental Plan Heritage Item 81.

Non Statutory Listings

National Trust of Australia (NSW)

Denfield House is classified by the National Trust. (Item No 7312) and Register of the National Estate No. 3269

2 Historical Overview

2.1 Site History

Excerpt from the website of the Office of Environment and Heritage on the 26 June 2017.

The original inhabitants of the Campbelltown area were mostly people of the Tharawal (sometimes referred to as Dharawal) language group, who ranged from the coast to the east, the Georges River in the west, north to Botany Bay and south to Nowra. However Campbelltown was a meeting point with the Dharug language group (whose area extended across the Blue Mountains) and early history of the area includes references to both peoples (Liston, 1988; www.abc.net.au/indigenous).

With establishment of the convict colony in Sydney in 1788 the displacement of Aboriginal people began. A smallpox epidemic decimated many of the coastal clans, but was less destructive amongst the inland peoples.

Escaped cattle from the convict settlement moved south and bred in the Campbelltown/Camden area and after their (re) discovery in 1795, the area became known as the 'Cow Pastures' (or Cowpasture). In 1805 Jon Macarthur obtained a grant of 5000 acres (later expanded to 10,000) in the area, some of the best grazing land then known in the colony.

By 1809 34 settlers had received grants in the newly named Minto district (named after Lord Minto, the Governor General of India) in the northern portion of Campbelltown. Many of these were Irish, including surveyor James Meehan, who allocated himself a generous portion (now Macquarie Fields). Prominent settlers included Charles Throsby, who was allocated 500 acres (now Glenfield), Dr. William Redfern (Campbellfield), Dr. John Townson (Varroville) and Richard Brooks (Denham Court).

Though peaceful, the Tharawal people bore the brunt of a punitive expedition led by Captain James Wallis in 1816. At least 14 Tharawal people were massacred at Appin, to the distress of sympathetic settlers such as Throsby of Glenfield. Corroborees and other ceremonies continued under the protection of the Macarthurs of Camden Park, though numbers steadily declined.

As the district became more densely settled a town was needed further south than Liverpool. Campbelltown was formally established in 1820 and named in honour of Mrs Elizabeth Macquarie's maiden name, Campbell. In 1826 the town plan was formalised.

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Denfield:

The original house and a roofed but open sided link to the original kitchen block behind it, was completed between 1835-7 by a John Farley.

Farley arrived from England in 1812 and became what was described at the time as a 'sober, hard working and prosperous farmer' on approximately 200 acres (or 81ha). His claim to fame was that he was the first man to see 'Fisher's Ghost,' ('sitting on a rail of a bridge over a creek. He claimed the ghost pointed to a paddock down the creek then faded away. The body of Fred Fisher was later discovered in the same paddock where this ghost had supposedly pointed' Mr Tim Doyle, acting principal of Ray White Macarthur Group said: Ray White Macarthur Group P/L, 2014), the centre of a local legend involving murder and intrigue.

Campbelltown farms produced wheat for the colony. This crop was shortlived as the disease 'wheat rust' infected the area (MannMade Planning, 2013, 3).

Farley sold the property to John Bray in 1840. Bray owned other properties to the south and used Denfield as a cattle fattening holding farm, closer to the Sydney markets for stock from his other more distant holdings. Bray married 3 times, each of his first 2 wives dying at Denfield. The third wife outlived him and was still in residence in the early 1900s. It is thought that for some time the building became an inn.

Following the death of the third Mrs Bray the property was rented over a number of years, substantial parcels of land were hived off and sold and Denfield's homestead fell into disrepair.

The property was purchased in the 1960s by architect Sydney Palmer and renovated (cf restored) in 1964. A December 1965 article in "Building Ideas" showcased the 'sensitive restoration and renovation, installation of electrical service and plumbing which have made Denfield a house for modern living while still preserving its early colonial character.' It noted that the original detached kitchen had become a bedroom, with bathroom and laundry added. Where possible original materials were reused, e.g.: sandstock brocks for rebuilding the southern wall and the 6" wide blackbutt boards for flooring drawing room, study and dining rooms. New verandah columns were designed in the spirit of the original period to replace the then existing midor lateVictorian columns. The graceful valance board was cut from a template of the original valance, still in position, by decayed beyond use. All walls were stripped and replastered, ceilings replaced with Gyprock sheets and plaster cornices.

In 1970 Palmer sold the property to the Sefton family who operated it as a lavender farm for ten years. In the 1970s the urbanisation of Campbelltown started with significant urban expansion in the district. While the start of subdivision of St. Helens Park did not start until the 1990s and the subdivision stage around Denfield until the mid1990s, the smaller lot and housing future of the locality/suburb was sealed with the demise of farming and planned urban development (MannMade Planning, 2013, 34).

In 1985 it was sold to Mr and Mrs Robinson who spent c\$45,000 on maintenance and improvements, including eradicating termites in the house, outbuildings and fencing, and planting over 1400 trees and shrubs. In 1987 the property was about 2ha/6 acres, zoned Special Uses, surrounded by land zoned 2(c) residential.

The Heritage Council of NSW approved a fourlot subdivision of the property on 7 March 1991, subject to moving the thenproposed eastern boundary of Lot 1 (containing Denfield homestead and slab hut and an original fence) further east by 3.8m (Heritage Council minutes, 7/3/1991). On 24/7/1991 the Minister for Planning signed an exemption thus not requiring Heritage Council approval for subdivision and residential use of Lot 4 which is to the east of Lot 1. This order was gazetted on 2nd August 1991 in Government Gazette no. 112.

Approximately 2.5 acres was sold to Landcom, approx. 1 acre retained by Mrs Robinson and the remaining 1.5 acres was sold to the previous owners, the Laws, in 1992. The Laws lived in Denfield for over 23 years, undertaking restoration to the house and garden areas, with the assistance of Federal and Campbelltown City Council grants (PearsonSmith, 2008, 13). They built the two modern outbuildings in 1997 (to the house's northwest, near the pool) and c.2004 (a southern pavilion, connected to the house) (GBA Heritage, 2016).

1994 and 1997 proposals to rezone land nearby to the north on Appin Road for a service station would have further eroded Denfield's remaining semirural setting into suburbia. The Heritage Office provided advice recommending against such actions (Heritage Office report, 2008/4/18).

Denfield's previous owners the Laws in 1999 bought an additional acre (Lot 8177) directly to its south, to increase the curtilage around the main house on the south, where the house was very close to the then southern boundary. The property now comprises 1.5 hectares (2.5 acres). Lot 8177 was acquired by the Laws so they could control when it would be subdivided, with appropriate development, rather than what was occurring locally at that time by others (MannMade Planning, abridged, 2013, 4).

The Laws lodged a subdivision proposal in a 2013 application involving Lot 101 (Denfield House, etc), to undertake a boundary adjustment between Lot 101 and Lot 8177 and then subdivide the latter into four allotments. Following discussions with the Heritage Council, this subdivision application was withdrawn. The 2013 subdivision and fourlot proposal was likely to have resulted in unacceptable impact on Denfield by inadequate setbacks from the western frontage available for a future dwelling. Following this withdrawal, the Laws sold Denfield house lot (101) to the present owners, the Duffys (GBA Heritage, 2016, 4).

3 Description

3.1 Site and context

The site is located adjacent to Lot 122 on Baynton Place. Denfield House is located on a local rise or knoll that is recognised by an established vegetative curtilage of the garden, the single storey scale of Denfield House obscured by the established vegetation. Clear site lines to the site are available from the surrounding area, this preserving the visual prominence of the site in its local context. The area around the site and Denfield House is characterised by established suburban urban areas that are characterised by generally single storey residential dwellings in a conventional subdivision pattern.

3.2 Denfield House.

Denfield House is the principal building on the crest of the hill. A single storey colonial homestead, with veranda to the formal western elevation and various outbuildings to the rear of the property, the house has an established garden with hedging, specimen trees and other plantings that reflect both the colonial heritage of the place and subsequent planting layers, this later 20th century planting prevalent on the subject site.

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Figure 3
View of Denfield House from Appin Road showing its position on the knoll and the dense vegetation surrounding the house. Lot 8177 is to the right of the photograph and is identified by the continuation of the dense planting to the road. (Author, 2017)



Figure 4
View from Appin Road looking into carriage round of Denfield House. Note the dense planting and limited views of the house from Appin Road. (Author 2017)



Figure 5
View of Denfield House showing fence and western elevation. (Author, 2017)



Figure 6
View from Appin Road showing Denfield House entry and subject site identified by existing hedge highlighted by arrow. The proposal will not be seen from Appin Road. (Author 2017)



Figure 7
View of Denfield House and knoll looking south from Appin Road. (Author, 2017)



Figure 8
View from Appin Road looking north to site - arrow location indicates existing fence to southern boundary. (James Forsyth, 2017)

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3.3 Landscape

The landscape on the site represents a portion of the original immediate landscape area around Denfield House. The site's landscape character is a grassed zone with no significant trees or vegetation on the subject site.

4 Statement of Significance

The following extract of the current Statement of Significance is included hereunder:

Denfield's homestead is assessed as having state and regional heritage significance primarily in regard to its architectural quality, social and historic associations particularly at a regional level and in its setting, garden and collective of buildings.

The complex is one of the earliest surviving and intact collective of buildings of their kind in the Campbelltown and Appin areas. Denfield is associated with early farming identities John Farley, who was also infamous in that he was the first person to encounter Fisher's Ghost in Campbelltown and John Bray who along with his family owner and farmed it from 1840 until well into the 1900's. It played an important part in the early settlement of Campbelltown/Appin through increasing importance and popularity of the district.

The early buildings form part of a highly significant group of surviving colonial farmhouse buildings in the Campbelltown/ Appin areas with the visually intact garden and bush setting. The early buildings are a very fine and rare example of the colonial farmhouse style of architecture, even though altered a number of times, and is of very high aesthetic value not only here but also in the broader context of NSW. The surviving early fabric demonstrates the basic principles of colonial design, detailing and finishes.

The buildings are significant for the use of early colonial materials and methods of construction and building forms and their adaptation over their life with a variety of materials. The buildings demonstrate colonial design principles in best practice.

Denfield has been at the focus of farming in the Campbelltown/Appin areas since the 1830's. It has a strong connection with the development and history of the area through social interactions and contributions by its owners and residents to the private, public and farming life of Campbelltown and Appin.

The early buildings are a very fine and rare example of the colonial farmhouse style of architecture which is very intact. The homestead is representative of the time of use and development from this period and typical of the early colonial farmhouse complex in a large garden and bush setting (Pearson Smith & Associates, 2003).

"Denfield" is reputed to have been built in 1837 by John Farley, the man who claimed to have seen Fisher's Ghost. It is a good example of the smaller farmhouse of its time. With a central doorway, two windows with shutters on each side and one door at each end of the stone flagged walk. The walls are rendered and marked as stone and the roof is an excellent example of a typical farmhouse of the 1830s that remains in good condition (AHC). A colonial farmhouse and remnant of a colonial farm. Historical associations as the house built for John Farley, the man who claimed to have seen Fisher's Ghost (AHC, 1978).

Date significance updated: 27 Feb 07

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5 Description of the Proposal

5.1 Proposed dwelling

To the subject site, there is proposed a single storey residential dwelling that is accessed from Baynton Place. There is no existing planting on the site and as such there will be no vegetation removed. The site is located between two established residences and forms part of the established subdivision pattern.

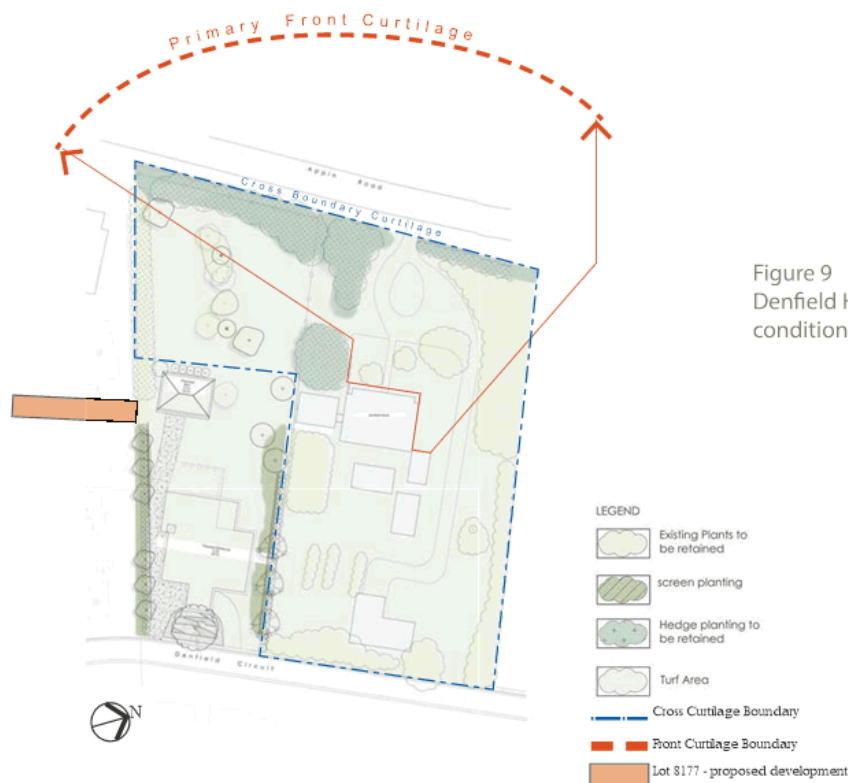


Figure 9
Denfield House Curtilage Study - Existing condition

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6 Assessment of Heritage Impact

6.1 NSW HERITAGE OFFICE - QUESTIONS

6.2 New development adjacent to a heritage item

Q. How is the impact of the new development on the heritage significance of the item or area to be minimised?

The proposal consists of a small dwelling located within the existing subdivision that fronts Bayton Place. Denfield House's main entry and carriage round remains visually unencumbered. The one storey scale of the proposed dwelling is designed to complement the existing scale of the adjacent dwellings and the modest scale of Denfield House. Access for the new dwelling is through Bayton Place. The rear access to the site and siting of the house and barn behind the front facade of Denfield House ensures the maintenance of the vegetated form and character to the formal address of Denfield House.

Q. Why is the new development required to be adjacent to a heritage item?

The proposed dwelling is located with an existing and established subdivision of the land surrounding Denfield House and as such it was envisaged that with the subdivision that the land would be developed for residential purposes. Therefore the proposal is consistent with the intent of the subdivision and planning controls.

Q. How does the curtilage allowed around the heritage item contribute to the retention of its significance?

The location and siting of Denfield House on a prominent knoll is visually supported by the landscape surrounds that include substantial trees and shrubs. The house is classically sited occupying a prominent position on a local knoll where Appin Road and surrounding land drops away, the former rural land now forming the suburb of St Helens Park.

Lot 8177 forms part of the knoll with the layering of vegetation, both from colonial times and more recent plantings contributes to Denfield House as a prominent local landmark. Much of the garden detail to Denfield House has been lost but the remains of a carriage round and supporting vegetation remains. Of note is the retention of the original hedge to Appin Road that provides a strong sense of enclosure to both Denfield House. As the proposal is accessed off Baynton Place and is approximately 30 metres from the hedge located on the frontage to Appin Road the curtilage remains intact. Further, as Lot 122 is located between the subject site and Denfield House the supplementary planting on Lot 122 and the remnant planting to the front garden of Denfield House, ensures the retention of the vegetated quality of the knoll.

Q. How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

The location and character of the proposed dwelling has been carefully considered in relation to the location and character of Denfield House and its surrounding land and its outbuildings. This has been achieved in the following ways:

The location of the proposed dwelling to Lot 8177 is located between existing residential dwellings and as such forms a continuation of the built environment of the suburb.

The finished floor level of the proposed house is RL155.80 which is below the (interpolated) finished floor level of Denfield House at RL159.85. This level difference and ridgeline of the

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proposal RL159.426 means that the ridgeline of the proposal is below the floor level of thus allowing Denfield House to assert its visually dominant position on the knoll.

Planting has been retained to the boundary of the immediate garden area to Lot 8177 so as to provide a screen from the front garden and veranda of Denfield House and the proposal

Q. Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

There are no known archaeological deposits on the subject property. The land has been subject to intensive cultivation and disturbance since the establishment of Denfield House in 1837 and as such the expectation of archaeological deposits being found is low.

Q. Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

The proposed dwelling is located between existing established residential dwelling to the rear of Lot 8177 and has as its main address point being Baynton Place. The location of the proposed dwelling is well separated from Denfield House having Lot 8177 between the subject site and Denfield House and supplemented with existing planting and a rural timber style fence. The scale of the proposed dwelling is consistent with the surrounding and immediate suburban development. The proportions of the roof and finish being a hipped roof and a grey colorbond finish is consistent with the surrounding development and are not detrimental to the detailing and colonial character of Denfield House.

Q. Will the public, and users of the item, still be able to view and appreciate its significance?

Yes. The new development is sited away from Denfield House and associated structures and is not connected physically to them. It is visually separated by Lot 122 and selected vegetation that is designed to provide a visual and physical separation from the proposal.

Q. Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?

The location of the proposed dwelling within the existing residential subdivision of Lot 8177 has been developed in association with heritage landscape consultant Matthew Taylor of Taylor Brammer Landscape Architects. Through a site visit, careful analysis of the views to and from the site and assessment of existing vegetation, a plan has been developed so as to ensure that the heritage significance of place is retained while allowing for the development of a residential dwelling at Lot 8177.

As the subject site is well away from the original planting of Denfield House including the front boundary to Appin Road, the careful assessment of views to and from the heritage item has not mitigated the significance of the place with the siting and heritage character of Denfield House and its surrounds remaining intact.

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Figure 10
View of Lot 8177 from Baynton Place looking north. Lot shown situated between existing dwellings No.29 and No.31 Baynton Place. (Google Street View, captured March 2013)



Figure 12
View of Lot 8177 from Baynton Place looking north westerly. Lot concealed by No. 31 Baynton Place. (Google Street View, captured August 2019)



Figure 11
General view of Lot 8177 from southern boundary of No.1 Denfield Circuit. (James Forsyth 2020)

7 Conclusion

Assessment of heritage impact

The proposal for the dwelling at Lot 8177 will have minimal impact on the heritage significance of Denfield House, its outbuildings and landscape surrounds. The subject proposal is located to the south of Lot 8177 and as such is approximately 30 metres away from Denfield House. Lot 8177 has a extensive garden area and barn that visually obscures the proposal from Denfield House. Further, the proposal is located adjacent two existing single storey dwellings, retaining and reinforcing the existing single storey urban form that presently exists.

The new dwelling being orientated to Baynton Place will provide an appropriate frontage, its front façade in keeping with the scale and character of the existing suburban built form and not compromising and setting and access to the formal entry to Denfield House.

The pre-eminence of Denfield House as a house and cultural landscape entity will be maintained within the locality, its location on the knoll unencumbered by the proposal and visually supported by the established garden curtilage.

16

Sheet Number	Sheet Name
DD-928-1	Notes
DD-928-2	BASIX Commitments
DD-928-3	Site Plan
DD-928-4	Site Analysis Plan
DD-928-5	Ground Floor
DD-928-6	Elevations
DD-928-7	Stormwater Plan
DD-928-8	Landscape Plan
DD-928-9	Electrical & Area Calculation Plan
DD-928-10	Shadow Diagrams

Table of Contents	
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DD-928-1	Notes
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DD-928-3	Site Plan
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DD-928-5	Ground Floor
DD-928-6	Elevations
DD-928-7	Stormwater Plan
DD-928-8	Landscape Plan
DD-928-9	Electrical & Area Calculation Plan
DD-928-10	Shadow Diagrams

GENERAL NOTES:

1. STORM WATER DRAINAGE AS PER STORMWATER PLAN & THE BASIX REPORT
2. SEWER DRAINAGE & WASTE WATER TO SYDNEY WATER SEWER MAIN
3. SEDIMENT CONTROL BARRIER TO COUNCIL SPECIFICATIONS DURING CONSTRUCTION
4. SURVEY LEVELS & CONTOURS TO AUSTRALIAN HEIGHT DATUM OR AS INDICATED ON SURVEY PLAN +/-100mm
5. TERMITES CONTROL CHEMICAL OR PHYSICAL BARRIER TO BE INSTALLED IN ACCORDANCE WITH AS3860
6. VERIFY ALL DIMENSIONS, LEVELS & EXISTING CONDITION ON SITE PRIOR TO COMMENCEMENT OF WORK
7. ALL WORK & MATERIALS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & RELEVANT STANDARDS AUSTRALIA CODES
8. FIGURED DIMENSIONS TAKE PREFERENCE TO SCALE
9. ALL DIMENSIONS IN MILLIMETRES UNO
10. DRIVEWAY GRADIENT TO COMPLY WITH COUNCIL REGULATIONS
11. DROP EDGE BEAMS TO ENGINEERS DETAILS IF REQUIRED
12. ALL STRUCTURAL BEAM SIZES & DETAILS TO ENGINEERS SPECIFICATIONS
13. ANY RETAINING WALL REQUIRED WILL BE CONSTRUCTED TO ENGINEERS DETAILS
14. AN ALL WEATHER ACCESS CONSISTING OF RECYCLED CONCRETE WILL BE PROVIDED
15. PERMANENT DRIVEWAY TO BE REINFORCED CONCRETE
16. ANY CONCRETE PATHS TO BE REINFORCED CONCRETE
17. SURFACE DRAINS WILL BE INCORPORATED IN THE LANDSCAPING TO REMOVE SURFACE WATER FROM GRASSED & CONCRETE AREAS
18. AGRICULTURAL DRAINS WILL BE APPLIED BEHIND ALL RETAINING WALLS & WILL BE CONNECTED INTO THE STORMWATER LINE
19. SURVEY DATA OBTAINED FROM SYDNEY REGISTERED SURVEYORS - PLAN REFERENCE 4810

AUSTRALIAN STANDARD CODES

- AS 1288 Glazing
- AS 1684.4 Timber Framing
- AS 1728.1 Timber Structures Code
- AS 2857 Termitie Protection
- AS 2878.1 Residential Slabs & Footings
- AS 3500 National Plumbing & Drainage
- AS 3600 Concrete Structures
- AS 3700 Masonry in Buildings
- AS 3786 Smoke Alarms
- AS 4100 Steel Structures

Notes

James Forsyth
 Lot 8177 DP 881519, Baynton Pl St Helens Park 2560
 Project number DD-928 | Design
 Date 13/05/20 | Facade
 Custom Scale @ A3

Revision Schedule		
No.	Description	Date
1	Issued for DA submission	11/06/20

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Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CCDC plans & specs	Other
Water			
Fitlers			
The applicant must install downpipes with a minimum rating of 3 star (4.0 ECU for 4.0 ECU) in all showers in the development.			
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.			
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.			
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.			
Alternative water			
Alternative tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities, including the relevant BASIX rules, and be located at least 4 square metres of the roof area of the development (including the area of the roof which abuts to any stormwater tank or ponds area).			
The applicant must connect the rainwater tank to:			
• all toilets in the development			
• the cold water tap that supplies each outdoor shower in the development			
• all cold water outdoor taps in the development (Note: NSW Health does not recommend that rainwater be used for humans consumption in areas with potable water supply)			
Thermal Comfort Commitments			
General Features			
The dwelling must not have more than 2 storeys.			
The conditioned floor area of the dwelling must not exceed 300 square metres.			
The dwelling must not contain open massable area exceeding 35 square metres.			
The dwelling must not contain fixed non-ventilable site room.			
Floors, walls and ceilings/roof			
The applicant must construct the floors, walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.			
Construction	Additional insulation required (R-Value)	Other specifications	
floor concrete slab on ground	all	all	
external wall - framed (unheated); floor concrete, metal ceiling and roof - flat ceiling (heated only)	2.00 (or 2.00 including construction)	ceiling: 0.140; roof: battacking	conventional, dark timber (absorption < 0.170)

Note 1 - In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments

The applicant must install the windows, glazed doors and skylights shown in the table below, in accordance with the following requirements:

- Aluminium single clear
- Aluminium double (40% clear)
- Triple-UPVC/ClimateGuard single clear
- Triple-UPVC/ClimateGuard double (40% clear)

The following requirements must apply to all windows in relation to each window and glazed door:

- For the following glass and frame types, the coefficient should be performed by visual inspection.
- Aluminium single clear
- Aluminium double (40% clear)
- Triple-UPVC/ClimateGuard single clear
- Triple-UPVC/ClimateGuard double (40% clear)

Window/Door no.	Minimum height (mm)	Minimum width (mm)	Type	Rating/Service (Dimension with UPR)	Overhead/Under
North facing					
D1	2100	2088	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
East facing					
W2	600	2410	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
W3	600	2410	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
W4	600	2410	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
W5	600	2410	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
South facing					
W1	1800	1210	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
West facing					
W6	1000	1210	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled
W7	600	1100	aluminium, single, clear	400mm x 150mm above head of window or glazed door	not overhauled

Energy Commitments	Show on DA plans	Show on CCDC plans & specs	Other
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas water heater with a minimum rating of 4 stars.			
Cooling systems			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area, 1 phase of the development: Energy rating EER3.0 - 3.5			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bathroom, 1 phase of the development: Energy rating EER3.0 - 3.5			
The cooling system must provide for dehumidification between living areas and bedrooms.			
Heating systems			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area, 1 phase of the development: Energy rating EER3.0 - 3.5			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bathroom, 1 phase of the development: Energy rating EER3.0 - 3.5			
The heating system must provide for dehumidification between living areas and bedrooms.			
Ventilation			
The applicant must install the following exhaust system in the development:			
At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off			
Kitchen: individual fan, not ducted; Operation control: manual switch on/off			
Laundry: individual fan, not ducted; Operation control: manual switch on/off			
Artificial lighting			
The applicant must ensure that the "types of artificial lighting" in the development are as follows:			
- fluorescent or light emitting diode (LED) lighting in each of the light emitting areas (LED) lighting			
- all lighting in the bedrooms / study, dedicated			
- all lighting in the living / dining rooms, dedicated			
- all lighting in the kitchen, dedicated			
- all lighting in the bathroom, dedicated			
- all lighting in the laundry, dedicated			
Natural lighting			
The applicant must install a window and/or skylight in 1 bathroom (bath/shower) in the development for natural lighting.			
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.			
The applicant must construct each ventilator space in the development so that it is "well ventilated", as defined in the BASIX rules.			
The applicant must install a fixed outdoor clothes drying line as part of the development.			



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Revision Schedule

No.	Description	Date
1	Issued for DA submission	11/06/20

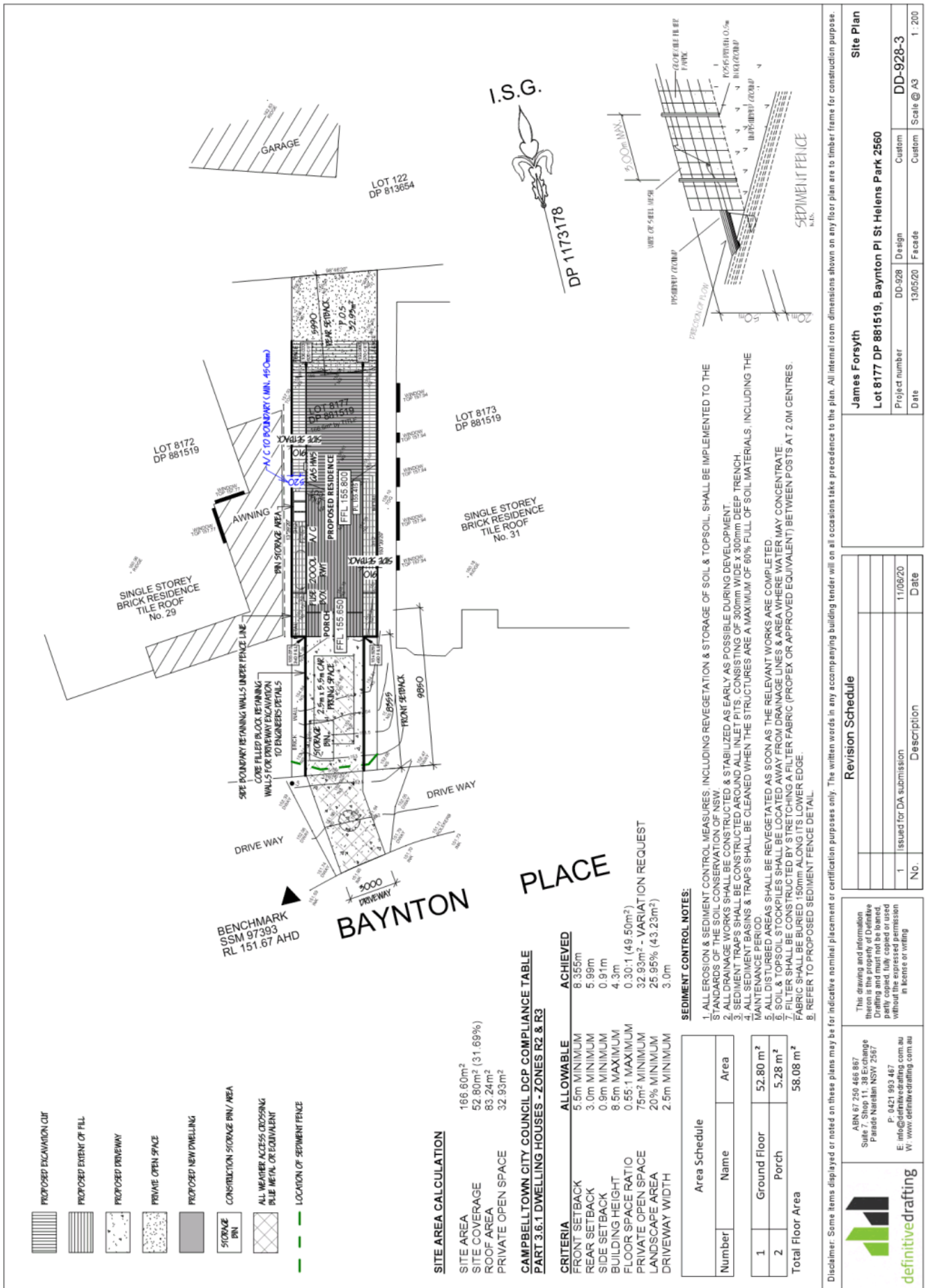
James Forsyth

Lot 8177 DP 881519, Baynton Pl St Helens Park 2560
Project number DD-928 Design
Date 13/05/20
Scale @ A3

BASIX Commitments

James Forsyth
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560
Project number DD-928 Design
Date 13/05/20
Scale @ A3

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SITE AREA CALCULATION

SITE AREA	168.60m ²
SITE COVERAGE	52.80m ² (31.69%)
ROOF AREA	83.24m ²
PRIVATE OPEN SPACE	32.93m ²

CAMPBELLTOWN CITY COUNCIL DCP COMPLIANCE TABLE PART 3.6.1 DWELLING HOUSES - ZONES R2 & R3

CRITERIA	ALLOWABLE	ACHIEVED
FRONT SETBACK	5.5m MINIMUM	8.355m
REAR SETBACK	3.0m MINIMUM	5.99m
SIDE SETBACK	0.9m MINIMUM	0.91m
BUILDING HEIGHT	8.5m MAXIMUM	4.3m
FLOOR SPACE RATIO	0.30-1.1 (49.50m ²)	0.30-1.1 (49.50m ²)
PRIVATE OPEN SPACE	75m ² MINIMUM	32.93m ² - VARIATION REQUEST
LANDSCAPE AREA	20% MINIMUM	25.95% (43.23m ²)
DRIVEWAY WIDTH	2.5m MINIMUM	3.0m

SEDIMENT CONTROL NOTES:

1. ALL EROSION & SEDIMENT CONTROL MEASURES, INCLUDING REVEGETATION & STORAGE OF SOIL & TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED & STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS & TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL & TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES & AREA WHERE WATER MAY CONCENTRATE.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROFEX OR APPROVED EQUIVALENT) BETWEEN POSTS AT 2.0M CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.
8. REFER TO PROPOSED SEDIMENT FENCE DETAIL.

Area Schedule		
Number	Name	Area
1	Ground Floor	52.80 m ²
2	Porch	5.28 m ²
Total Floor Area		58.08 m ²

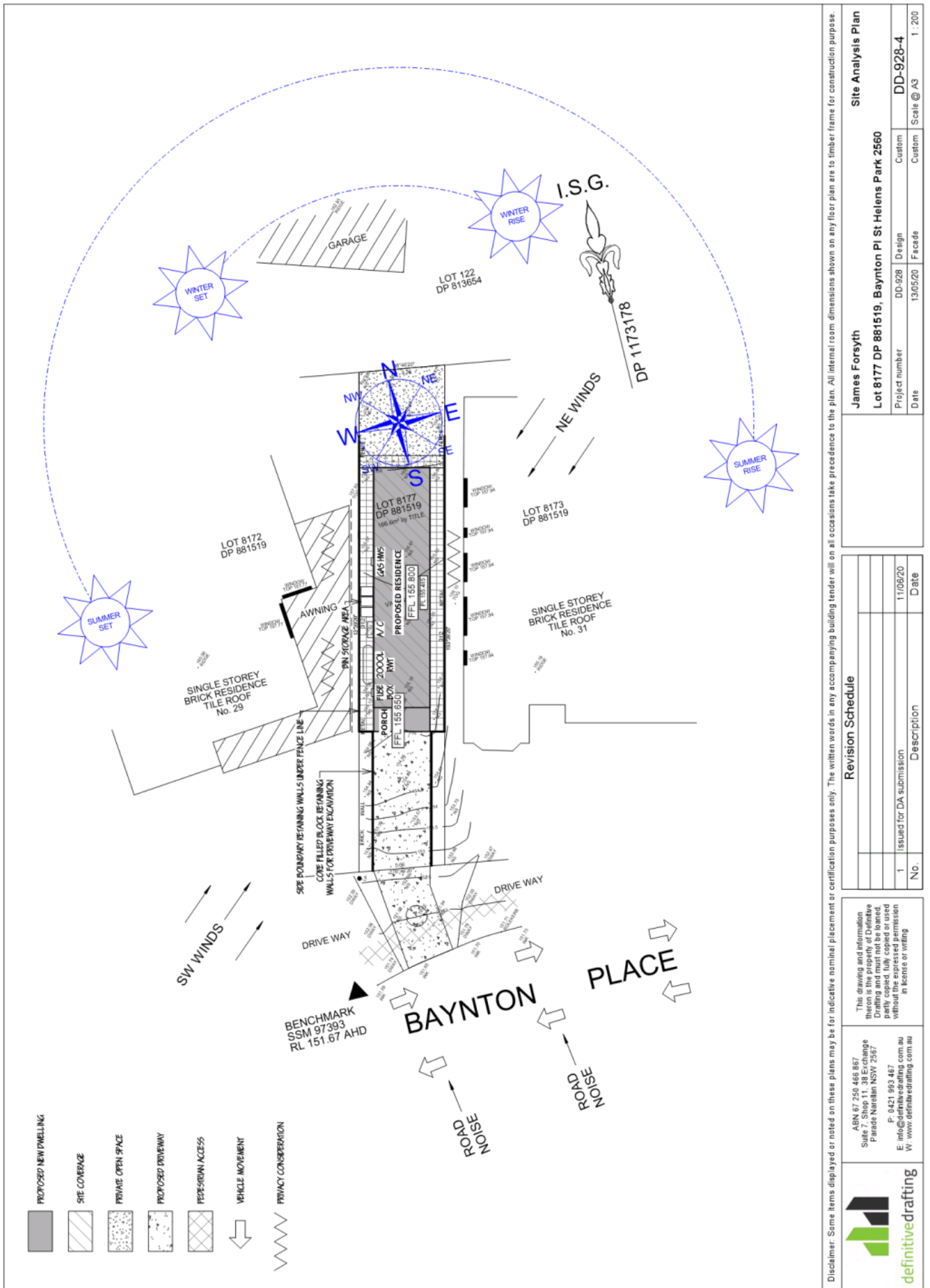
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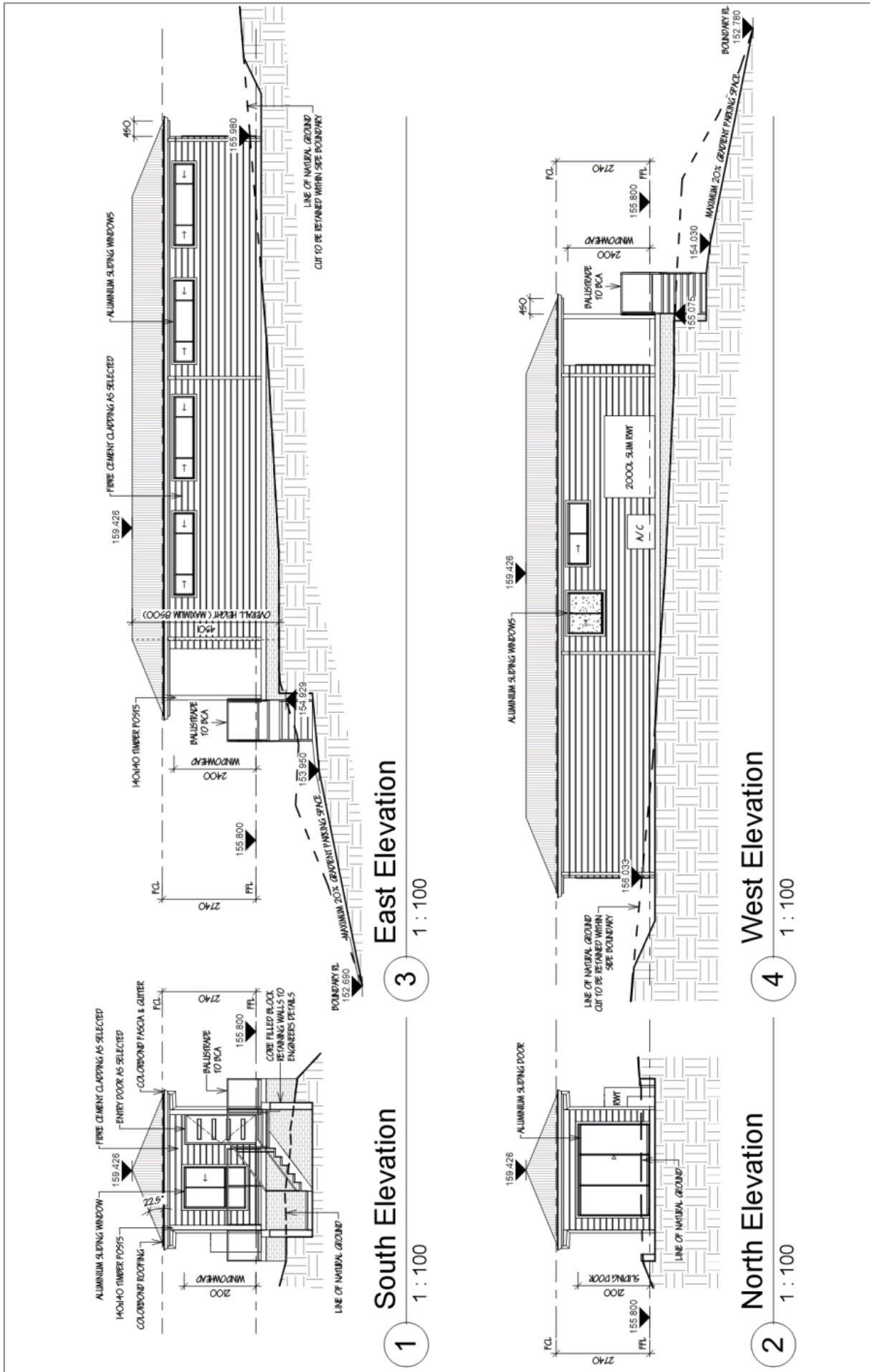
Revision Schedule		Site Plan	
No.	Description	Date	Scale @ A3
1	Issued for DA submission	11/06/20	1 : 200

James Forsyth		Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928	Design	Custom
Date	13/05/20	Facade	Custom
DD-928-3		DD-928-3	

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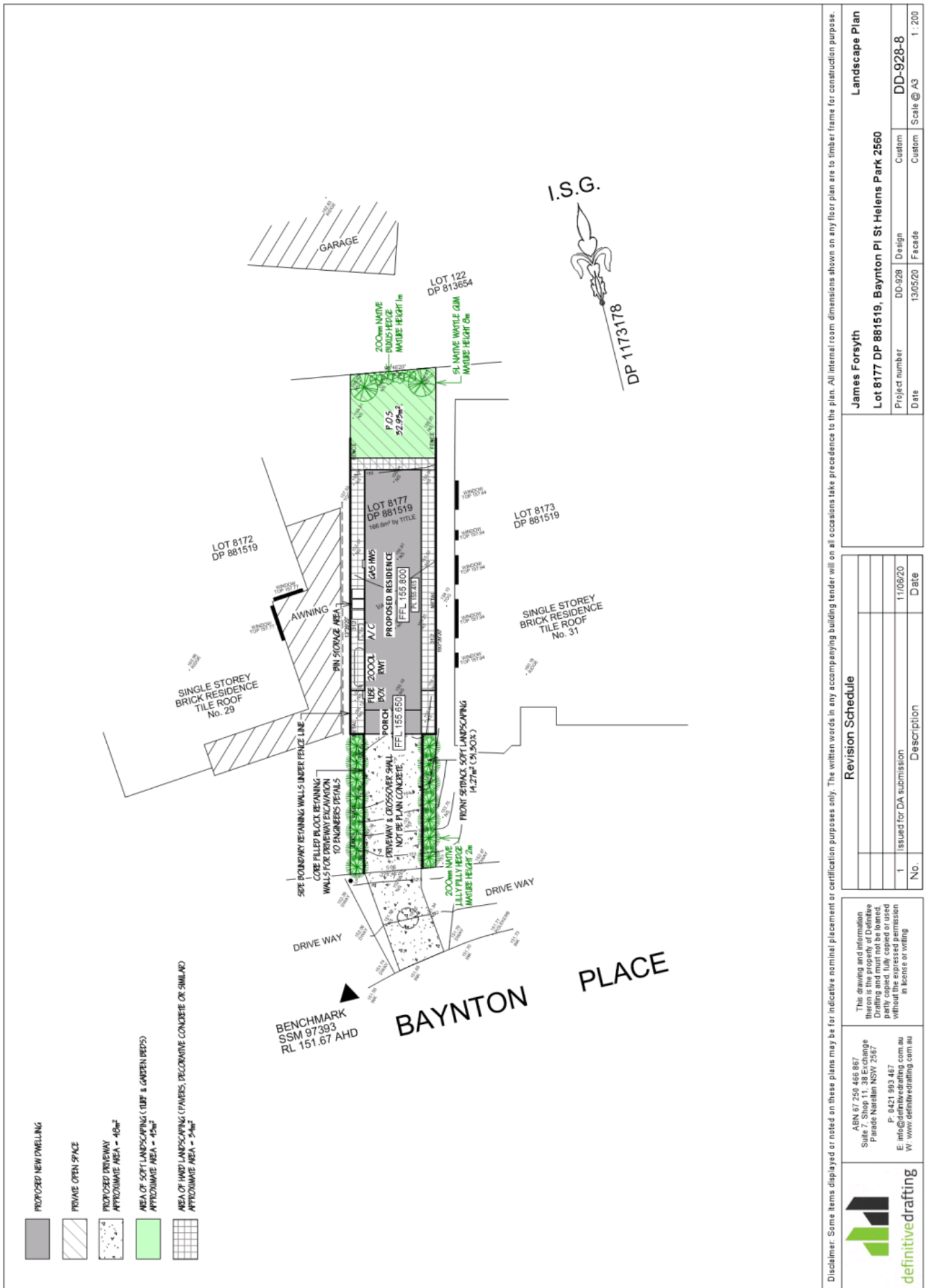
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Revision Schedule		Elevations	
No.	Description	Date	Scale @ A3
1	Issued for DA submission	11/06/20	1 : 100

James Forsyth		Elevations	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560		Project number	DD-928-6
		Design	Custom
		Facade	Custom
		Date	13/05/20
		Scale @ A3	1 : 100

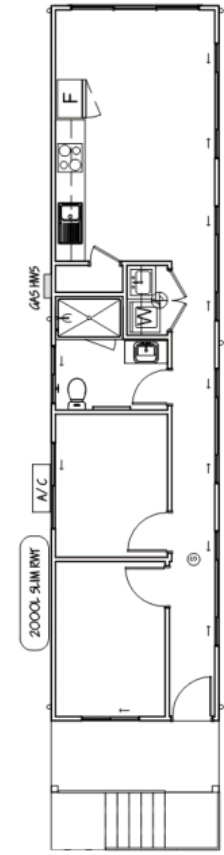
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ELECTRICAL LEGEND	
▲	SINGLE POWER POINT
●	OVERHEAD LIGHT
▲▲	DOUBLE POWER POINT
●●	POW WALL LIGHT
△	W/ PROOF POWER POINT
▽	WALL MOUNTED LIGHT
○	PHONE POINT
○	DOUBLE POINT LIGHT
○	FLUORESCENT LIGHT
○	HEAT LAMP/ EXHAUST FAN (2 IN 1)
○	SMOKE ALARM
⊗	CEILING FAN
⊕	EXHAUST FAN

EXHAUST FANS INDICATED TO ROOMS WITHOUT NATURAL VENTILATION MUST MEET THE FLOW RATES DETAILED IN BCA VOLUME 2 PART 3.8.7.



1
Electrical Plan
1 : 100




2
Area Calculation Plan
1 : 100

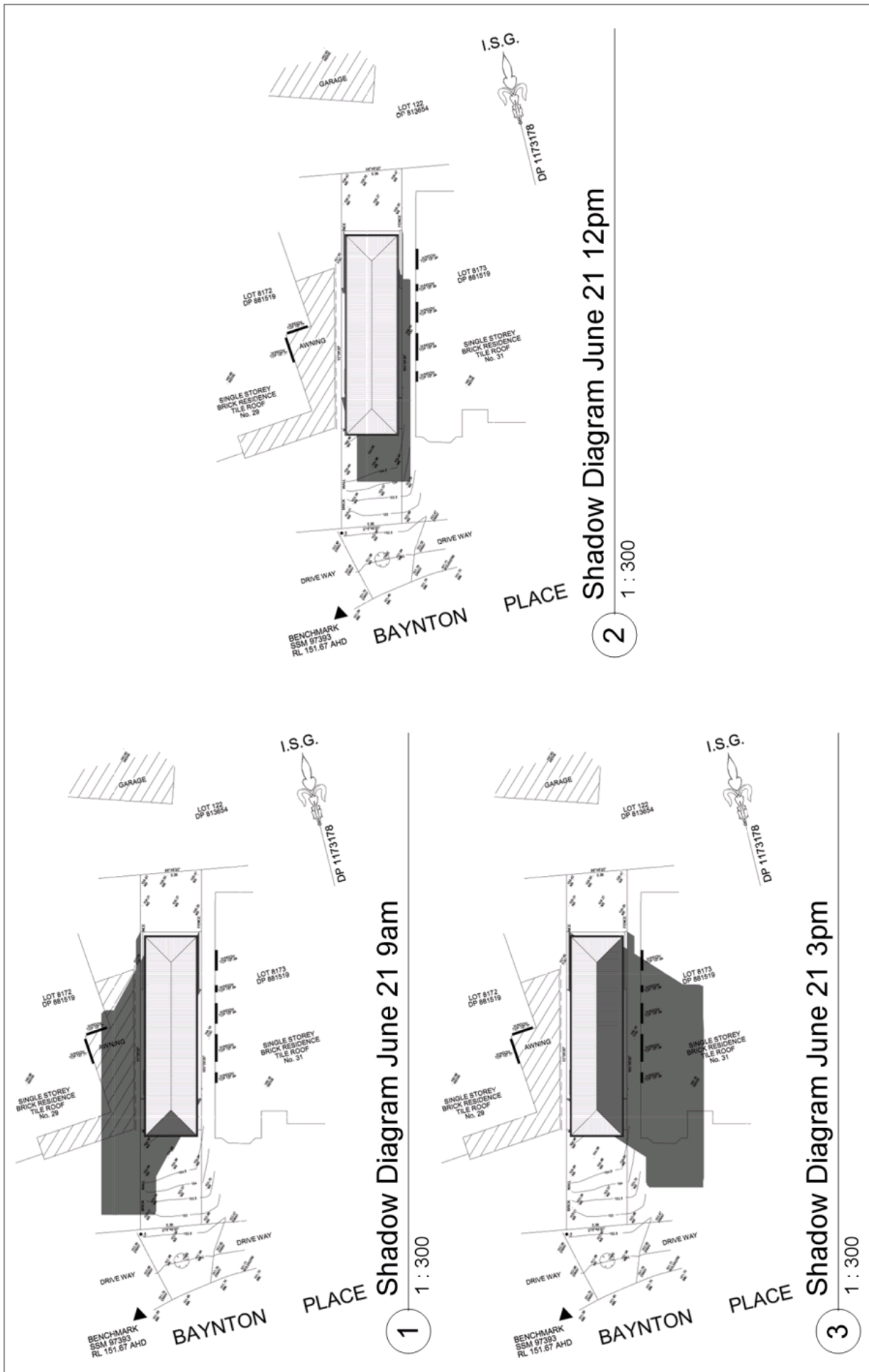
Revision Schedule	
No.	Description
1	Issued for DA submission
Date	11/06/20

James Forsyth	Electrical & Area Calculation Plan
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	Project number: DD-928 Design
Date: 13/05/20	Facade: DD-928-9
Scale: A3	Scale: 1 : 100

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	11/06/20
	Date

James Forsyth	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928
Date	13/05/20
Scale @ A3	1 : 300

Shadow Diagrams	
Project number	DD-928
Date	13/05/20
Scale @ A3	1 : 300

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James Forsyth

1 December 2020

Att. Melissa Stilloni
Campbelltown City Council
PO Box 57, Campbelltown NSW 2560

Regarding Development Application No.:2225/2020/DA-DW.

I thank you for your correspondence dated 19th October 2020 requesting that Development Application No.:2225/2020/DA-DW be withdrawn.

I ask that Campbelltown City Council would reconsider their position in light of amendments made to the proposed development. A number of issues were raised and I request that CCC considers the following:

1) Minimum allotment size and site requirements.

Clause 4.1C of the CLEP 2015 requires residential dwellings with an R2 Zone to achieve a minimum lot size equal to or greater than 500 square metres. The development proposes a variation of 333.4 square metres to the minimum qualifying site area required for dwelling houses within an R2 Zone that equates to a contravention of 66.68% to clause 4.1C. The proposed contravention to the minimum lot size is not supported as the subject lot was created for the purposes of access to Lot 122, DP 813654, not for the purpose of residential development.

Although Clause 4.1C is titled "Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones", there is no express requirement within this clause for the consent authority (CCC) to refuse an application should the site area is less than that specified in column 3 (500²). The exact

words used are "Development consent **may be granted** to development...." - this does not automatically render this application invalid as suggested. (emphasis added)
Nonetheless, the written request in accordance with Clause 4.6 has already been submitted in conjunction with the application but it should be noted that the proposal is not a contravention to the development standard in clause 4.1C.

Lot 8177 is land zoned R2 under CLEP2015 and permits with consent the construction of "Dwelling Houses". The proposed development is consistent with the objectives outlined in "CLEP 2015 - Zone R2 Low Density Residential". Furthermore, Lot 8177 can never be used as an access handle for Lot 122, DP 813654 as a covenant has been registered prohibiting "subdivision and further development"- as such, the original purpose for the creation of lot 8177 is now redundant. The covenant was registered in favour of the Heritage Council of NSW on the lot 122 as part of the condition of consent for DA.:2378/2017/DA-M (condition 16).

2) Minimum allotment size and site requirements cont.

The proposal fails to meet the lot width requirements for dwelling houses under Volume 1, Part 3.6.1.1 of the DCP 2015. A dwelling house shall not be erected on land with an average width less than 15 metres (measured at the primary street building setback), unless the allotment was in existence at the date upon which the Plan came into effect. Notwithstanding, the allotment being created before the Plan came into effect, the allotment was created for the purpose of access for Lot 122, DP 813654 located to the rear.

The purpose for the creation of the parcel of land is irrelevant. Lot 8177 was already in existence prior to the creation of the plan and thus 3.6.1.1 is not applicable. s4.15(3A)(b) states that Development Controls Plans are to be applied flexibly and allow for reasonable alternative solutions that achieve the objects of those standards. As such, the proposal meets the objects of clause 3.6.1 as it encourages quality-designed dwelling houses that make a positive contribution by activating the current streetscape and amenity of the neighbourhood – with the addition of landscaping in the front setback.

3) Heritage assessment

The subject site adjoins a state-listed heritage item known as Denfield Homestead item no. 100540. No heritage impact assessment has been submitted pursuant to Clause 5.10(5) of the CLEP 2015 and Volume 1, Part 2.11 of the DCP 2015 and is unsatisfactory.

A Heritage Impact Statement has already been commissioned from "Taylor Brown Heritage Architects" however was not available for submission at the time of writing this letter. As soon as it does become available, it will be provided to CCC as a formal submission to the development application.

It is however worth noting that lot 8177 does not adjoin Denfield House. Denfield House is located on Lot 102 DP 813654. Lot 8177 adjoins Lot 122 DP 813654 which does not contain any specific heritage item – rather the curtilage relating to lot 102 is defined within lot 122. It is not anticipated that there will be any adverse impact whatsoever to the heritage item by the granting of development consent on lot 8177 – rather, it will be advantageous. As seen in the HIS prepared in 2017 for development on lot 122, Lot 8177 is located outside the Denfield Homestead – See pages 12 & 13 of *TBLA Heritage and Impact Statement*

4) Retaining Walls

Plans submitted do not contain sufficient information relating to the proposed retaining walls including but not limited to proposed materials, finishes and heights, that are not complying or exempt development as specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Amendments have been made to the plans showing proposed materials, finishes and heights. The proposal consists of Painted masonry (rendered) with at height not exceeding 1.0m. This is consistent with neighbouring properties.

5) Architectural Plans

Cut and fill levels for all works proposed including driveways have not been detailed on plans. Substantial cut is proposed to facilitate the construction of the driveway and plans submitted fail to provide sufficient information to ascertain proposed cut.

See response to item #4. Adjoining properties contain retaining walls far exceeding the 1.0m proposed. Granting of consent will not be inconsistent with the neighbouring properties.

6) Waste Management

The application fails to demonstrate how clear travel paths for bins between the nominated storage area and kerbside has been achieved considering proposed landscaping and level differences in accordance with Volume 1, Part 2.15 and Part 3.6.1.6 of the DCP 2015 and is considered unacceptable.

The proposed plans have been modified to include a bin storage facility located under the front steps. This area will be accessible via the driveway and will be visually obscured. We believe this should satisfy DCP 3.6.1.6

7) Traffic and Parking

Volume 1, Part 3.4.1.1 of the Campbelltown (Sustainable City) DCP 2015 requires on-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place. The location of the proposal's only car space will be visually prominent when viewed from the street and is considered unacceptable.

Volume 1, Part 3.4.1.1 of the Campbelltown (Sustainable City) DCP 2015 does not require the elimination of visual prominence of driveways, rather it requires that they be situated to "reduce visual prominence". The proposed development has reduced the visual

4

prominence as much as is possible. Unfortunately, anything in visual existence could be considered visually prominent. The proposed development application has sought to minimise visual prominence as much as is possible – thus we believe Part 3.4.1.1 has been satisfied as it meets the objectives of part 3.4.1 and ensures that the parking areas.. are appropriately sited, design and constructed to not detract from the appearance of the development or the streetscape.

8) Traffic and Parking cont...

Volume 1, 3.6.1.4 of the Campbelltown (Sustainable City) DCP 2015 requires A dwelling house shall be provided with a minimum of one undercover car parking space. The proposal fails to provide a covered car space for the dwelling and relies on an external car space located forward of the building line and is considered unacceptable.

Options to provide a garage space at street level (resulting in a two story dwelling) were explored. The concept was eventually discarded as it was impossible to provide a minimum garage space of 3 x 6m as well as access to the dwelling via a staircase due to the width of the lot. As such, it was considered best to provide on open car space immediately in front of the dwelling and as mentioned above, the DCP controls are to be applied flexibly under s4.15(3A)(b) of the Act.

With the above in mind, I James Forsyth hereby make a formal request to vary 3.6.1.4 in accordance with Part 1.1.7 - Variation to Planning Controls and Standards and apply flexibility on the basis that the planning objectives have been satisfied. Request is also made in accordance Environmental Planning and Assessment Act 1979 No 203 - 4.15 - Specifically Sc 4.15 2, 3 & 3a.

9) Traffic and Parking cont...

The proposal's failure to provide one covered car space at least 6m from the front property boundary results in a reliance on street parking for visitors and is considered unacceptable.

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See response to point 8 above

10) Traffic and Parking cont...

No driveway long sections have been submitted with the application to confirm the transitional grades will comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking in accordance with Volume 1, Part 3.4.2 of the Campbelltown (Sustainable City) DCP 2015

The proposed plans have been amended and now show transitional grades in accordance with Volume 1, Part 3.4.2 of the Campbelltown (Sustainable City) DCP 2015

11) Solar Compliance

The submitted shadow diagrams do not provide sufficient detail to assess solar compliance in accordance with Volume 1, Part 3.4.4 of the Campbelltown (Sustainable City) Development Control Plan 2015 when measured at ground level. Solar diagrams are required to show the impacts of all proposed and existing structures including fencing.

Solar diagrams have been amended and now show impacts from existing structures. Two additional skylights have been added to the living area of the dwelling to also improve solar access to future occupants

12) Private Open Space

The proposal fails to achieve the minimum requirements for dwelling houses within the R2 zone as required in Volume 1, Part 3.6.1.5 of the Campbelltown (Sustainable City) Development Control Plan 2015, and as a consequence, provides minimal amenity for its future occupants and is considered to not be acceptable.

In accordance with part 3.6.1.5 – the proposed dwelling house provides for a private open space which is located behind the primary street building setback. The DCP controls in clause 3.6.1.5 are not an exhaustive list. Nonetheless, see point 2 and 8 regarding the flexible application of the DCP controls.

13) Deep Soil Planting

The application proposes an area more than 30% forward of the building line surfaced with impervious material and proposes an area less than 20% of the total site area for deep soil planting and is unsatisfactory in accordance with Volume 1, Part 3.6.1.2 of the Campbelltown (Sustainable City) DCP 2015.

The lot width is 5.36m – the minimum driveway width specified in CCC's DCP is 3m. It is impossible to achieve the requirements outlined in Volume 1, Part 3.6.1.2 of the Campbelltown (Sustainable City) DCP 2015. Given the irregularity of the lot, I James Forsyth hereby make a formal request to vary 3.6.1.2 in accordance with Part 1.1.7 - Variation to Planning Controls and Standards. As mentioned above, the DCP controls are to be applied flexibly.

14) Streetscape

Due to the irregularity of the allotment size, no streetscape analysis of the development has been submitted to demonstrate the proposal will complement the scale of development. The proposal provides minimal façade treatment and is not considered to make a positive contribution to the streetscape as required in Volume 1, Part 3.4.1.1 of the Campbelltown (Sustainable City) Development Control Plan 2015.

Amendments have been made to the proposed plans to include architectural features similar to adjoining dwellings.

Building design (including façade treatment, massing, roof design and entrance features) has been considered and amendments made (such as a dutch gable, rendered finish and balanced window design), Setbacks and landscaping complement the scale of development as well as activate the street frontage, and the desired future character of the residential neighbourhoods.

The built form now relates more appropriately to the natural landform and setting.

Windows facing the street (primary) now have a balanced architectural design.

15) Submissions

The application has received submissions objecting the proposal raising a number of concerns relating to the compatibility of the proposal on the subject allotment.

As the applicant, I am glad that the community has been able to comment on the proposed works. Given that there were over 100 notifications distributed, it is noteworthy that there were only x2 submissions made (three submissions were made although two were identical and thus counted as one submission). Some valid concerns were raised and these were identified in your letter – we believe they have been addressed adequately.

Conclusion

I trust Campbelltown City Council will consider the responses listed above favourably and endorse the application when submitted to the planning panel for determination.

Should CCC have any further issues or want further changes to the proposal please do not hesitate to get in contact.

Kind regards



James Forsyth

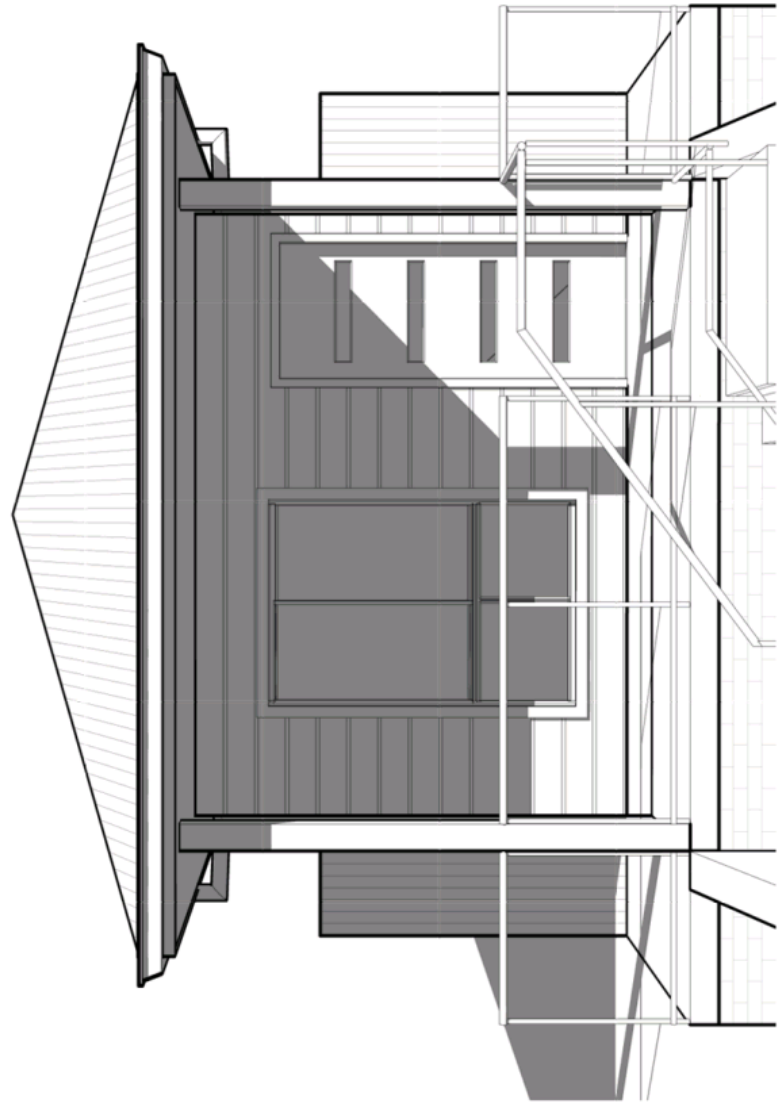
Table of Contents	
Sheet Number	Sheet Name
DD-928-1	Notes
DD-928-2	BASIX Commitments
DD-928-3	Site Plan
DD-928-4	Site Analysis Plan
DD-928-5	Ground Floor
DD-928-6	Elevations
DD-928-7	Stormwater Plan
DD-928-8	Landscape Plan
DD-928-9	Electrical & Area Calculation Plan
DD-928-10	Shadow Diagrams

GENERAL NOTES:

1. STORM WATER DRAINAGE AS PER STORMWATER PLAN & THE BASIX REPORT
2. SEWER DRAINAGE & WASTE WATER TO SYDNEY WATER SEWER MAIN
3. SEDIMENT CONTROL BARRIER TO COUNCIL SPECIFICATIONS DURING CONSTRUCTION
4. SURVEY LEVELS & CONTOURS TO AUSTRALIAN HEIGHT DATUM OR AS INDICATED ON SURVEY PLAN +/-100mm
5. TERMITE CONTROL CHEMICAL OR PHYSICAL BARRIER TO BE INSTALLED IN ACCORDANCE WITH AS3860
6. VERIFY ALL DIMENSIONS, LEVELS & EXISTING CONDITION ON SITE PRIOR TO COMMENCEMENT OF WORK
7. ALL WORK & MATERIALS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & RELEVANT STANDARDS AUSTRALIA CODES
8. FIGURED DIMENSIONS TAKE PREFERENCE TO SCALE
9. ALL DIMENSIONS IN MILLIMETRES UNO
10. DRIVEWAY GRADIENT TO COMPLY WITH COUNCIL REGULATIONS
11. DROP EDGE BEAMS TO ENGINEERS DETAILS IF REQUIRED
12. ALL STRUCTURAL BEAM SIZES & DETAILS TO ENGINEERS SPECIFICATIONS
13. ANY RETAINING WALL REQUIRED WILL BE CONSTRUCTED TO ENGINEERS DETAILS
14. AN ALL WEATHER ACCESS CONSISTING OF RECYCLED CONCRETE WILL BE PROVIDED
15. PERMANENT DRIVEWAY TO BE REINFORCED CONCRETE
16. ANY CONCRETE PATHS TO BE REINFORCED CONCRETE
17. SURFACE DRAINS WILL BE INCORPORATED IN THE LANDSCAPING TO REMOVE SURFACE WATER FROM GRASSED & CONCRETE AREAS
18. AGRICULTURAL DRAINS WILL BE APPLIED BEHIND ALL RETAINING WALLS & WILL BE CONNECTED INTO THE STORMWATER LINE
19. SURVEY DATA OBTAINED FROM SYDNEY REGISTERED SURVEYORS - PLAN REFERENCE 4810

AUSTRALIAN STANDARD CODES

- AS 1288 Glazing
- AS 1684.4 Timber Framing
- AS 1728.1 Timber Structures Code
- AS 2857 Termite Protection
- AS 2878.1 Residential Slabs & Footings
- AS 3500 National Plumbing & Drainage
- AS 3600 Concrete Structures
- AS 3700 Masonry in Buildings
- AS 3786 Smoke Alarms
- AS 4100 Steel Structures



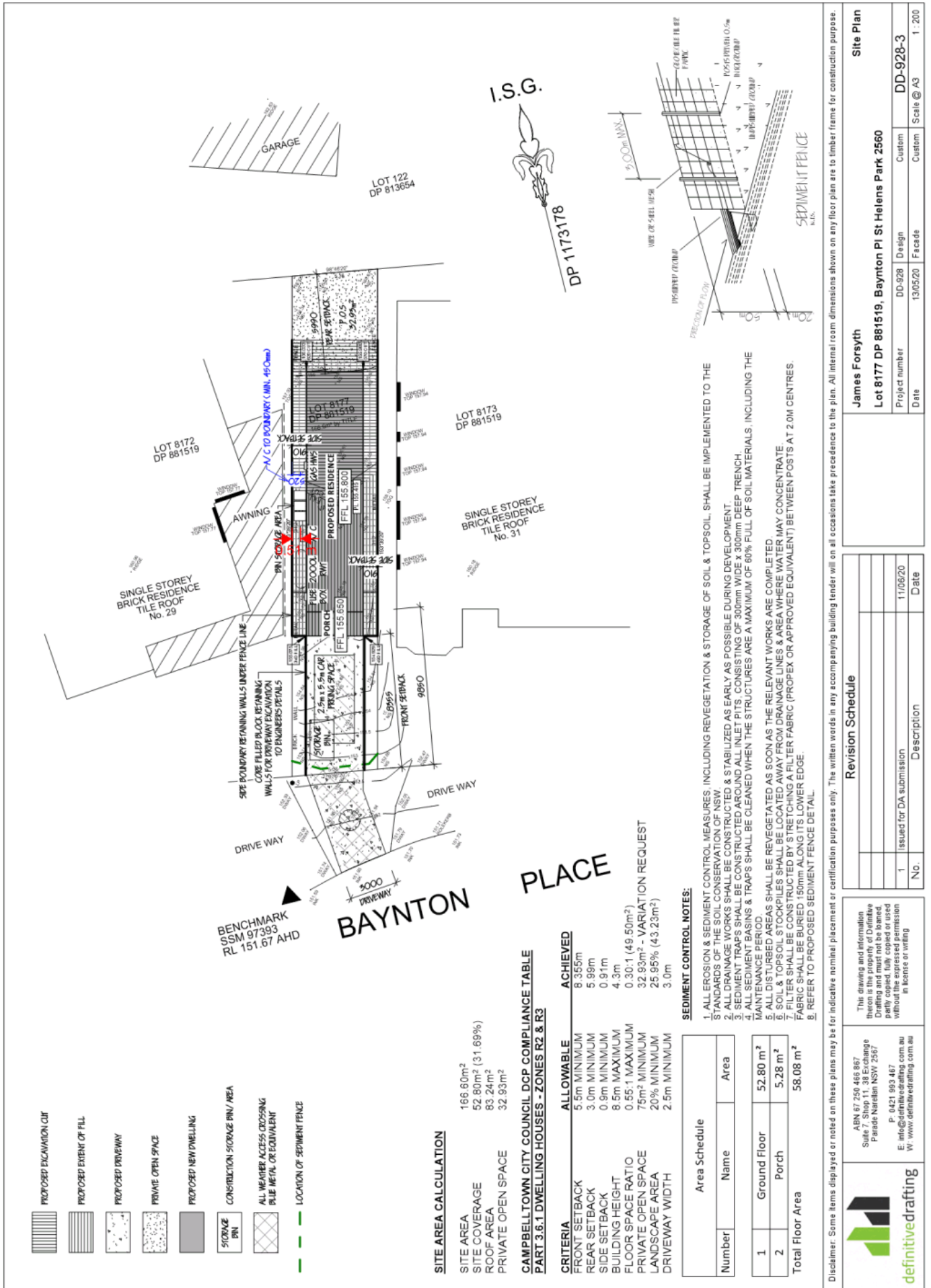
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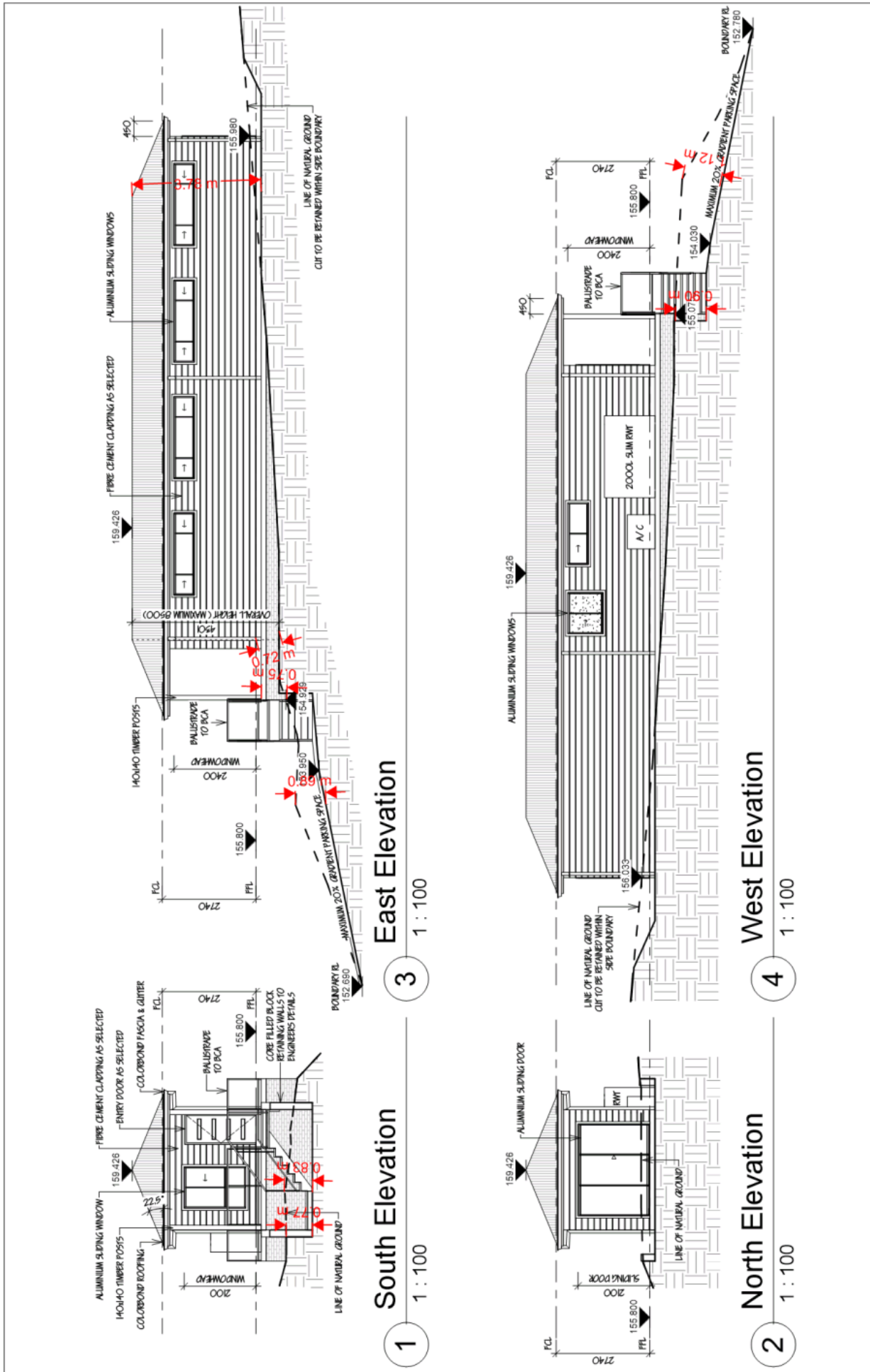
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No.	Description
1	Issued for DA submission
	Date: 11/06/20

Notes	
Project number	DD-928 Design
Date	13/05/20 Facade
Scale	Scale @ A3

James Forsyth
 Lot 8177 DP 881519, Baynton Pl St Helens Park 2560

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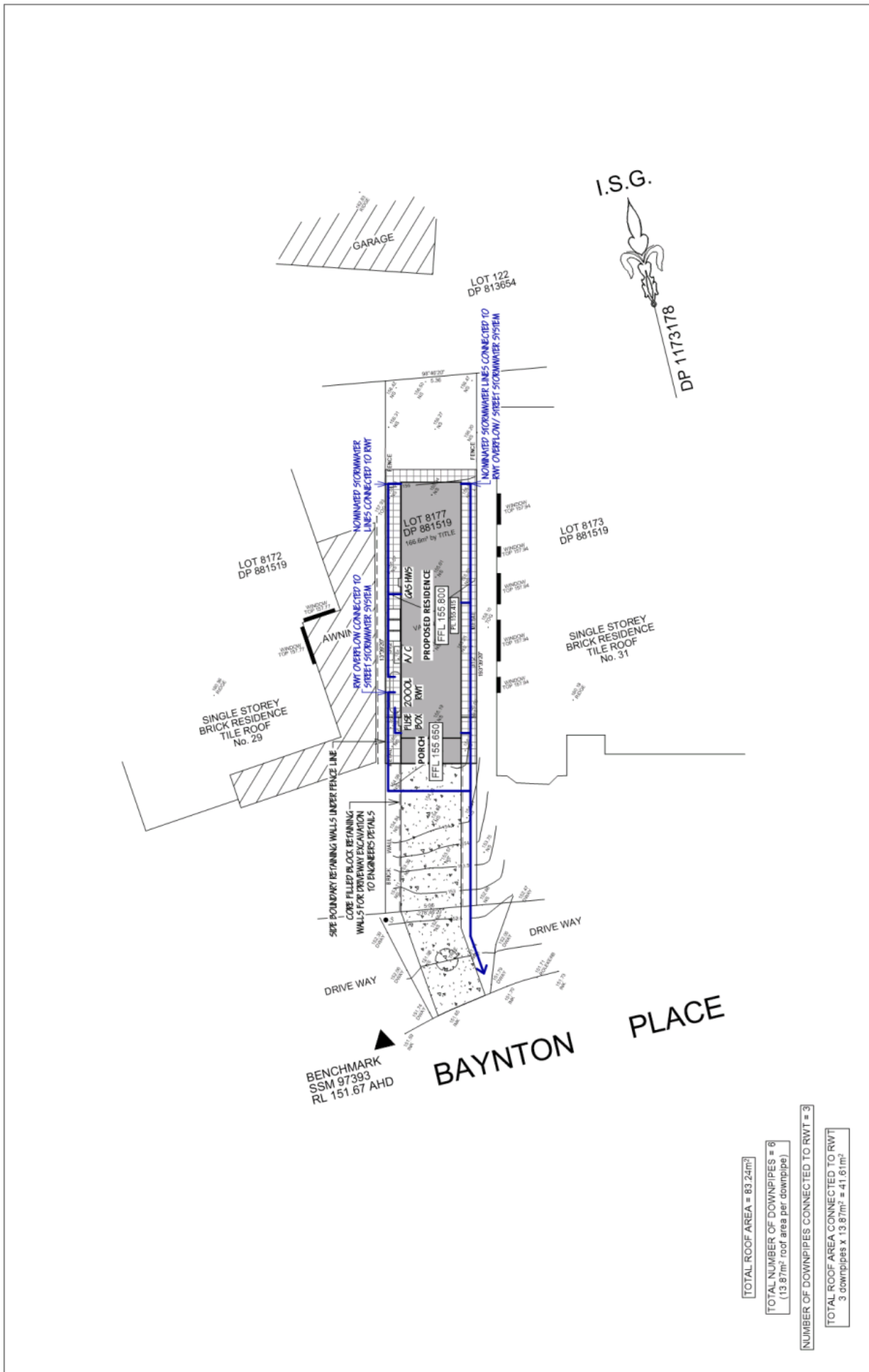
Revision Schedule		Elevations	
No.	Description	Date	Scale @ A3
1	Issued for DA submission	11/06/20	1 : 100

James Forsyth		Elevations	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560		Project number	
DD-928	Design	DD-928-6	Custom
13/05/20	Facade		Scale @ A3
			1 : 100

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TOTAL ROOF AREA = 83.24m²
 TOTAL NUMBER OF DOWNPIPES = 6
 (13.87m² roof area per downpipe)
 NUMBER OF DOWNPIPES CONNECTED TO RWY = 3
 TOTAL ROOF AREA CONNECTED TO RWY
 3 downpipes x 13.87m² = 41.61m²

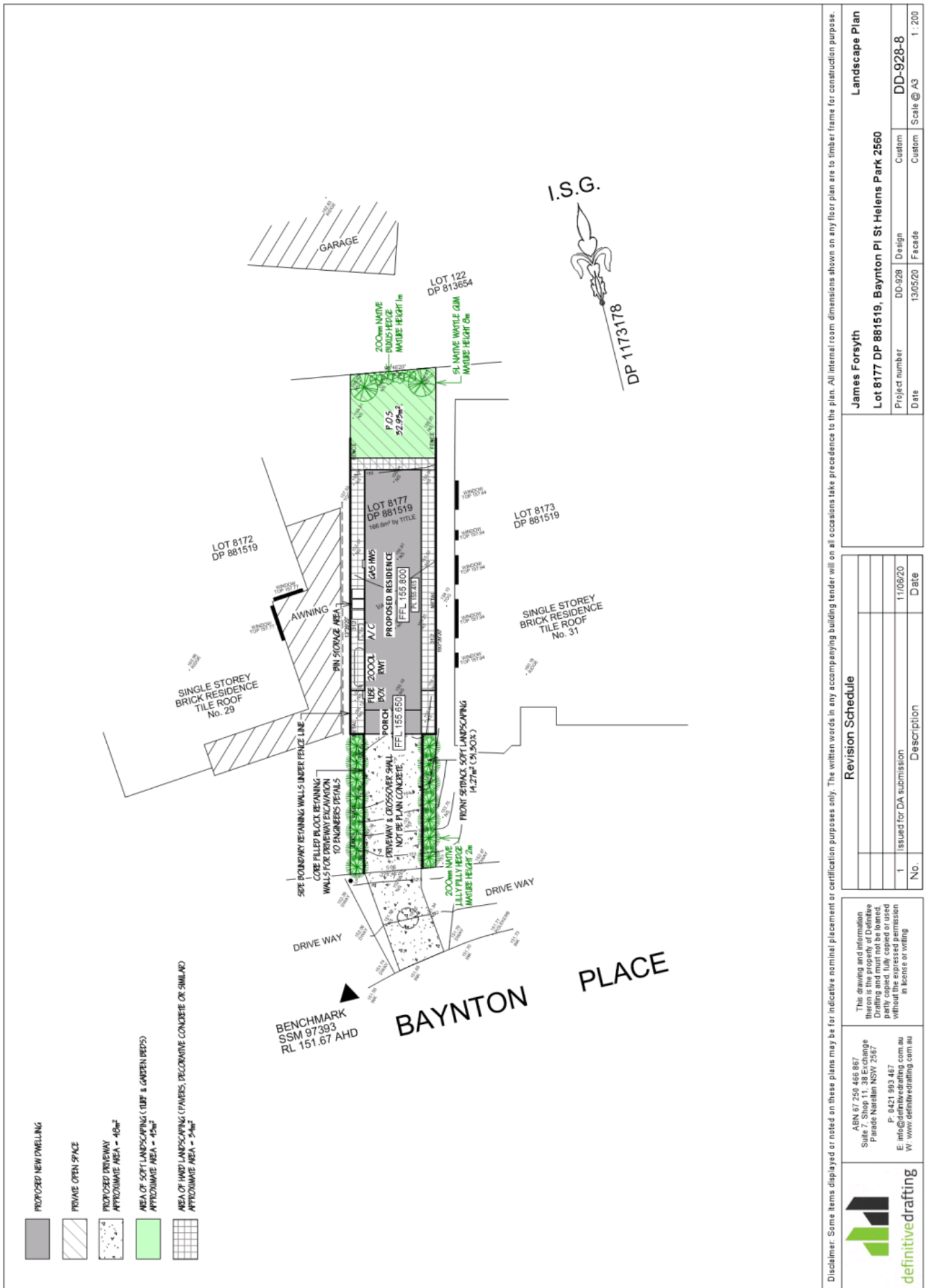
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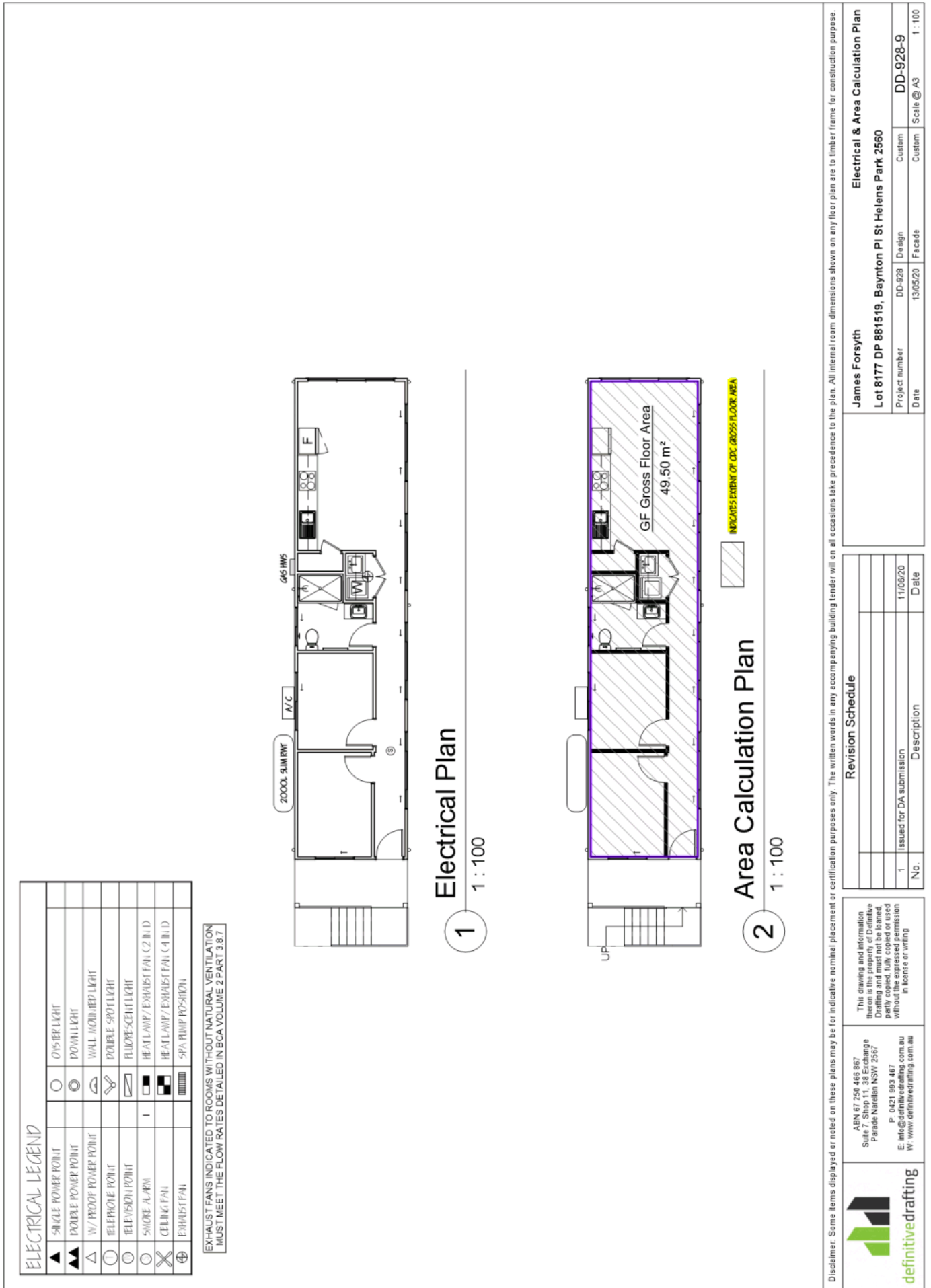
Revision Schedule	
No.	Description
1	Issued for DA submission
	11/06/20
	Date

James Forsyth		Stormwater Plan	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560		Project number	
DD-928	Design	DD-928-7	Custom
13/05/20	Facade		Scale @ A3
	Date		1 : 200

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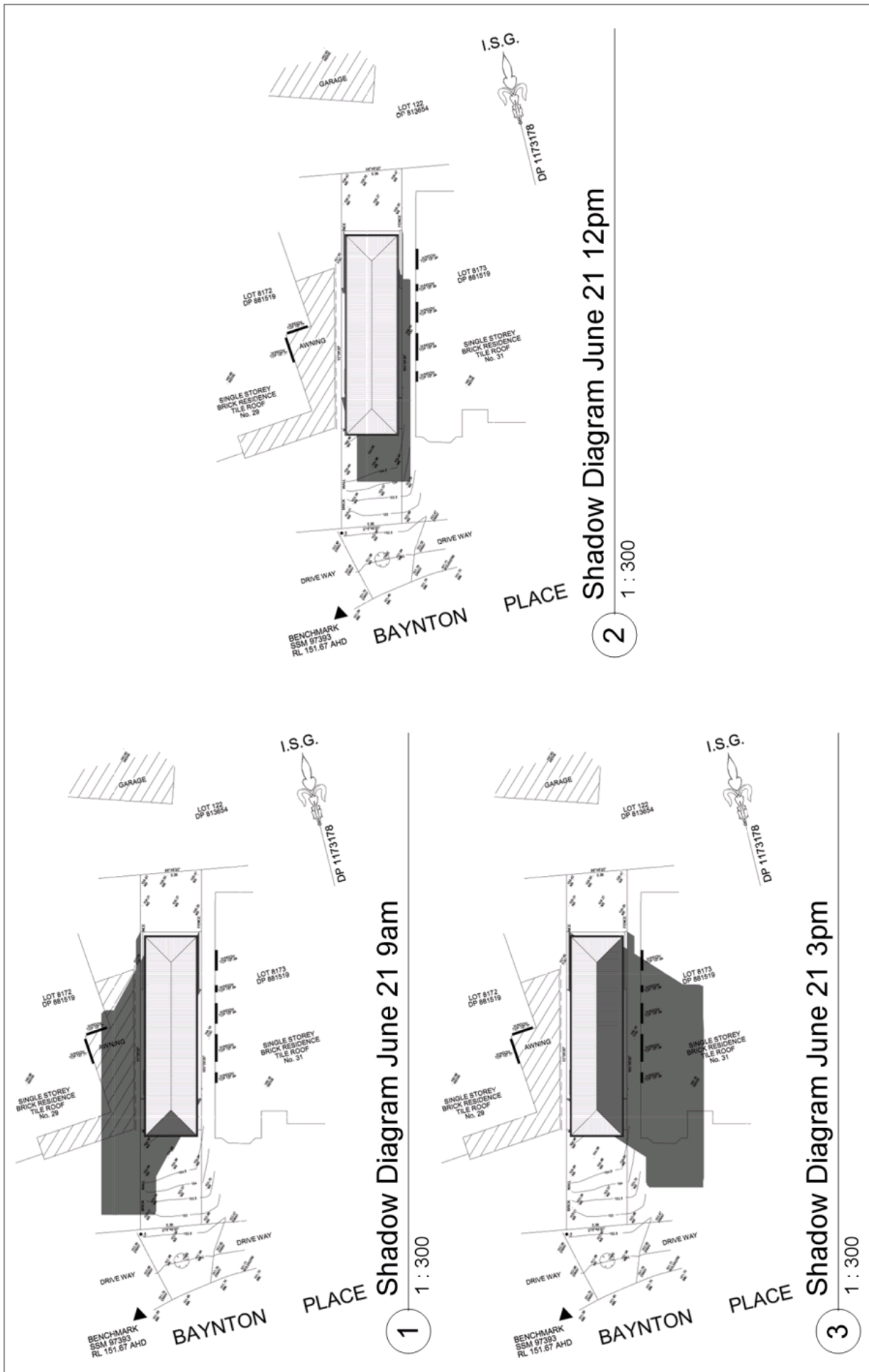


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Revision Schedule	
No.	Description
1	Issued for DA submission
	11/06/20
	Date
Shadow Diagrams	
James Forsyth	
Lot 8177 DP 881519, Baynton Pl St Helens Park 2560	
Project number	DD-928
Design	Custom
Facade	13/05/20
Date	DD-928-10
Scale @ A3	1 : 300

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4.2 Change of use to community facility, alterations to premises, car parking and associated works - 19 Parliament Road, Macquarie Fields

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.2 - Ensure that service provision supports the community to achieve and meets their needs

Referral Criteria

One of the lots (Lot 1, DP 602021) subject of this application is owned by Campbelltown City Council. Therefore, in accordance with Section 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the consent authority is the Campbelltown Local Planning Panel (the Panel).

Executive Summary

- This development application proposes a change of use to a community facility, alterations to the premises (ground floor), car parking and associated works at Lot 1 DP 602021 and Lot 2 DP 622979, 19 Parliament Road, Macquarie Fields.
- The subject site is zoned B1 Neighbourhood Centre under the provisions of the Campbelltown Local Environmental Plan 2015.
- In accordance with Council's Community Participation Plan, the application was notified for a period of 21 days. No submissions were received.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* has been undertaken and it is recommended to the panel that the application be approved for reasons outlined in this report.
- The proposal is considered in the public interest as the use would contribute to the provision of support services for the community.

Officer's Recommendation

That development application 2135/2020/DA-C for the change of use to a community facility, alterations to the premises (ground floor), car parking and associated works at Lot 1, DP 602021 and Lot 2 DP 622979, 19 Parliament Road, Macquarie Fields be approved subject to the recommended conditions of consent 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	Lot 1, DP 602021 and Lot 2 DP 622979, 19 Parliament Road, Macquarie Fields
Application No	2135/2020/DA-C
Applicant	O+H Architects
Owner	Islamic Education Centre Inc. Campbelltown City Council
Provisions	Campbelltown 2027 – Strategic Community Plan State Environmental Planning Policy 55 - Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy (Sydney Region Growth Centres)2006 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	24 July 2020

Development History

A summary of the relevant development history for the subject site is provided below:

- 343/1995/DA-C – development application proposed the use of Shop 2 as a Funeral Home and Shop 1 as a Viewing Chapel and was approved in 1995
- 343/1995/DA-C/A - modification application proposed minor amendments to the use of Shop 2 as a Funeral Home and Shop 1 as a Viewing Chapel and was approved in 2007
- 238/2017/DA-C - development application proposed the construction of internal fitout and ancillary works and use of premises as a community facility. This application was refused in November 2017 due to a number of non-compliances to Council's Development Control Plan, namely number of car spaces required to service the proposed use.

The Site and Surrounding Locality

The site of the proposed community facility is known as 19 Parliament Road, Macquarie Fields and legally defined as Lot 2 DP 622979. The land is irregular in shape and contains a total area of 272.6 sqm with a frontage of 9.135 m to Parliament Road (north). The site is located within the Macquarie Fields Neighbourhood Centre and fronts Parliament Road with Dale Lane located at the rear and side of the site.

The site contains an existing 2 storey red brick building with a flat metal roof. The ground floor of the building contains a commercial premise and attached garage with the first floor of the premises containing habitable space (dwelling). The rear of the site contains an informal gravel/grass car parking area.

Lot 1, DP 602021 also forms part of this application, is located adjacent (west) of the proposed community facility and contains a small Council-owned car park.

Adjoining the site to the west and south are commercial properties within the Macquarie Fields Neighbourhood Centre. The land to the east of the site consists of 4 residential properties each on their own lot and each with a B1 Neighbourhood Centre zoning. Development to the north of the site comprises of single and 2 storey residential developments.

A location map is provided in attachment 2 of this report.

The Proposal

Development consent is sought for the change of use to a community facility, alterations to the existing premises (ground floor), car parking and associated works.

Specifically, the development proposes the following:

- Use of the premise (ground floor only) as a Community Centre operated by Islamic Education Centre (IEC) Inc. who are a non-profit community organization.

The services and activities offered in the community centre include:

- After-school classes for children aged 6 – 16 years. Approximately 6-7 classes will be held throughout the week, with each class catering for between 10-15 children.
- After funeral services. These events will consist of family and community groups of up a maximum 20 people and on occasion will be catered with pre-prepared meals prepared within the existing kitchen area. No hot food to be prepared on site.
- Community meetings. Meetings to be held as required by the local community groups (typically held once every 2 weeks). These events will cater for groups of between 20-30 people.
- Counselling services. Services will be offered by community representatives to members of the community by appointment. This includes one-on-one and family counselling services.
- General meetings including:
 - Meetings between community elders and the groups to organise community events and festival celebrations (the festival celebrations will not be held on the premises).
 - Migrant services to be provided as needed to new migrants looking to settle in the local area. These services will include private language classes (English)

- and arrangements for transport, community care and outreach, shopping, etc.
 - Care services for senior members of the community. These matters will be discussed between elders and community leaders at weekly meetings to organise appropriate in-home care and visits as required.
 - Planning for charitable work to be conducted by a select group as required.
 - Youth group services to be provided as required (typically once a month on a Sunday afternoon – part of standard classes).
- Proposed operational details:
 - Maximum patron capacity: 30 people
 - Hours of operation: 9:00 am - 7:00 pm, 7 days a week.

Specifically, regular services and opening hours are proposed:

 - Monday – Friday: After school classes (4.00 pm – 6.30 pm)
 - Saturday and Sunday: Classes for children and adults (9.00 am – 12.00 pm)
 - Sunday: Youth group and community group meetings (2.00 pm – 7.00 pm)
 - Alterations to the existing premises (ground floor) include:
 - Demolition of external walls, rear fencing and closure of openings;
 - Modifications to the front façade and the installation of new glazing;
 - Demolition of all internal walls and construction of a new collapsible internal wall;
 - Provision of kitchenette and toilet facilities; and
 - Hard stand area and line marking to accommodate 2 new car parking spaces at the rear of the site.
 - Use of Lot 1, DP 602021 to accommodate 5 car parking spaces to service the proposed community facility and associated line marking works.
 - Provision of landscaping to the rear car parking area on Lot 2 DP 622979.
 - No signage is proposed under this development application.
 - No changes are proposed to the existing first floor or its former use.

Report

1. Vision

Campbelltown 2027 Community Strategic Plan

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

It is considered that the proposal is generally consistent with the long term vision for Campbelltown, and is of particular relevance to Outcome 3: A thriving, attractive city (outcome 3.2). The proposed development assists in supporting the local community by ensuring services are available to achieve and meets their needs. It is therefore considered that the proposed development is desirable for the City of Campbelltown.

2. Planning Provisions

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

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

SEPP 55 requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

Requirement	Action	Response
<p>Clause 7(2): 1. Is the development for a change of use to a sensitive land use or for residential subdivision?</p> <p>Sensitive land use include residential, educational, recreational, child care purposes or hospital.</p>	<p>a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.</p>	<p>Change of use proposed to community facility. No sensitive land use proposed.</p>
	<p>b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998.</p>	<p>No sensitive land use proposed.</p>
<p>Clause 7(1) 2. Is Council aware of any previous investigation or orders about contamination on the land?</p>	<p>a. Is there any property information for any evidence of contamination information?</p>	<p>A search of Council's records for evidence of potentially contaminating activities was undertaken on 22 September 2020. No evidence was found of contaminating land activities</p>

		having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken on 22 September 2020. No evidence was found of contaminating land activities having occurred on the land.
Clause 7(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken on 22 September 2020. No evidence was found of approved contaminated land activities having occurred on the land.
Clause 7(1) 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 3(c) - Neighbourhood Business which did not allow for potentially contaminating uses.
Clause 7(1) 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	Based on Council's site inspection carried out on 12 August 2020, no evidence of potential contamination is present on site.

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

2.2. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP (SRGC) 2006) applies to all land in a growth centre. Pursuant to the State Environmental Policy Planning (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2019 dated 6 December 2019, the subject site is located within the Greater Macarthur Growth Area and the Policy applies.

Provisions under the SEPP (SRGC) 2006 relating to the subject site have not been specified in a Precinct Plan or Clause 7A. Pursuant to Part 4 Clause 16(1) of the SEPP (SRGC) 2006, until provisions have been specified in a Precinct Plan or in Clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

- (a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan

- (b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses
- (c) whether the proposed development will result in further fragmentation of land holdings
- (d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A
- (e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development
- (f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre
- (g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land

The subject site is located within an area identified as mixed use retail and residential. The proposal will contribute to and support the local economy within Macquarie Fields and its community members. The proposed development will not preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and is considered satisfactory. The development is considered generally consistent with the provisions of Part 4, Clause 16(1) of the SEPP (SRGC) 2006.

2.3. Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment (GMREP)

The development site is located within the Georges River Catchment, therefore the provisions of the GMREP apply to the subject application.

The general aims and objectives of this GMREP are as follows:

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

catchment management policies and programs in the planning and management of the Catchment.

- (e) (Repealed)
- (f) To provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

The proposal does not conflict with any of the relevant provisions of the GMREP and is considered acceptable in this regard.

2.4. Campbelltown Local Environmental Plan 2015 (CLEP 2015)

The subject site is zoned B1 Neighbourhood Centre under the provisions of CLEP 2015. The application proposes alterations to an existing building, the use of the ground floor as a community facility and the use of adjoining Council lands for car parking. Both community facilities and car parking are permissible with consent in the B1 zone.

Community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

The proposal is consistent with the above mentioned land use definitions.

The objectives of the zone are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To support public transport patronage and encourage walking and cycling.
- To achieve an accessible, attractive and safe public domain.
- To allow small-scale residential development in conjunction with retail, business and commercial uses in a manner that increases the vitality of the surrounding neighbourhood.

The proposed development is consistent with the first objective in that the proposal will provide a small scale community facility that will service the needs of the community members within the Macquarie Fields area and surrounding neighbourhoods.

An assessment of the relevant clauses of the CLEP 2015 is provided below.

Clause 4.3 Height of buildings

The height of a building on any land is not to exceed 9 m. No changes are proposed to alter the height of the existing building.

Clause 4.4 Floor Space Ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. No floor space ratio prescribed for the subject site.

Clause 7.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available. The subject site is connected to existing essential services.

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

The SCDCP 2015 is broken down into several volumes and parts which relate to specific localities and various developments. Volume 1 relates to development controls for all types of development, with the following sections of the SCDCP 2015 relevant to this application:

- Part 2 of this volume applies to all types of residential development;
- Part 6 Commercial Development

The following table details an assessment of the proposal in accordance with the relevant sections of the SCDCP 2015.

Part	Requirement	Proposed	Compliance
2.2 Site Analysis	A Site Analysis Plan shall be lodged with the development application.	A site analysis plan has been submitted.	Satisfactory
2.5 Landscaping	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	Landscaping is proposed to the rear of the site and will complement the use of this space.	Satisfactory
	d) A Landscape Concept Plan is required to be submitted with a development application for Commercial developments.	Concept landscape plans submitted.	
2.9 Demolition	A development application involving demolition shall be considered having regard to the requirements set out in this part.	Minor demolition works associated with alterations works proposed. A condition of consent is recommended to ensure demolition works occur in accordance with this part.	Satisfactory

<p>2.10.3 Stormwater</p>	<p>a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fit outs), demonstrating to Council how the stormwater will be collected and discharged from the site.</p> <p>b) The stormwater concept plan shall include the following information as a minimum:</p> <p>i) locations, layouts and sizes of stormwater pipes and pits;</p> <p>ii) minimum grades and capacity of stormwater pipes; and</p> <p>iii) existing and proposed easements, site contours and overland flow path/s.</p>	<p>Concept Stormwater Drainage plans have been submitted with the application.</p> <p>The application was discussed with Council's Development Engineer.</p> <p>Conditions of consent are recommended for stormwater works to connect into existing stormwater infrastructure as the property falls towards the North West in Parliament Road.</p>	<p>Satisfactory</p>
<p>2.12 Retaining Walls</p>	<p>a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.</p>	<p>No retaining walls proposed.</p>	<p>Satisfactory</p>
<p>2.13 Security</p>	<p>a) Development shall be designed to:</p> <p>i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</p> <p>ii) minimise dead ends and other possible entrapment areas;</p> <p>iii) clearly identify and illuminate access points to buildings and designated public places; and</p> <p>iv) clearly differentiate between private and public space</p> <p>b) External lighting shall be designed to:</p> <p>i) encourage the use of safe areas;</p> <p>ii) define safe corridors for movement of people; and</p> <p>iii) allow facial recognition of</p>	<p>The application proposes the use of an existing building. To provide additional security measures to the existing building, the application proposes:</p> <ul style="list-style-type: none"> - CCTV cameras overlooking the laneway, entrance and rear parking areas; - lockable entry to front door entrance and rear door entry from parking area; - external security sensor lighting and timers to be installed to the side and rear elevations of the building and main entrance. <p>Proposed security measures are satisfactory. Conditions of consent are recommended.</p> <p>The application proposes external security sensor lighting and timers to be installed to the side and rear elevations of the property and main entrance. Conditions of consent are recommended.</p>	<p>Satisfactory</p>

	<p>approaching pedestrians at 15 metres.</p> <p>c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.</p>	<p>The application proposes to install of a number of new security and safety devices including:</p> <ul style="list-style-type: none"> - CCTV cameras overlooking the laneway, entrance and rear parking areas; - lockable entry to front door entrance and rear door entry from parking area; - external security sensor lighting and timers to be installed to the side and rear elevations of the building and main entrance. <p>Proposed security measures are satisfactory. Conditions of consent are recommended.</p>	
	<p>d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.</p>	<p>The applicant proposes graffiti resistant paint to external clad surfaces. Conditions of consent are recommended.</p>	
2.15.1 Waste Management Plan	<p>a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1.</p>	<p>WMP has been submitted with the development application.</p>	Satisfactory
	<p>c) Plans submitted with a development application shall detail the following (as applicable):</p> <ul style="list-style-type: none"> i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas; iii) collection point and/or access route for collection vehicles; iv) ventilation of waste and recycling storage areas; v) location of garbage chute and service rooms; vi) bin and storage area washing 	<p>The application proposes the demolition of the existing rubbish storage room.</p> <p>Condition of consent are recommended for plans to nominate an area within the rear to accommodate waste storage, clear of manoeuvring areas.</p>	

	facilities; and vii) occupants' disposal points for all waste streams.		
2.15.3 On-going Waste Management	a) Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.	The application proposes the demolition of the existing rubbish storage room. The application was discussed with Council's Domestic Waste Officer who advised the waste is currently collected via Council weekly collection with bins currently presented along Parliament Road. No changes are proposed to collection points. The applicant has noted that a care taker will be on site to wheel bins to the nominated collection point. The proposal is not dissimilar to previous uses and standard conditions of consent are considered satisfactory in this instance. Condition of consent are recommended to require an area within the rear to accommodate waste storage area, clear of manoeuvring paths to be marked on the plans.	Satisfactory
	b) Any room(s) for storing garbage and recycling shall be located in a position that is convenient for occupants and waste collection staff. Collection rooms shall complement the development and not be visibly obtrusive when viewed from any public place.		
	c) A refuse collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.		
	d) The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1V:8H.		
	e) The maximum travel distance between any storage area/point and the collection point for all bins shall be 25 metres.		
	f) Where it is intended that collection vehicles are to drive into a private property to collect waste and recycling, the development shall be designed to provide for: i) the safe and efficient service of the development with minimal need to reverse; ii) vehicles to enter and exit in a forward direction; iii) adequate clearance to accommodate the waste collection vehicle dimensions detailed in Table 2.15.2.		

	iv) where collection vehicles are required to enter the property, the pavement shall be constructed in such a manner that will not be damaged by a collection vehicle carrying the maximum legal weight.		
Part 6. Commercial Development			
6.4.1 Building Form and Character	a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.	Use of existing building proposed. Minor alterations to existing building facade proposed and works are considered satisfactory.	Satisfactory
	b) Large buildings shall incorporate the following elements to assist in achieving a high-quality architectural outcome: i) the provision of vertical and/or horizontal of sets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements; ii) articulation of the different parts of a building's facade by use of colour, arrangement of facade elements, or by varying the types of materials used; and iii) maximising the interior and exterior interactions at the ground level.	Use of existing building proposed and no major structural changes to building façade proposed.	
	c) The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	Main pedestrian entry is accessible and located at the front of the building fronting Parliament Road.	
	d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	No major structural changes proposed to the existing building. Existing building is built to boundaries.	
	e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures	No additional plant equipment proposed under this application.	

	and architectural elements.		
	f) Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.	Nil proposed.	
	g) Buildings shall not incorporate highly reflective glass.	A condition of consent recommended to ensure compliance with this part is achieved.	
	h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	Use of existing building proposed and no major structural changes proposed. The application proposes minor changes to the external building elevations with paint finishes proposed to match existing.	
	i) Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a landmark feature of the street.	No major structural changes to the existing building façade proposed.	
	j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	No outdoor display or storage proposed.	
	k) Commercial development shall be designed to address both primary and secondary street setbacks.	No major structural changes to the existing building façade proposed. Existing building facade addresses the primary street frontage.	
	l) Infill development shall respect and maintain consistency with the established setbacks of existing shop fronts.	No major structural changes proposed to the existing building.	
6.4.1.1 Commercial Development Floor Area	a) The maximum gross floor area of any single retail premises within any business in areas zoned B1, B2 and B5 shall not exceed 500 square metres unless the proposal has been supported by an economic impact assessment, prepared by a suitably qualified person.	Not applicable. Community facilities proposed.	Not applicable
6.4.1.2 Building Setbacks	a) All commercial development outside areas zoned B3 and B4 shall be setback from property boundaries in accordance with this section.	No changes to existing building setbacks.	Satisfactory

6.4.1.3 Fencing	a) Commercial fencing shall be a maximum 2.4 metres in height.	No new fencing proposed. The application proposes the removal of the rear part brick and metal fencing and gate to accommodate access to parking area.	Satisfactory
	b) The use of sheet metal fencing is not permitted.	Nil proposed.	
	c) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	The subject lot not considered a corner allotment. No fencing proposed. The application proposes the removal of the rear part brick and metal fencing and gate to accommodate access to parking area.	
	d) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	No fencing proposed.	
	e) Details for fencing shall be submitted with the development application.	Nil proposed.	
6.4.2 Car Parking and Access	a) Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	A condition of consent is recommended to ensure that proposed car parking spaces to comply with Australian Standard AS 2890.1 and 2.	Satisfactory
	b) The minimum car parking rates shall be provided in accordance with Table 6.4.2.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the site and or the nature of the use, additional car parking spaces shall be provided as part of the development.	One car space is provided within existing garage to service the residential dwelling on the first floor. Seven additional at grade car spaces are provided to service the proposed use. Further discussion on car parking requirements is provided at the end of this table.	Satisfactory
	c) All car parking spaces that are required under clause 6.4.2.1 b) shall not be locked of, obstructed, reserved or separately allocated to any individual use at any time.	The proposed 7 car spaces have been designed to service the proposed use and will not be locked or obstructed.	Satisfactory
	d) Commercial development shall be designed to accommodate all related vehicle movements on site such that: i) all vehicles shall enter and exit	Swept path diagrams submitted with the application demonstrate car spaces at the rear of the site can enter and exit the site in a forward direction.	Satisfactory

	<p>the site in a forward direction;</p> <p>ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;</p> <p>iii) cause minimal interference to the flow of traffic within the surrounding road network; and</p> <p>iv) safe and convenient access is provided for pedestrians.</p>	<p>Due to the nature of the proposed use, it not anticipated delivery and service vehicles will regularly frequent the site.</p> <p>Sufficient area at the rear of the site is available for delivery and service vehicles to temporarily park and unload.</p> <p>Safe and convenient access is available for pedestrians.</p>	
	<p>e) A Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted as part of a development application addressing the following criteria if the development exceeds the relevant thresholds within SEPP (Infrastructure) 2007:</p> <p>i) the existing traffic environment;</p> <p>ii) anticipated traffic generation from the proposed development;</p> <p>iii) the potential cumulative impact in the locality;</p> <p>iv) the need for traffic improvements in the locality;</p> <p>v) traffic egress/ingress to arterial/sub arterial roads; and</p> <p>vi) sight distance and other safety issues.</p>	<p>A Traffic Impact Assessment Report has been submitted with the application.</p>	<p>Satisfactory</p>
	<p>f) Each site shall have a:</p> <p>i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and</p> <p>ii) each site may have an additional ingress/egress for cars (and other light vehicles).</p>	<p>Use of existing premise proposed and the proposed use will not require heavy vehicles to enter the site.</p>	<p>Satisfactory</p>
	<p>g) No car parking spaces shall be designed in a stacked configuration.</p>	<p>No car parking spaces are proposed in a stacked configuration.</p>	<p>Satisfactory</p>
	<p>h) No required car parking</p>	<p>The application proposes the</p>	<p>Satisfactory</p>

	spaces shall be created as a separate Strata or Torrens Title allotment.	use of Lot 1 DP 602021 to provide an additional 5 car spaces to service the proposed use. A lease arrangement with the adjoining landowner (Campbelltown Council) has been entered into and the use of the site as a community facility will be tied to a time limited period in conjunction with the lease.	
	i) Above ground multi-level car parking structures shall be designed so as to integrate with the surrounding built form, incorporate design methods and architectural form that compliments and adds value to the character of the local area.	No above ground multi-level car parking structures proposed.	Satisfactory
6.4.2.2 Loading and Unloading	a) Where practicable, loading bays shall be separated from parking and pedestrian access.	Loading and unloading to service the site will occur from the rear of the site	Satisfactory
	b) All loading and unloading shall take place wholly within the site.	Loading and unloading to service the site will occur from the rear of the site.	Satisfactory
	c) No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	Loading and unloading to service the site will occur from the rear of the site and given the nature of the use is considered satisfactory.	Satisfactory
	d) Parking and loading bays shall be provided and clearly identified on site.	Conditions of consent recommended.	Satisfactory
	e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking	Use of existing premise proposed and the proposed use will not require heavy vehicles to enter the site.	Satisfactory
	f) Each new commercial building/unit having a gross floor area: i) up to 200 sqm shall provide a loading area to allow for a small rigid vehicle to manoeuvre on site;	Not applicable.	Not applicable
	g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a	No loading dock proposed or required.	Satisfactory

	combination of these, or by other means to Council's satisfaction		
6.4.2.3 Access for People with Disabilities	a) Commercial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	A BCA capability statement prepared by Benchmark Building Certifiers has been submitted with the application. The application was referred to Council's Building surveyor for comment. No objections were raised, subject to conditions of consent.	Satisfactory
	b) Notwithstanding Clause 6.4.2.2 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).	The requirements of this part requires 2 accessible car spaces to service the proposal. The application proposes one accessible car space located at the rear of the site. The shortfall of one accessible car space is considered acceptable considering the nature of the proposal and use of an existing building.	
6.4.4 Landscaping	a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new development.	Landscape plan submitted with application.	Satisfactory
	b) Landscaping shall be provided between the primary street boundary and the building in accordance with Section 2.5 Landscaping of this Plan.	Use of existing premise proposed. No area within the primary street boundary to accommodate landscaping.	
	c) All landscaped bays shall be a minimum 2 metres wide and allow for deep soil planting.	No landscaped bays required.	
	d) Landscaped areas shall be separated from driveways and car parking areas by a suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.	Landscaped areas are sufficiently separated from parking areas and protected by garden edging.	
	e) Landscaped area at ground floor level shall be incorporated	The main car park is existing. Two at-grade parking spaces	

	<p>within the car park at all the outer edges of car parking bays as illustrated in Figure 6.4.4.1</p> <p>f) High canopy trees shall be used to allow for clear lines of sight within car parking areas and to internal site access pathways.</p>	<p>proposed at the rear of the site are to be appropriately landscaped.</p> <p>This requirement is recommended for large at grade car parks. Due to the small scale nature of the development, and the use of existing car parking, this requirement does not reasonably apply to the proposal.</p>	
6.4.5 Residential Interface	a) Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	No major structural changes to the external building proposed. No changes to the existing building setback proposed.	Satisfactory
	b) Loading areas, driveways, waste storage areas and roof top equipment shall not be located adjacent to residential development.	Loading, driveways, and waste storage areas are located at the rear of the site facing the rear of existing commercial development.	
	c) Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential premises.	Not applicable.	
	d) External lighting shall be positioned to avoid light spillage to adjoining residential development.	A condition of consent is recommended.	
	e) An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.	An acoustic report has been submitted with the application and referred to Council's Environmental Officer for comment. No objections were raised, subject to conditions of consent.	
6.7 Commercial Waste Management	a) Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development. Minimum commercial waste generation rates are contained in Table 6.7.1.	<p>The application was discussed with Council's Domestic Waste Officer who advised the waste is currently collected via Council weekly collection with bins currently presented along Parliament Road.</p> <p>No changes are proposed to collection points and the applicant has noted, a care taker will be on site to wheel bins to the nominated</p>	Satisfactory

		collection point. The proposal is not dissimilar to previous uses and standard conditions of consent are considered satisfactory in this instance	
	b) Any commercial premises that generates more than 20% of total weekly waste generated or 50 litres by weight or volume (whichever is the lesser) of meat/seafood product shall be collected daily or refrigerated awaiting collection.	Not applicable	Not applicable
	c) All commercial premises shall produce evidence of a collection contract with a licensed garbage and recycling collection contractor.	Not applicable	Not applicable
	d) Despite Clause 6.7 c) above, the design of the building shall provide for the collection system to be undertaken by Council at the time the development application is submitted to Council.	The application was discussed with Council's Domestic Waste Officer who advised the waste is currently collected via Council weekly collection with bins currently presented along Parliament Road. No changes are proposed to collection points and the applicant has noted, a care taker will be on site to wheel bins to the nominated collection point. The proposal is not dissimilar to previous uses and standard conditions of consent are considered satisfactory in this instance.	Satisfactory
6.8 Parenting Facilities	a) Parenting facilities shall be incorporated in all new buildings and alterations/refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be provided.	Parenting facilities and amenities have been provided in accordance with this part.	Satisfactory
6.8.2 General Requirements	a) Each parenting facility shall be designed to: i) provide a quiet place for parents to feed children in privacy; ii) be a unisex use facility;	Parenting facilities and amenities have been provided in accordance with this part.	

	iii) provide an allocated area to change nappies; iv) provide hand washing (warm and cold) and drying facilities; v) provide a toddler toilet; vi) be separated from male, female and disabled toilets; and vii) be well ventilated in accordance with Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities (as amended).		
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2.6. Developer Contributions

In accordance with Campbelltown Local Infrastructure Contributions Plan 2018, Section 7.12 contributions are not applicable to developments that involve extensions and/or alterations to existing non-residential development (i.e. commercial/industrial etc. development) that involves the construction of servicing/utility/amenity and like spaces.

3. Planning Assessment

3.1 Impacts on the natural and built environment

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matter for considerations when considering the development's potential impact on the natural and built environment is traffic and parking:

Traffic and Parking

Development application 238/2017/DA-C proposed a development similar to the current application however failed to provide adequate parking provisions to accommodate the use and was refused under delegated authority in 2017. The proposal has since been amended and includes a lease arrangement for Lot 1, DP 602021 to accommodate additional car spaces required for the proposal.

The application proposes the use of the existing premises as a community facility and for the purposes of Volume 1, Part 6 of the SCDCP community facilities are considered a form of commercial development. Part 6 of the SCDCP does not prescribe minimum parking rates for community facilities and a merit assessment shall be applied.

The proposed use would operate similar to a business premise and recreation facility which both require one space per 25 sqm of the gross floor area (GFA). The ground floor contains a gross floor area of 130 sqm which generates a requirement of 6 car spaces. The application proposes the construction of 2 at grade car spaces at the rear of the site and the use of adjoining Council lands for car parking which can accommodate 5 spaces. A total of 7 spaces

including one accessible space is proposed and is considered satisfactory to accommodate the proposed use. A Conditions of consent to extend the sealed portion of Dale Lane up to the start of the proposed landscaped area located on the southern portion of Lot 2, DP 622979 is recommended to accommodate the intensified use of this area for manoeuvring.

The use of the adjoining Council lands are tied to a lease arrangement with Council expiring June 2023. It is recommended that the consent be time limited so that consent for use of the premises is tied to the timing of the lease agreement. Despite the temporary nature of the consent, a small extension of the sealed surface in Dale Lane is recommended to protect the surface from wear and tear associated with the manoeuvring of vehicles in and out of the rear parking area. Should the applicant extend or acquire the subject lands to accommodate the additional car parking required to service the use, a subsequent application to the relevant consent authority to modify the condition can be submitted.

3.2. Social, Economic and Environmental Impacts

Section 4.15(1)(b) of the EP&A Act requires the Consent Authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The social, economic and environmental impacts associated with the proposed development are discussed below.

Socially, the proposal would contribute to the provision of support services to local community members which includes a space for small gatherings, small extra-curricular and cultural teachings, counselling and guidance services, general community meetings and organisation of charitable events and community outreach programs. It is considered that there are social benefits to the proposal.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development and ongoing operation. As the proposal is for a change of use of existing premises the overall environmental impacts are limited and readily controlled through conditions of consent including conditions for a small extension to the seal on Dale Lane.

3.3. Site Suitability

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

The site is considered suitable for the proposed development due to location within an established area and amongst other and complimentary commercial uses. No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

3.4. Public Interest

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

The application has demonstrated that the site is suitable for the proposed development and as such is considered in the interest of the public.

4. Public Participation

Section 4.15(1)(d) of EP&A Act requires Council to consider submissions. The development application was notified to adjoining properties on 17 August 2020 for a period of 21 days. No submissions were received.

5. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The proposed development is permissible with consent under the provisions of the CLEP 2015 and generally consistent with the zone objectives and with the relevant requirements of the SCDCP, with the exception of car parking. Given the proposed use and its hours of operation, the small variation in required car parking provision is considered reasonable and not to have an adverse impact on the neighbourhood.

The proposed development is consistent with the general intent of Campbelltown 2027 community Strategic Plan which outlines the long-term vision for the Campbelltown and Macarthur Region.

Overall, having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and relevant matters discussed within this report, it is recommended that the development application for the use of premise as a community facility, alterations to the existing (ground floor) premise, use of adjoining lands for car parking and associated works at No.19 Parliament Road, Macquarie Fields (Lot 1 DP 602021 and Lot 2 DP 622979) be approved subject to recommended conditions of consent detailed in attachment 1.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Location and Zoning Map (contained within this report)
3. Architectural Plans (contained within this report)
4. Statement of Environmental Effect (contained within this report)
5. Plan of Management (contained within this report)
6. Traffic Report (contained within this report)
7. Traffic Response (contained within this report)
8. Waste Management Plan (contained within this report)
9. Acoustic Report (contained within this report)
10. BCA Capability Statement (contained within this report)

Reporting Officer

Executive Manager Urban Centres

ATTACHMENT 1
2135/2020/DA-C
Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan Detail	Project Number	Prepared by	Date
Demolition Plan - DWG No. A100, Issue B	PR1530-M	O+H Architects	7.12.2020
Proposed Plan - DWG No. A101, Issue B	PR1530-M	O+H Architects	7.12.2020
North + South Elevation - DWG No. A200, Issue B	PR1530-M	O+H Architects	7.12.2020
East + West Elevation - DWG No. A201, Issue 1	PR1530-M	O+H Architects	20.11.2020
Section Plan - DWG No. A300, Issue 1	PR1530-M	O+H Architects	20.11.2020
Proposed Landscape Plan - DWG No. A400, Issue B	PR1530-M	O+H Architects	7.12.2020

- Noise Impact Assessment Report prepared by TTM dated 7 July 2016, Reference 16SYA0002, Rev 1.
- Building Code of Australia Capability Statement prepared by Benchmark Building Certifiers, dated 19 January 2017, Reference J16-001.
- Plan of Management prepared by Josh Owen, dated June 2020.
- Letter of response to Council (traffic) prepared by PDC Consultants, dated 9 December 2020, ref:0333r01v02.
- Waste Management Statement prepared by IDA + Associated Group Pty Ltd, dated 23 January 2017.

2. Building Code of Australia

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

3. 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.

4. 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.

5. 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.

6. Driveway

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

7. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made outside peak operational hours of the community centre.

8. 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.

9. Lighting and Reflectivity

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.

Buildings shall not incorporate highly reflective glass.

10. Security Measures

The development shall incorporate the following security measures:

Installation of CCTV cameras overlooking the laneway, entrance and rear parking areas;
Lockable entry to front door entrance and rear door entry from parking area; and
External security sensor lighting and timers installed to the side and rear elevations of the building and main entrance.

11. Time Limited Consent

The consent is valid for a period of twenty eight (28) months from the endorsed date of this development consent. This time period aligns with signed Lease agreement with Campbelltown City Council for the use of lands (Lot 1, DP 602021) as car parking. Prior to the expiration of this period, an application will be required to be lodged and approved prior to the use continuing.

12. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

13. 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.

14. Unreasonable Noise, Dust and Vibration

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

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

15. 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.

16. Operating Hours

The use of the premises/business shall be limited to:

Monday to Friday	9:00 am - 7:00 pm
Saturday & Sunday	9:00 am - 7:00 pm

17. Maximum Patron Capacity

The maximum number of patrons within the community facility shall be restricted to 30 patrons at any one time.

18. Car Parking Spaces

Seven (7) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

19. Food for Sale

As there are no satisfactory facilities for the handling, preparing, processing or storage of food, this consent does not allow for the sale of food as defined by the Food Act 2003. Prior Council approval is required for the sale of food from the premises.

20. Public Liability Insurance

A copy of valid public liability insurance cover for the value of \$10,000,000 (ten million dollars) or as adjusted by Council, indemnifying Council from all and any claims arising from an incident caused or associated with operations or activities carried out within the public domain in accordance with the approved use shall be sent annually to Council's Property Services Section within seven days of the commencement of the period of insurance, or insurance renewal.

The value of the public liability insurance cover will be reviewed by Council on an annual basis and where Council deem it necessary to vary the amount of cover required, any subsequent policy taken out will need to be of an equal or greater amount to that set by Council following its review. In this regard, prior to the applicant applying for an annual renewal of the public liability insurance cover, the applicant is to contact the Council's Property Services Section to confirm the current value of the public liability insurance cover required for the continued use of the premises.

21. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

22. Rubbish/Recycling Bin Storage

Waste Storage Area within the rear of the property shall be nominated. The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

23. Construction Certificate

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

the applicant shall appoint a Principal Certifier;

the applicant shall obtain a construction certificate for the particular works; and

when Council is not the Principal Certifier, the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

24. Management of Lands

The applicant shall maintain lands (Lot 1, DP 602021) to the satisfaction of Council's Asset Section.

25. Noise Management

No consent is granted for the installation of any new mechanical plant or equipment.

No sound amplification systems may be used as part of this development unless they are individually and collectively inaudible at all times outside of the building.

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.

26. 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.

Stormwater shall be conveyed to the existing stormwater disposal system for the site. All proposals shall comply with Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan.

27. Soil and Water Management Plan

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

28. Civil Works under S138 Roads Act - Road Construction (Dale Lane extension)

Prior to Council or an accredited certifier issuing any construction certificate, a S138 Roads Act application, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for road Construction in Lane.

The applicant shall submit engineering details of the required road construction described below:

Extend Dale Lane up until to the start of the proposed landscaped area located on the southern portion of Lot 2, DP 622979.

Full construction of all new roads 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 2015 and Council's Engineering Design Guide (as amended).

All works shall be carried out in accordance with Roads Act approval

29. Dilapidation Report

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

30. Regarding works

Lot 1, DP 602021 shall be upgraded with the provision of 175 mm thick concrete pavement having 25 MPa strength and reinforced with centrally placed SL82 mesh.

Dummy joints/ saw cuts shall be provided every 3.0 m and a doweled expansion joint shall be provided across the middle length of the slab. Works shall be in accordance with Council's *Standard Drawing SD-R09*.

31. Alignment of New Works

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with Council and the adjoining land owners regarding the alignment and construction of new roads.

32. Work on Public Land

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the Principal Certifier issuing an occupation certificate.

33. Design for Access and Mobility

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

34. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP - Volumes 1 and Council's Engineering Design Guide (as amended) and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

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.

35. 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.

36. Erection of Construction Sign

Prior to the commencement of any works on the land, signs must be erected in prominent positions on the site:

Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours

Stating that unauthorised entry to the work site is prohibited

Pollution warning sign promoting the protection of waterways (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)

Stating the approved construction hours in which all works can occur

Showing the name, address and telephone number of the principal certifying authority for the work.

Any such signs are 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.

37. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

A public sewer, or

If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or

If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

38. 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.

39. 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.

40. Demolition Works

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

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.

Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.

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.

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

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.

41. Fencing

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

42. Structural Engineer Details

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

43. Construction Work Hours

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

Monday to Friday 7:00 am to 6:00 pm

Saturday 8:00 am to 5:00 pm

Sunday and public holidays No Work.

44. Erosion and Sediment Control

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

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

45. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

46. 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.

47. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/regularly watered to the satisfaction of the appointed Principal Certifier.

48. 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.

49. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

50. Compliance with Council Specification

All design and construction work shall be in accordance with:

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

51. 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.

52. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by 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.

53. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

54. Clause 94 Upgrade Works

1. In accordance with clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the levels of fire and safety within the existing building are to be upgraded and the following measures are to be implemented prior to issuing an occupation certificate for the new building or part:
 - a. Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA and interconnect with the residential occupancy on the first floor to alert the sleeping occupant on in the event of fire.
 - b. Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA.
 - c. Provide exit signs to the main Exit doors in accordance with the relevant requirements of clause E4.5 & E4.7 of the BCA.
 - d. Provide portable fire extinguisher/s within the building and kitchen area in accordance with clause E1.6 of the BCA.
 - e. Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc.
 - f. The main entry/exit doors is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency.
 - g. Any openings within 3.0m from the boundary of the allotment to the wall of the building shall be protected in accordance with C3.4 of the BCA;
 - h. (1) The Owner shall carry out an inspection and audit of all required fire safety measures installed within the building and contained within the proposed Fire Safety Schedule to be issue with the construction certificate; and

(2) The Owner shall undertake all such remedial works necessary to ensure that those required fire safety measures contained within the proposed Fire Safety Schedule are capable of operating/performing to at least the standard for which the measure was originally designed and implemented; and

(3) A Final Fire Safety Certificate shall be submitted to Council, to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates;
 - i. has been assessed by a properly qualified person, and
 - ii. was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

55. Maintenance Security Bond

Prior to the principal certifying authority issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

56. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 1 (as amended)*.

57. Public Utilities

Prior to the appointed Principal Certifier issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

58. Restoration of Public Roads

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

59. Compliance Certificate

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

60. Council Fees and Charges

Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

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 4608.
- b. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *NSW Biosecurity Act 2015* or included within the NSW Governments Greater Sydney Strategic Management Plan 2017-2022.

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

All NSW residents are required to have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

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

Advice 5. Covenants

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

Advice 6. Inspections – Civil Works

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

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - ii. After installation and prior to commencement of earthworks.
 - iii. As necessary until completion of work.

- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 7. Inspection within Public Areas

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

Advice 8. Adjustment to Public Utilities

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

Advice 9. Salinity

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

Advice 10. Asbestos Warning

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

www.environment.nsw.gov.au
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 11. Smoke Free Environment Act

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

Advice 12. Dial before you Dig

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

Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

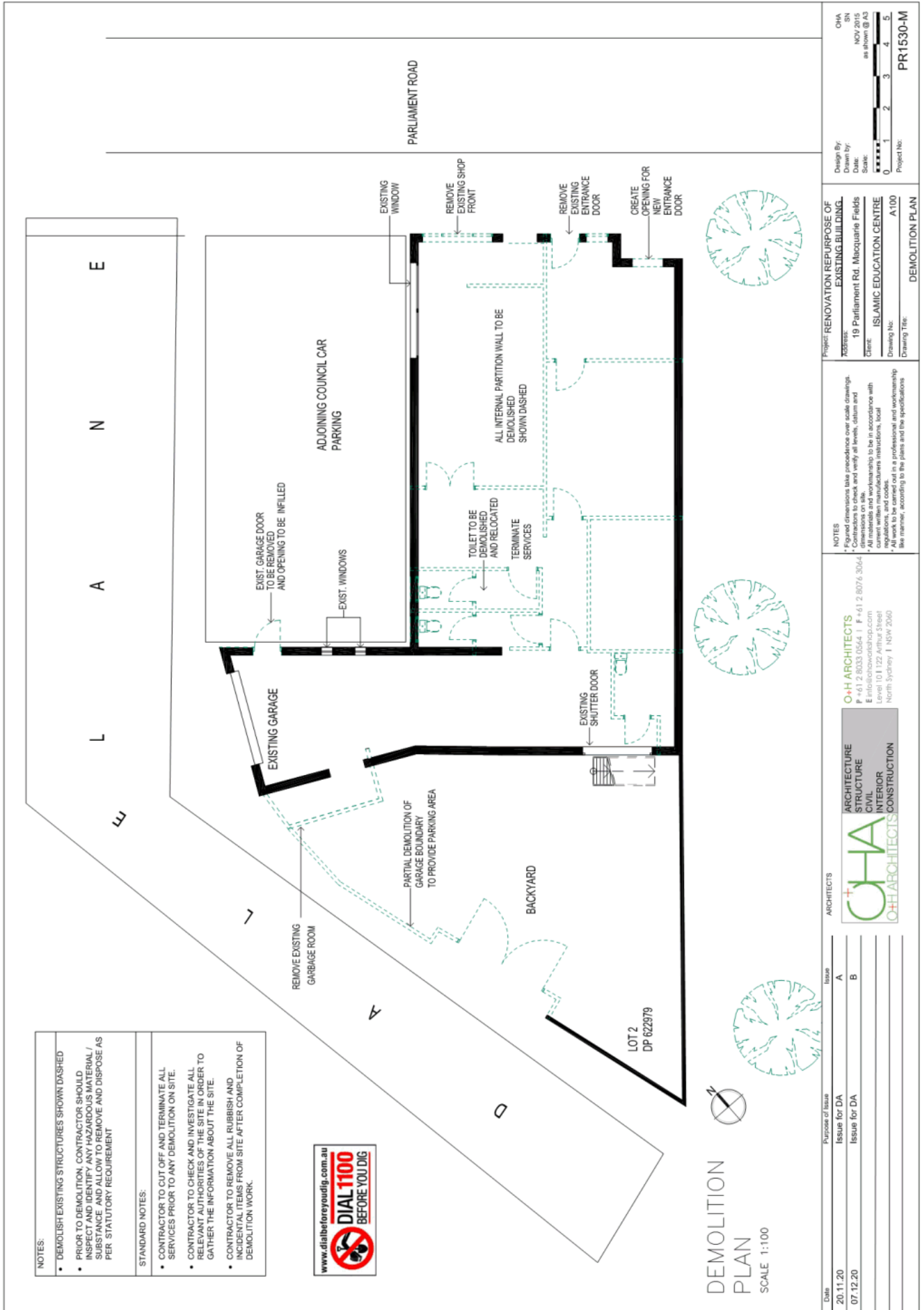
END OF CONDITIONS



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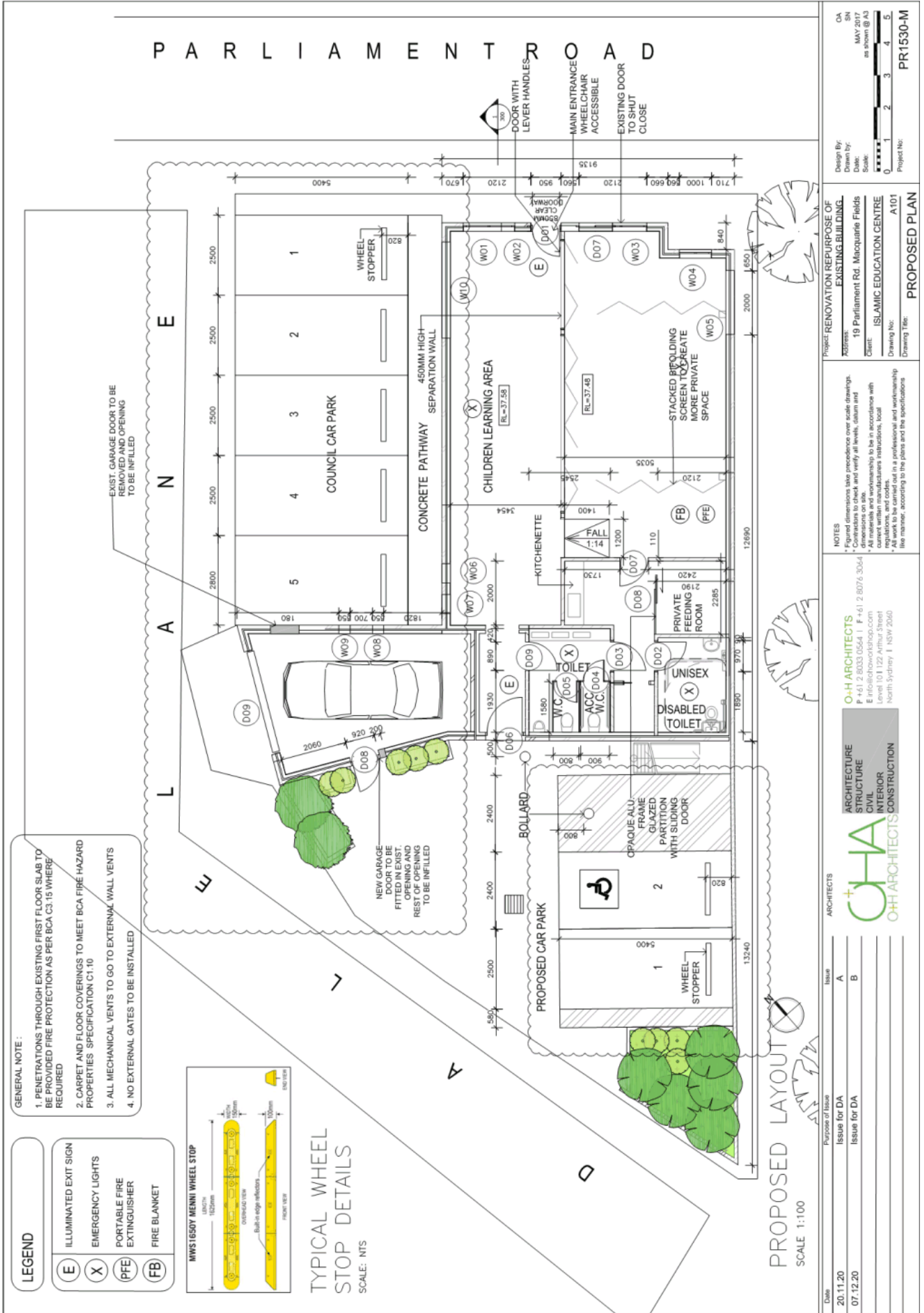


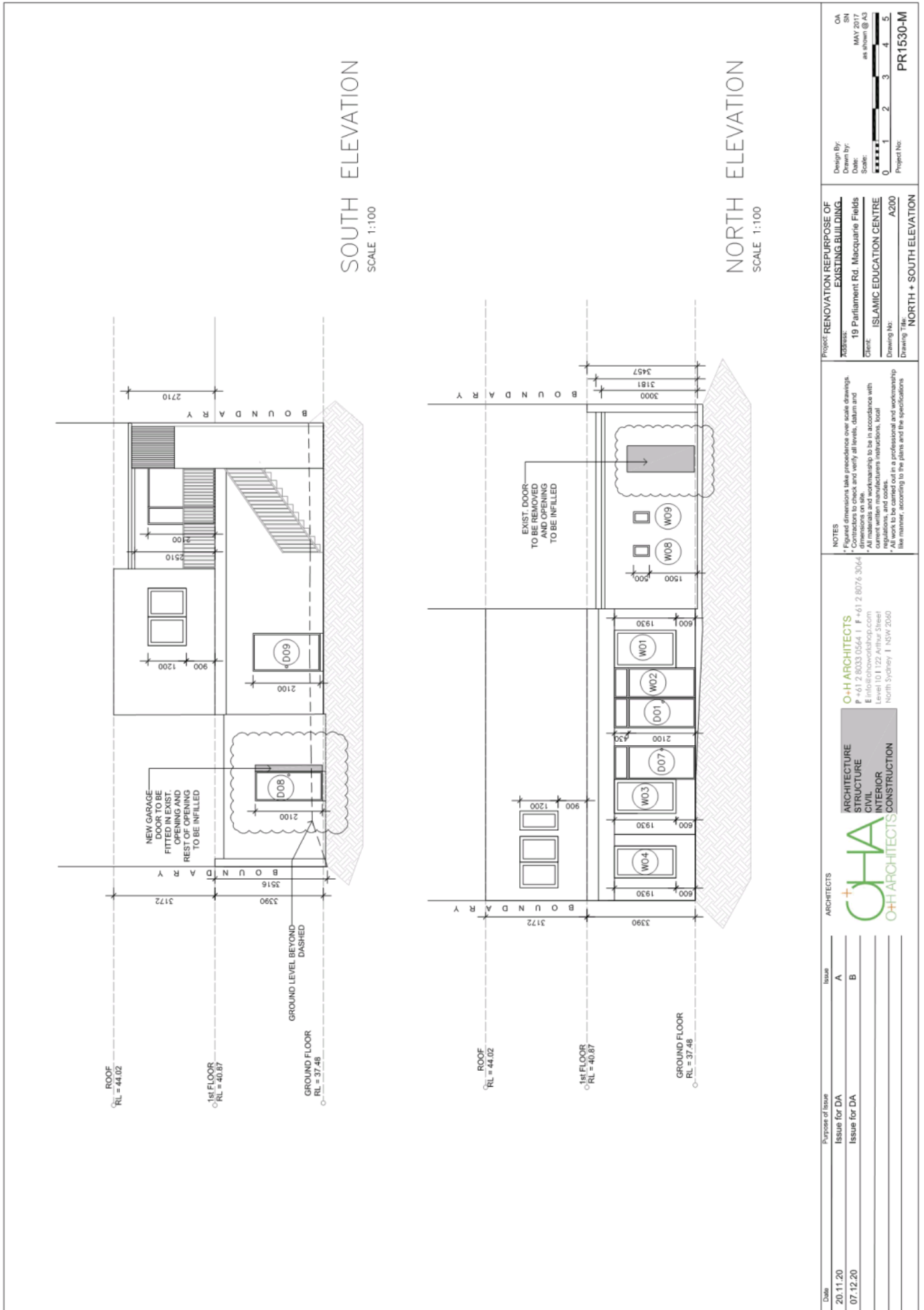
- NOTES:**
- DEMOLISH EXISTING STRUCTURES SHOWN DASHED
 - PRIOR TO DEMOLITION, CONTRACTOR SHOULD INSPECT AND IDENTIFY ANY HAZARDOUS MATERIAL / SUBSTANCE AND ALLOW TO REMOVE AND DISPOSE AS PER STATUTORY REQUIREMENT
- STANDARD NOTES:**
- CONTRACTOR TO CUT OFF AND TERMINATE ALL SERVICES PRIOR TO ANY DEMOLITION ON SITE.
 - CONTRACTOR TO CHECK AND INVESTIGATE ALL RELEVANT AUTHORITIES OF THE SITE IN ORDER TO GATHER THE INFORMATION ABOUT THE SITE.
 - CONTRACTOR TO REMOVE ALL RUBBISH AND INCIDENTAL ITEMS FROM SITE AFTER COMPLETION OF DEMOLITION WORK.

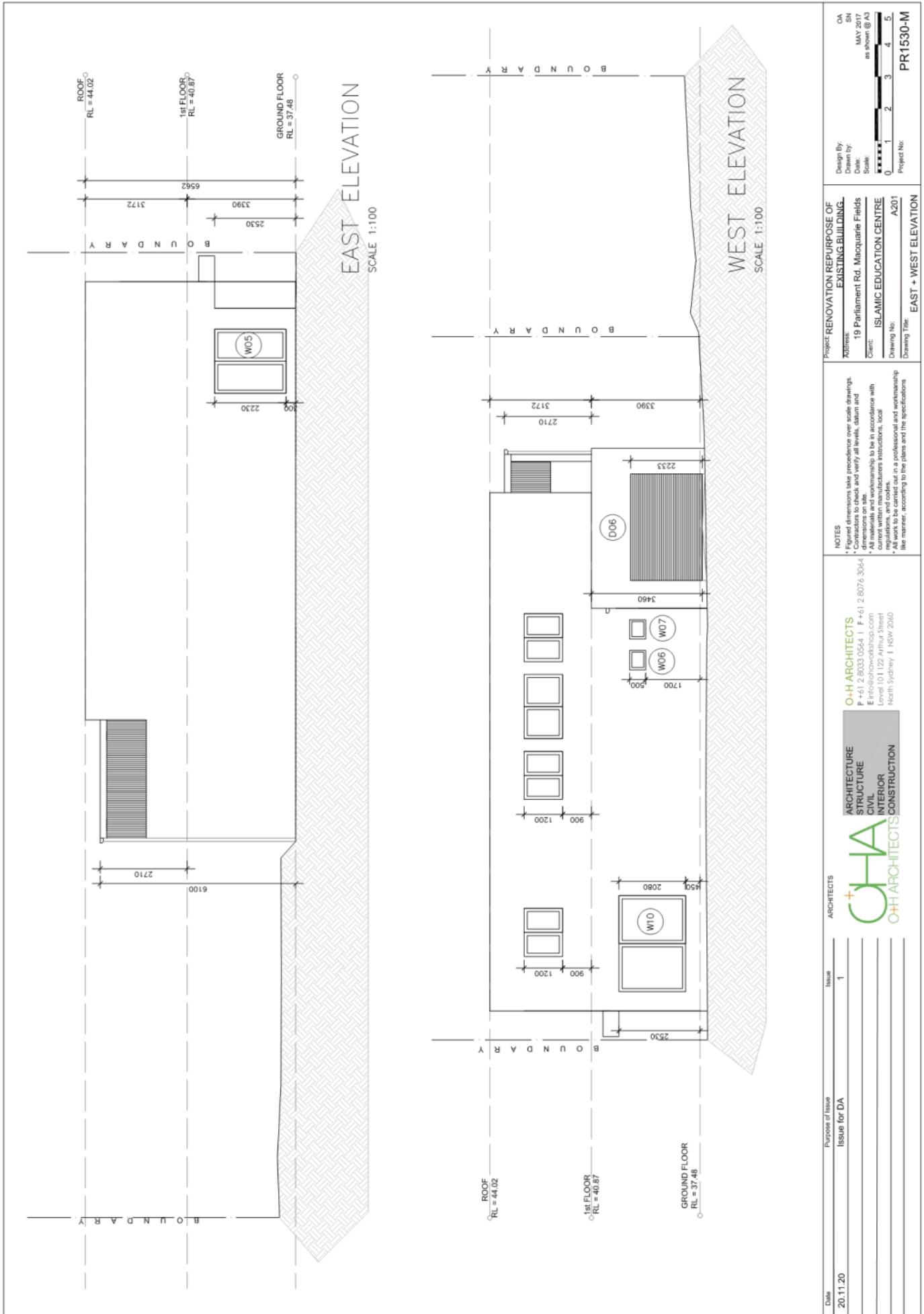


DEMOLITION PLAN
SCALE 1:100

<p>NOTES</p> <ul style="list-style-type: none"> * Figured dimensions take precedence over scale drawings. * Contractors to check and verify all levels, datum and * All materials and workmanship to be in accordance with current written manufacturers instructions, local * All work to be completed in a professional and workmanship like manner, according to the plans and the specifications 	<p>PROJECT: RENOVATION REPURPOSE OF EXISTING BUILDING</p> <p>Address: 19 Parliament Rd, Macquarie Fields</p> <p>Client: ISLAMIC EDUCATION CENTRE</p> <p>Drawing No: A100</p> <p>Drawing Title: DEMOLITION PLAN</p>	<p>Design By: OHA</p> <p>Drawn by: SN</p> <p>Date: NOV 2015</p> <p>Scale: as shown @ AS</p> <p>Project No: PR1530-M</p>									
<p>ARCHITECTS</p> <p>O+H ARCHITECTS</p> <p>P +61 2 8033 0564 F +61 2 8076 5044</p> <p>E info@oharchitects.com</p> <p>Level 101 122 Arthur Street</p> <p>North Sydney NSW 2060</p>	<p>ARCHITECTURE</p> <p>STRUCTURE</p> <p>CIVIL</p> <p>INTERIOR</p> <p>CONSTRUCTION</p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Purpose of Issue</th> <th>Issue</th> </tr> </thead> <tbody> <tr> <td>20.11.20</td> <td>Issue for DA</td> <td>A</td> </tr> <tr> <td>07.12.20</td> <td>Issue for DA</td> <td>B</td> </tr> </tbody> </table>	Date	Purpose of Issue	Issue	20.11.20	Issue for DA	A	07.12.20	Issue for DA	B
Date	Purpose of Issue	Issue									
20.11.20	Issue for DA	A									
07.12.20	Issue for DA	B									







Design By: CA
 Drawn By: SA
 Date: MAY 2017
 Scale: as shown @ A3
 Project No: PR1530-M

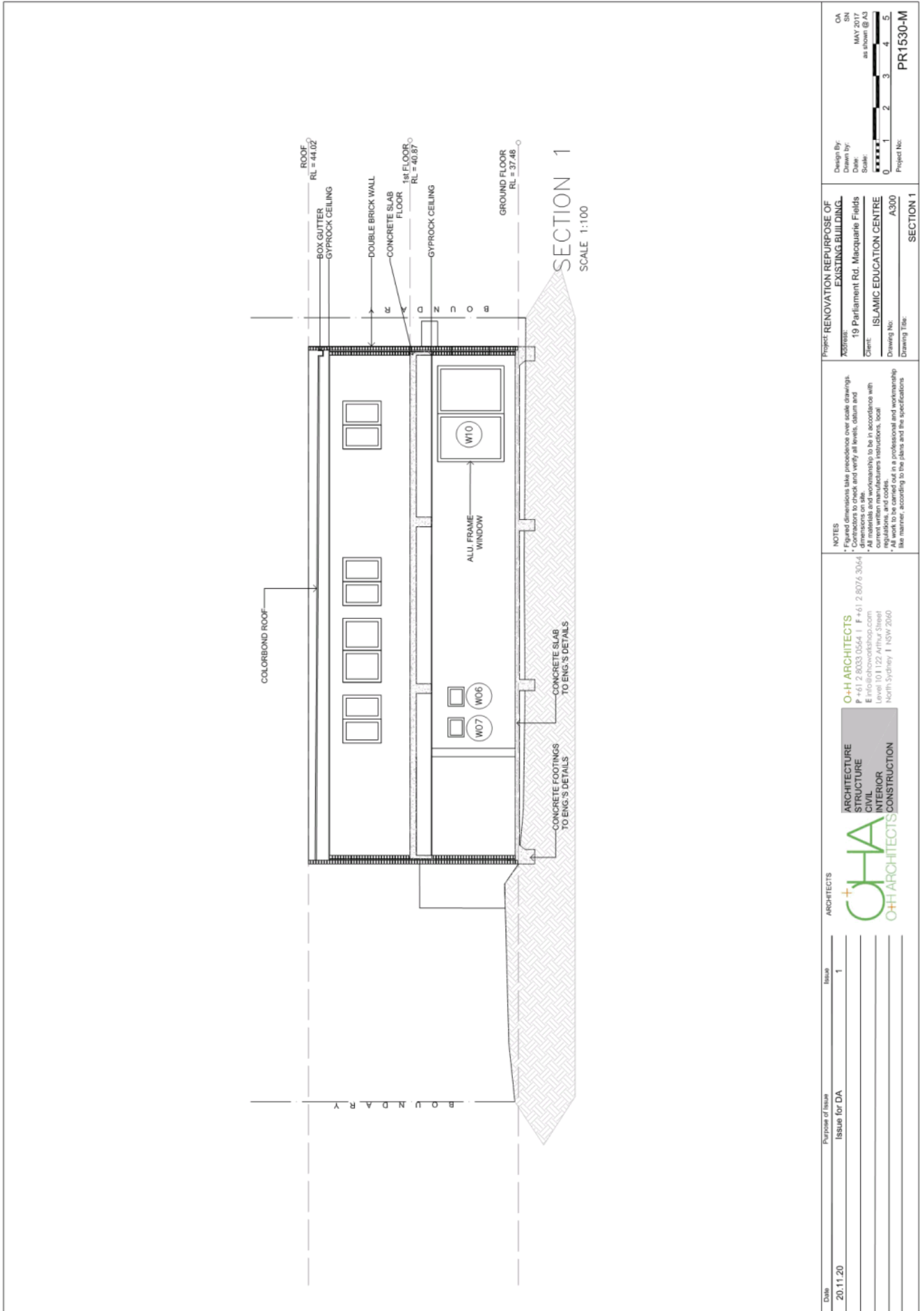
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 Address: EXISTING BUILDING
 19 Parliament Rd, Macquarie Fields
 Client: ISLAMIC EDUCATION CENTRE
 Drawing No: A201
 Drawing Title: EAST + WEST ELEVATION

NOTES
 * Elected dimensions take precedence over scale drawings.
 * Contractors to check and verify all levels, datum and dimensions on site.
 * All work to be carried out in a professional and workmanship like manner, according to the plans and the specifications

O+H ARCHITECTS
 ARCHITECTURE
 STRUCTURE
 INTERIOR
 CONSTRUCTION
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Date	20.11.20	Purpose of Issue	Issue for DA	Issue	1
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Date 20.11.20	Purpose of Issue Issue for DA	Issue 1	ARCHITECTS  O+H ARCHITECTS ARCHITECTURE STRUCTURE CIVIL INTERIOR CONSTRUCTION P +61 2 8033 0564 F +61 2 8076 3064 E info@ohworkshop.com Level 10/122 Arthur Street North Sydney, NSW 2060	NOTES * Figured dimensions take precedence over scale drawings. * Contractors to check and verify all levels, datum and * All materials and workmanship to be in accordance with * current written manufacturers instructions, local * All work to be carried out in a professional and workmanship like manner, according to the plans and the specifications	Project: RENOVATION REPURPOSE OF EXISTING BUILDING. Address: 19 Parliament Rd, Macquarie Fields Client: ISLAMIC EDUCATION CENTRE Drawing No: A300 Drawing Title: SECTION 1	Design By: OA Drawn By: SN Date: MAY 2017 Scale: as shown @ A3 0 1 2 3 4 5 Project No: PR1530-M
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STATEMENT OF ENVIRONMENTAL EFFECTS

**Change of Use to a Community Facility including Minor
Internal Modifications and Ancillary Works**

19 Parliament Road, Macquarie Fields

Date: December 2020

Revision B

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1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by O&H Architects at the request of the Islamic Education Centre Inc. to accompany a Development Application (DA) to Campbelltown City Council (the "Council") for a change of use of the ground floor level of the premises at 19 Parliament Road, Macquarie Fields to a new community facility. The proposed development includes:

- Demolition of external walls and closure of openings
- Modifications to the front façade and new openings
- Demolition of all internal walls and provision of new collapsible internal walls
- Slab and line marking to accommodate two (2) new car parking spaces

DA 238/2017/DA-C was previously lodged with Council for a similar development proposal and change of use over the site. Following ongoing consultation and requests for additional information the DA was withdrawn following advice from Council. Since, the proponent has been able to secure a lease for the adjoining Council car park which provides additional dedicated parking spaces to support the proposed community facility use. Accordingly, this new DA has been prepared for Council's consideration.

The site contains an existing two storey red brick building with a flat sheet metal roof and attached fibro garage. The proposed change of use affects the ground floor of the premises only. The upper level residential unit will be maintained as a separate living quarters where the community elder will reside on a permanent basis. The existing garage space will be maintained for use in association with the residential premises whilst two (2) new on-site line marked parking spaces will be provided to the rear of the site.

The proposal is submitted under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The site is zoned B1 – Neighbourhood Centre and is situated within the northern part of the Macquarie Fields village centre shops surrounded by a mixture of retail premises and specialty stores and services. The proposed land use is best defined as a 'community facility' and not a 'place of public worship'. This matter will be clarified in the body of this statement.

The proposed works are minor internal upgrades and external ancillary works which do not result in any non-compliances with regards to the relevant height or floor space ratio standards under the CLEP 2015. The proposal is also compliant with the relevant development objectives and controls contained in the Campbelltown (Sustainable City) Development Control Plan (CDCP 2015).

This application is supported by:

- Architectural Plans prepared by O+H Architects
- The previously submitted Plan of Management prepared by Josh Owen Planning and Property Consultants
- A Traffic and Parking Assessment revised by PDC Consultant
- A Noise Impact Assessment prepared by TTM
- A BCA Compliance Report prepared by Benchmark Certifiers

This SEE has been prepared in accordance with the requirements of Schedule 1, Part 1 of the *Environmental Planning and Assessment Regulation, 2000* and considers all applicable environmental planning instruments and development control plans.

The subject proposal is not Integrated or Designated Development pursuant to the *Environmental Planning and Assessment Act 1979* (the Act). The proposal is to be assessed under Part 4 of the Act.

The proposed change of use can operate in accordance with the supporting Plan of Management such that no significant environmental impacts will occur. As clarified in the supporting Traffic and Parking Assessment is revised by PDC Consultants the on-site car parking and available surrounding street parking is sufficient for the proposed number of individuals attending the facility on a regular basis. This issue in isolation will not cause significant traffic or parking issues given the capacity of the surrounding street network and available public car parking.

It is with confidence therefore that this application is submitted to Council for assessment and orderly determination.

2.0 Site Description

SITE DESCRIPTION AND LOCATION

The site is legally identified as Lot 2 DP 622979, 17-19 Parliament Road in the suburb of Macquarie Fields. The property is irregularly shaped, surrounds Lot 1 DP 622979 which is a small gravel-coated Council car park and is situated on the southern side of Parliament Road at the intersection to Dale Lane. The site comprises a total land area of 272.6m² according to survey with a frontage of 9.135m to Parliament Road. The site is shown in Figure 1 below.



Figure 1: View of the subject site (Six Maps)

The property is situated in the Macquarie Fields 'neighbourhood centre' and is surrounded more broadly by the low-density residential areas which make up the suburb. It is positioned directly to the north of the Macquarie Fields village shops and surrounding public car park.

EXISTING DEVELOPMENT

The site contains a two storey red brick building with a flat sheet metal roof structure and attached fibro garage structure, rear porch / balcony and attached metal awning to the front. The ground floor of the building is currently vacant however the first floor is currently occupied

by a permanent live-in resident as a separate dwelling. The rear portion of the site has direct vehicular access from Dale Lane and is currently used as an informal parking area.

The site is clear of vegetation and is largely level with a slight fall exhibited towards the northern boundary to Parliament Road.

A view of the existing building on site is provided in Figure 2.



Figure 2: View of the brick building occupying the site (Google Maps)

SURROUNDING CONTEXT

A bus stop is in front of the property at Parliament Road. The site is situated to the rear (north) of the Macquarie Fields village shopping centre strip located along Saywell Road to the south. Public car parks are located to the east of the property at the end of Dale Lane and in front of the shopping centre strip off Saywell Road.

The area around the site comprises a mixture of varying building types and land uses. Along Parliament Road to the west exists a drive-thru BWS at the corner with Saywell and Parliament Road. To the north across Parliament Road exists a medium density town house development, a dental clinic and stand-alone detached dwellings. To the east exists a number of single storey dwellings, the closest of which at 21 Parliament Road has been converted into a family medical practice.

The site and surrounding area are shown in the figures below:



Figure 3: Broader locality map surrounding the subject site (Source: TTM Traffic and Parking Assessment Report)



Figure 4: Neighbouring low density residential properties to the east along Parliament Road



Figure 5: Adjacent multi dwelling housing development



Figure 6: Macquarie Fields shopping village to the south of the site



Figure 7: Macquarie Fields shopping village to the south of the site

3.0 Proposed Development

This DA seeks consent for a change of use of the ground floor of the premises to a community facility associated with the Islamic Education Centre (IEC) Inc. community group. The IEC are a registered non-profit community organisation which serves the day to day needs of the local Islamic community groups.

DETAILS OF PROPOSED COMMUNITY FACILITY USE

The proposed use of the ground floor will relate mainly to the following activities:

- After-school classes for children aged between 6 – 16 years. Approx. 6-7 classes will be held throughout the week, with each class catering for between 10-15 children. The subjects taught will include standard curricular and religious teachings of the Quran and ethics.
- After funeral services. These events will consist of family and community groups of up to 20 people and on occasion will be catered with sandwiches, pre-prepared meals purchased at cafes / supermarkets. These cold meals will be prepared within the existing kitchen area.
- Community meetings will be held as required by the local community groups (typically held once every 2 weeks). These events will cater for groups of between 20-30 people.
- Counselling services will be offered by community representatives to members of the community by appointment. This includes one-on-one and family counselling services.
- Meetings between community elders and the groups to organise community events and festival celebrations (not to be held on the premises).
- Migrant services to be provided as needed to new migrants looking to settle in the local area. These services will include private language classes (English) and arrangements for transport, community care and outreach, shopping, etc.
- Care services for senior members of the community. These matters will be discussed between Elders and community leaders at weekly meetings to organise appropriate in-home care and visits as required.
- Planning for charitable work to be conducted by a select group as required.
- Youth group services to be provided as required (typically once a month on a Sunday afternoon – part of standard classes).

The supporting Plan of Management provides additional details on the proposed operations and procedures for managing any potential impacts arising from the new use.

A maximum of 30 persons are proposed to occupy the facility at any one time however most of the operations will involve groups of less than 10 community members, predominantly classes involving children between the ages of 6 and 14.

The community facility will typically operate on an as required basis by community members and Elders between the hours of 9.00am and 7.00pm, 7 days a week. The following regular services and opening hours are proposed:

- Monday – Friday: After school classes (4.00pm – 6.30pm)
- Saturday and Sunday: Classes for children and adults (9.00am – 12.00pm)
- Sunday: Youth group and community group meetings (2.00pm – 7.00pm)

PROPOSED DEVELOPMENT WORKS

The proposal will involve a fit out to facilitate the new use of the ground floor as a community facility. This will involve:

- Demolition of external walls and closure of openings
- Modifications to the front façade and new openings
- Demolition of all internal walls and provision of new collapsible internal walls
- Slab and line marking to accommodate two (2) new car parking spaces

Works required to bring the building into compliance with the current Access to Premises Standards 2014 and the BCA will also be carried out in accordance with the recommendations and directions contained in the supporting report prepared by Benchmark Certifiers.

A sealing and line-marking of the rear of the property is proposed to accommodate two (2) on-site parking spaces.

The proposed development works are shown in Figures 8 and 9 below:

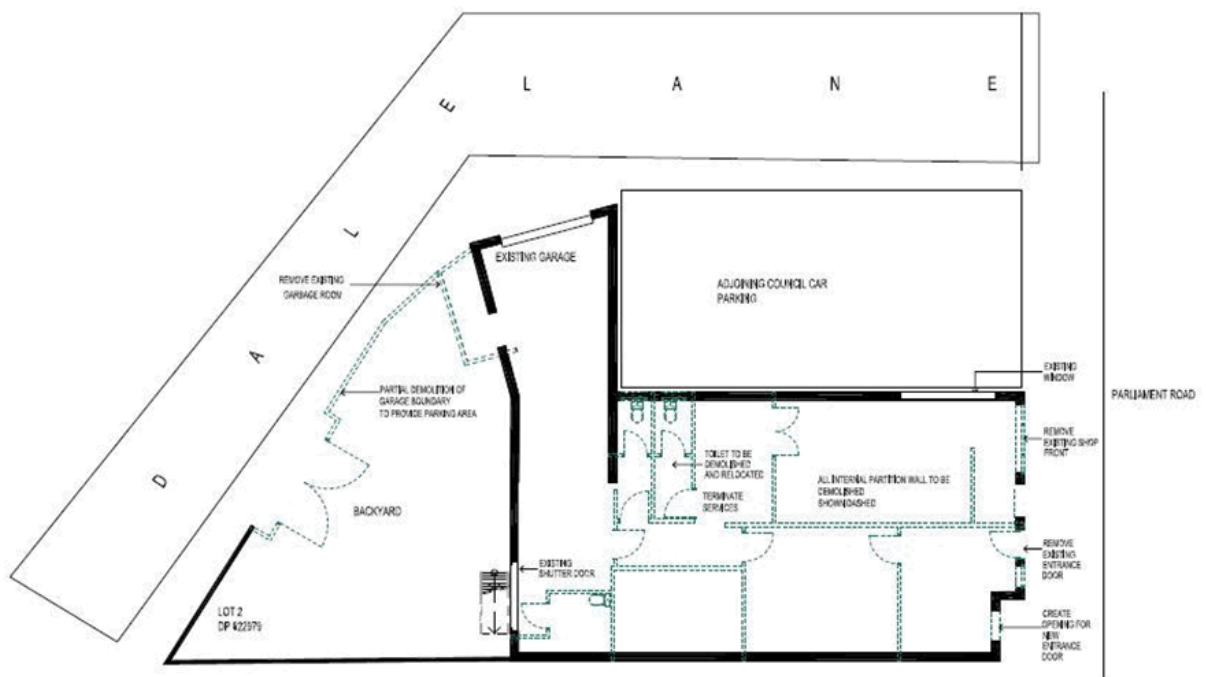


Figure 8: Proposed demolition plan

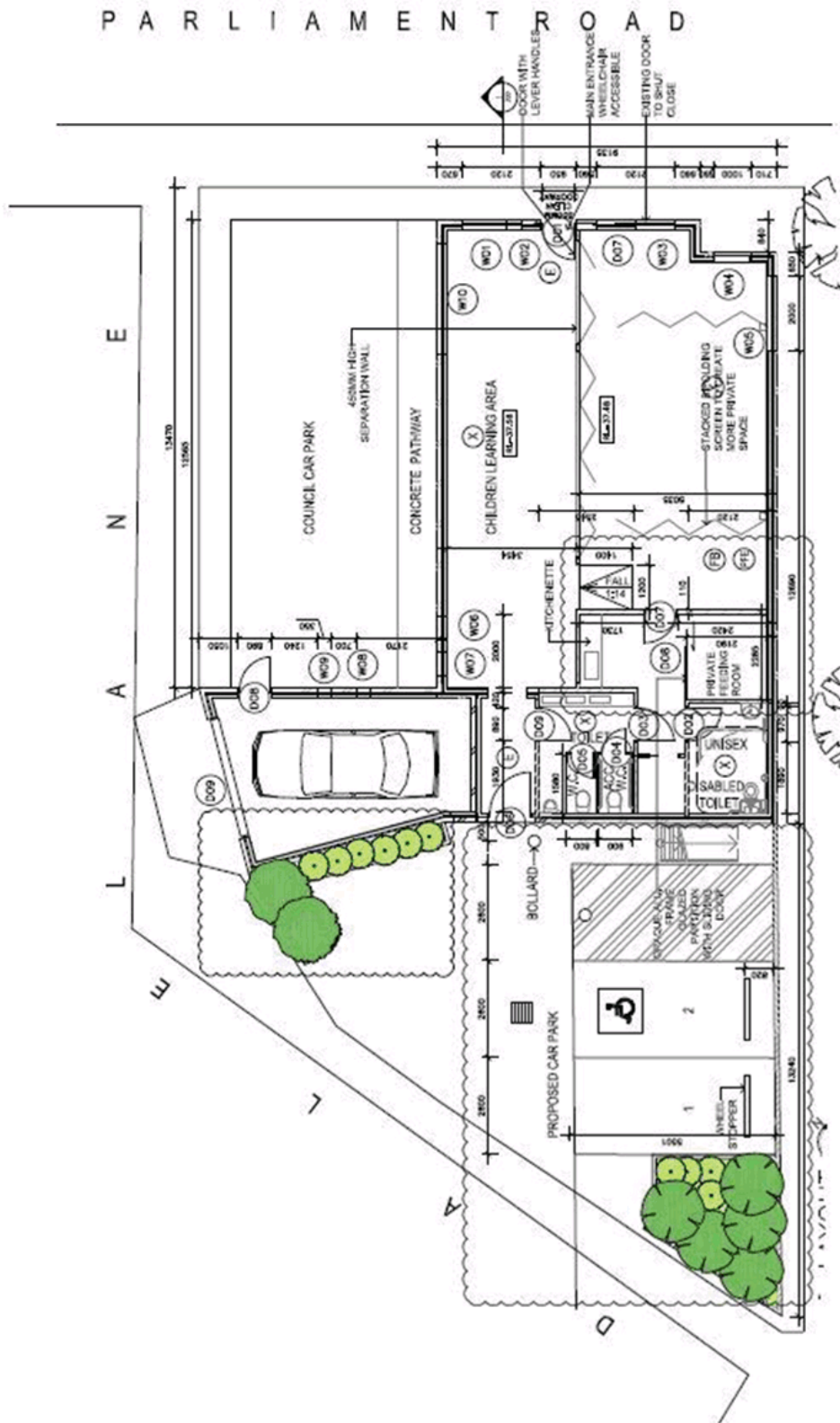


Figure 9: Proposed Internal Layout Plan

PROPOSED CAR PARKING

The proponent has secured a short-term lease over the adjoining Council owned car park accessible from Dale Lane. This adjoining car park (outlined in red below in Figure 10) provides enough space for the parking of 5 cars, including a compliant accessible space, albeit the hardstand parking area is not line marked. It is proposed that these five (5) spaces, in addition to the two (2) new on-site parking spaces be provided exclusively for the use of the community facility.



Figure 9: Proposed Internal Layout Plan

4.0 Section 79C – Heads of consideration

This section of the SEE considers the proposed development against the relevant heads of consideration of Section 79C of the Act:

Section 79C(1)(a) requires consideration of the following –

“79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submission made in accordance with this Act or the Regulations,

(e) the public interest.”

4.1 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1 State Environmental Planning Policies (SEPPs)

There are no specific provisions of any SEPPs relevant to the assessment of this proposal.

4.1.2 Local Environmental Plans

Campbelltown Local Environmental Plan 2015 (CLEP 2015)

The Campbelltown LEP 2015 is the relevant local statutory planning instrument applicable to the site and the proposal.

1.2 Aims of Plan

The particular aims of the Plan are as follows:

- a. to provide a comprehensive planning framework for the sustainable development of all land in Campbelltown,*
- b. to facilitate Campbelltown’s development as the compact, vibrant primary business centre for the Macarthur Region, with distinct limits to urban growth and a clearly defined separation between urban and non-urban areas,*
- c. to protect rural land, its agricultural potential and prevent its fragmentation,*

- d. to ensure that diverse housing opportunities are provided, including those that accord with urban consolidation principles for all existing and future residents of Campbelltown in all stages of their lives,*
- e. to reinforce a hierarchy of centres and strengthen the role of the Campbelltown-Macarthur Regional City Centre as the primary business centre for the Macarthur Region,*
- f. to optimise the integration of land use and transport and encourage safe, diverse and efficient means of transport throughout Campbelltown,*
- g. to encourage high-quality, well-designed development, that is of an appropriate design and scale to complement its setting and that enhances and encourages a safe and healthy environment,*
- h. to ensure the adequate provision of infrastructure and services to support both existing and future development,*
- i. to ensure high quality development that is sustainable and does not unreasonably increase the demand for public facilities, amenities and services,*
- j. to identify, conserve and protect the Aboriginal, cultural and natural heritage of Campbelltown and to minimise any adverse impacts of development on heritage items and conservation areas,*
- k. to facilitate diverse economic growth and employment opportunities,*
- l. to conserve and enhance the environmental, scenic and landscape values of land in Campbelltown,*
- m. to maintain, protect and improve the natural environment including biodiversity and water resources,*
- n. to minimise land use conflict and the impact of development on adjoining land and on land subject to environmental hazards, particularly bush fire, flooding and salinity,*
- o. to achieve development outcomes that are commensurate with the capability and suitability of the land,*
- p. to provide for the social, cultural and recreational needs of existing and future communities.*

The proposal achieves consistency with the underlying aims of the Plan. The new community facility use will support the ongoing viability and economic sustainability of the Macquarie Fields neighbourhood centre, strengthening it as a local retail and specialty centre. The community facility ensures support for the future and existing development within the centre.

The development represents the orderly and sustainable re-use of an existing commercial building (previously a funeral home) for a use which is permissible in the zone. The use will not adversely impact or conflict with the continued operations of adjoining or surrounding businesses, nor will it significantly impact upon the general residential amenity of properties along Parliament Road.

Most importantly the facility provides a direct social benefit in the form of community services to the local Islamic community ranging from teaching, counselling sessions, charitable and organisational planning and assistance for community elders and seniors.

2.1 Land Use Zones

The subject site is zoned B1– Neighbourhood Centre.

The proposed use of the ground floor is best defined in the CLEP 2015 as a community facility:

Community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposal aligns with the above definition in that the property is owned and is proposed to be operated by the Islamic Education Centre Inc. which is a non-profit community organisation associated with local Islamic community groups. The facility is proposed to be used for the purposes of teaching Islamic cultural traditions and ethics to children, providing counselling and family services, welfare and charitable events for the welfare and betterment of the local community.

Given the nature and range of services proposed to be provided the centre should not be misconstrued as a 'place of public worship' or 'educational premises' which are separately defined as:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The community group are not directly affiliated with a religious congregation or religious group, however 'Islamic tradition' will form part of the teachings to children as well as standard curricular teachings. No religious worship practices are proposed to be undertaken as part of the daily operations with all prayers undertaken at other venues.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Comment: The facility will be used for extra-curricular teaching and cannot be better defined as a school or tertiary educational facility.

A community facility is identified as a permissible land use in the B1 zone with the consent of Council.

2.3 Zone Objectives

The listed objectives of the B1 zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To support public transport patronage and encourage walking and cycling.*
- *To achieve an accessible, attractive and safe public domain.*
- *To allow small-scale residential development in conjunction with retail, business and commercial uses in a manner that increases the vitality of the surrounding neighbourhood.*

The proposal aligns with the objectives of the B1 zone. It introduces a new small-scale community use that will provide for the direct needs of people who live in the surrounding neighbourhood including extra-curricular classes for children and adults, counselling and family services, organisational planning for local events and charity and care services for the elderly.

7.10 Essential Services

The existing building is connected to essential services in the form of electricity, mains water and sewer and telecommunications.

There are no other relevant provisions under the Campbelltown LEP 2015 which applies to the assessment of the proposed development.

4.2 RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Campbelltown Local Environmental Plan Review 2020

In May 2020 Council exhibited a Draft Planning Proposal for its Review of the Campbelltown LEP 2015. This included a series of proposed amendments to the CLEP 2015 as well as the Campbelltown (Urban Area) LRP 2002, CLEP – (District 8) Central Hills Lands and Interim Development Order No. 29. The amendments to CLEP 2015 are relevant to the proposed change of use and include:

1. The inclusion of two new aims under the LEP pertaining to the general health and well-being of residents and include *“to foster environmental, economic, social and physical well-being so that Campbelltown develops as an integrated, balanced and sustainable city”* and *“to protect and promote the health and well-being of current and future residents of Campbelltown”*.
2. The inclusion of the following new objective for the B1 zone: *“To provide healthy, attractive, vibrant and safe neighbourhood centres.”*

The proposed change of use and associated development is consistent with the newly proposed health aims in the Draft LEP and new objective for the B1 zone. It provides for a use that supports the health and well-being of the local community in providing social connectedness and support services, extra-curricular education and counselling services as well as services associated with celebrations, funerals and charity events. The culmination of supporting services provided by the new facility will deliver positive social benefits which will improve the health and well-being of residents and community members.

The proposal will cause minimal disruption or impacts to neighbouring residential amenity or the operations of local retail businesses. It presents a suitable re-use of a redundant and modest space for a use which will become a true asset for the local community, including those who are not directly involved with the organisation.

The proposed improvements to the building will contribute to its overall attractiveness within the streetscape, albeit these modifications are modest to provide for the internal functionality of the community operations. The proposed use of this space and the adjoining Council car park will improve safety in and around the facility.

There are no other specific provisions of the Draft CLEP relevant to the proposal.

4.3 RELEVANT DEVELOPMENT CONTROL PLAN

The Campbelltown (Sustainable City) Development Control Plan 2015 is the relevant local development control plan which contains those more specific development controls applying to community facility developments. Compliance with the applicable controls is demonstrated in the following table:

Part 2 – Requirements Applying to all Types of Development		
Control	Provided	Compliance
2.2 Site Analysis • <i>Site analysis must be provided in support of all development applications</i>	Site analysis details provided on the supporting plans. No comprehensive site analysis required for proposed change of use developments.	Yes
2.3 Views and Vistas	The proposed development will not impact on any available views or vistas.	N/A
2.4 Sustainable Building Design	The internal fit out works will involve some alterations to the plumbing including upgrades to incorporate water-saver taps and a solar hot water system. New internal energy efficient LED lighting proposed to all rooms at the ground floor level.	Yes
2.5 Landscaping	Minor landscaping elements to be provided within the rear portion of the property clear of the proposed car parking spaces. This will include a small garden and potted shrubs and plants. It is anticipated that Council's landscape officer will impose conditions requiring the provision of a detailed Landscape Plan to be prepared by a suitably qualified Landscape Architect for consideration and approval prior to the issue of a Construction Certificate.	Yes
2.6 Weed Management	The site is currently clear of vegetation. Standard conditions of consent can be	N/A

	applied to ensure that the control and management of weed infestations on site are undertaken in perpetuity by the proponent.	
2.7 Erosion and Sediment Control	It is anticipated that the proposed ancillary site works will cause minimal impacts to surface soils resulting in erosion / sedimentation. Nonetheless, compliance with Council's standard conditions of consent will ensure all impacts are capable of being suitably avoided.	Yes – capable of complying
2.8 Cut, Fill and Floor Levels	No cut or filling of the site is proposed. No changes to internal floor levels are proposed.	N/A
2.9 Demolition	All internal walls and doors are proposed to be demolished and some external walls and openings will also be removed. A detailed work plan will be prepared by a suitably qualified site contractor prior to the issue of a Construction Certificate and will form part of the works package of documentation. Other standard conditions of consent relating to demolition practices can be adhered to as part of the works phase to be overseen and undertaken by suitably qualified contractors.	Yes
2.13 Security <ul style="list-style-type: none"> External lighting designed to encourage safe areas, define safe corridors for movement and allow facial recognition; Graffiti resistant finishes to be provided; Additional security measures to be considered for commercial / industrial buildings. 	The development includes installation of a number of new security and safety devices including: <ul style="list-style-type: none"> - CCTV cameras overlooking the laneway, entrance and rear parking areas; - Graffiti resistance paint to external clad surfaces; - lockable entry to front door entrance and rear door entry from parking area and - external security sensor lighting and timers to be installed to the side and rear parts of the property and main entrance. 	Yes
2.15 Waste Management <ul style="list-style-type: none"> Detailed Waste Management plan to be provided. 	No detailed waste management plan required. All internal demolished portioning walls can be easily disposed of to a licensed facility nearby without impact to surrounding properties. Ongoing waste management will be overseen by on-site community elder who will be responsible for putting bins out for collection days. No waste generated beyond standard residential waste volumes or types including foods, plastics, paper, etc.	Yes
2.16 Provision of Services	As addressed previously in this SEE, all essential services are currently available and connected to the property.	Yes
Part 6 – Commercial Development		

<p>* Note – Whilst the proposed community facility use is not specifically aligned with a 'commercial premises' the relevant sections of the commercial development chapter of the DCP has been considered for the purposes of a best-fit assessment.</p>		
<p>6.2 Desired future character for neighbourhood and local centres (Areas zoned B1 and B2)</p> <ul style="list-style-type: none"> • <i>Buildings that are well designed with articulated façade treatments;</i> • <i>Shops, restaurants, cafes and businesses with active street frontages and land uses that service the day to day needs of nearby residents;</i> • <i>Landscaping that soften the car parking areas and enhance the streetscape;</i> • <i>Uniform awnings that enhance the visual appearance of the buildings and provide weather protection for the users;</i> 	<p>The proposal aligns with the desired future character elements of the B1 zones. The proposed community facility will provide services to the local Islamic community groups to support their wellness and day to day needs.</p> <p>The works proposed to support the use will provide direct benefits for access and formalised car parking to the rear of the property.</p> <p>Minor landscaping works will be provided to assist in softening the hardscaped areas and the front awning will be retained for weatherproof cover to the main entrance of the building.</p>	<p>Yes</p>
<p>6.4.1 Building Form and Character</p> <ul style="list-style-type: none"> • <i>All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.</i> • <i>The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.</i> • <i>Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.</i> • <i>A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.</i> • <i>Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to</i> 	<p>The proposal only includes minor changes to the existing ground floor façade of the building, including removal of shop-front windows and replacement with brick and new windows with raised sills and two new main entrances as denoted on the plan. The proposed change of use for a community facility does not warrant a complete redesign of the front façade of the building in accordance with the built form and design controls for new buildings.</p> <p>The appearance of the existing building is dated and modest, however, the minor works proposed will provide some level of improvement and provide a more identifiable front entrance when viewed from Parliament Road. The existing window fronting on to the adjoining Council car park on the western façade at the ground floor will be retained.</p> <p>All portions of the front façade to be 'closed in' will be replaced with consistent red brick and newly fitted aluminum frame windows.</p> <p>The over awning will be retained, repaired and painted in a similar colour to improve the visual appearance of the building's façade.</p>	<p>Consistency with the intent of the controls achieved given the proposal is for a modest change of use.</p>

<i>reinforce the corner as a land mark feature of the street.</i>		
<p>6.4.2 Car Parking and Access</p> <ul style="list-style-type: none"> • <i>Off-street parking designed in accordance with the Australian Standards 2890.1 and 2.</i> • <i>Minimum car parking rates for community facilities shall be considered on merit with the support of a traffic and parking assessment.</i> 	<p>A Traffic and Parking Assessment undertaken by TTM has considered the impacts of the proposed operations and considers two (2) on-site parking spaces acceptable given the extent of nearby street and public parking spaces available to support the minor operations proposed.</p> <p>Additionally, the proponent's short-term lease over the adjoining Council car park provides for the parking of up to five (5) vehicles and includes space for one (1) accessible parking spot, albeit this is currently not line marked.</p> <p>TTM have identified that upwards of six (6) dedicated parking spaces are required to support the proposed use of the community facility. With the exclusive use of the adjoining Council car park, the development is to be supported by up to seven (7) dedicated spaces which aligns with the demand identified in the TTM report.</p> <p>TTM have also assessed the extent and safety of vehicular movements along Dale Lane and commented on compliance for access into the rear of the site. All vehicular movements and parking is capable of being undertaken in accordance with the requirements under AS2890.1 and Council's controls in the DCP.</p>	Yes – considered acceptable by Traffic and Parking Consultants.
6.4.3 Public Domain	<p>The adjoining Council car park leased by the proponent can be line-marked at the request of Council.</p> <p>The existing awning to the Parliament Road frontage is proposed to be retained, repaired and re-painted.</p>	Yes – capable of complying
6.4.4 Landscaping	As previously addressed, some minor landscaping works within the rear portion of the site is to be provided. This will be detailed on a Landscape Plan to be prepared by a suitably qualified Landscape Architect in accordance with Council's standard conditions prior to the issue of a Construction Certificate.	Yes
6.4.5 Residential Interface	The site has a residential interface to its eastern boundary along Parliament Road. A Noise Impact Assessment has been prepared by TTM that includes a series of comments and operational	Yes

	recommendations to ensure acoustic amenity of neighbouring properties is maintained. Refer to the supporting Plan of Management for further details.	
6.4.6 Commercial Waste Management	Given the proposed operations, the site will generate very little in the way of waste. A general waste, and separate recycling bin will be maintained on site with weekly collection from Parliament Road. All general waste and recycling will be managed by the live-in community elder with bins to be stored at the rear of the site and wheeled to the kerb on collection days. Refer to the supporting Plan of Management for further details.	Yes

4.4 OTHER CONSIDERATIONS

A BCA Compliance Report prepared by Benchmark Certifiers has been prepared in support of this application. The report identifies the extent of internal building works required to ensure the use is capable of functioning in a compliant manner and that the buildings' internal design complies with the relevant Australian Standards and the BCA. Refer to the recommendations and directions section in the report for further details.

A Noise Impact Assessment prepared by TTM also supports this application. The proposed operations are capable of being carried out without varying the background noise levels currently experienced on site and measured at the relevant boundaries. Refer to the recommendations in the report and management details in the supporting Plan of Management.

4.5 LIKELY IMPACTS OF THE DEVELOPMENT

The operations of the proposed community facility are capable of being carried out without significant impacts to the surrounding properties or the neighbourhood centre.

TRAFFIC AND PARKING

Council's original concerns regarding traffic and parking generation have been allayed and suitably addressed in the report is revised by PDC Consultants. The additional parking now available to support the operations in the adjoining Council car park under lease by the proponent will ensure enough parking is available to meet demand.

The scale of the use and the numbers proposed to occupy the premises weekly will not require additional on-site parking beyond that proposed to be formalized as part of the development.

NOISE IMPACTS

No significant noise impacts will arise as a result of the proposed operations. Compliance with the provisions in the supporting Plan of Management will ensure any potential noise omissions are suitably controlled by community elders and designated teachers. The following

recommended mitigation measures will ensure noise impacts to the surrounding properties are avoided:

- *Teachers and carers for children before, during and after classes will be responsible for managing any noisy or disruptive children within the confines of the building and outside into the care of their parents / guardians.*
- *No music or other loud noise omitting sounds are to be produced at any time. Soft music to a volume considered acceptable within a residential setting may be played for after funeral services.*
- *Irrational behavior by any of the members in crisis, etc. will need to be suitably managed by community Elders to ensure inappropriate/unaccepted noise is restricted.*

SOCIAL IMPACTS

The proposal will have numerous positive social benefits for the local community. It provides supporting services including after funeral gatherings, small extra-curricular and cultural teachings, counselling and guidance services, general community meetings and organisation of charitable events and community outreach. Community members of all ages will be supported through the operations of the facility.

The community group will 'fit in as a good neighbour', seeking to offer support to any nearby and neighbouring residents and businesses who may require general support. The community group are a non-profit organisation whose aims are to offer support services to those across the broader community.

The space is limited to small meetings, classes and small-group counselling or after funeral remembrance gatherings. Other larger community events that may take place off-site will be organised by representatives and elders at the new facility.

4.6 SUITABILITY OF THE SITE

The site is suitable for the proposed development and use of the ground floor as a new community facility servicing the numbers of persons identified in this report and the supporting Plan of Management.

The development incorporates internal alterations and upgrades to the building to ensure fire safety and compliance with the BCA is achieved to support the proposed maximum number of 30 people. The external ancillary works proposed to provide two (2) new parking spaces in addition to the 5 spaces to be leased in the adjoining Council car park ensures compliant on-site parking is provided for use by community elders and teachers / carers.

The newly proposed internal layout with collapsible dividing walls provides flexibility and adaptability in the space which is a positive feature that could accommodate several other lands uses beyond the use of the community facility.

4.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS

Council is responsible for the referral of the application to relevant to adjoining owners as per the CDCP 2015 public notification requirements. Any submissions will need to be reviewed and considered by Council's Officers during the assessment process.

4.8 THE PUBLIC INTEREST

The proposal is in the broader interests of the general public. The proposal represents the orderly and sustainable re-use of an existing commercial building which is unlikely to cause significant detrimental environmental impacts to neighbouring properties or the surrounding area.

The community facility by its nature will provide direct public benefits to the local community in the form of in-home aged care and support, classes for children and adults, welfare, counselling and family support, charitable fundraising and organisation for events and celebrations.

5.0 Conclusion

The proposal described in section 3.0 of this SEE is permissible with consent in the B1 zone and is best defined as a community facility as opposed to a place of public worship or educational establishment.

The change of use will be supported by internal building works and alterations to ensure the building and site is safe, accessible and usable for the purposes proposed by the community group. The external ancillary works will provide direct benefits to the public and will result in the formalisation of two (2) new on-site parking spaces and the leased Council car parking required to support the new operations.

As assessed, the proposal is unlikely to cause any significant detrimental impacts to adjoining properties or the surrounding locality. The supporting traffic, parking, acoustic and BCA compliance reports identify that the proposed operations are capable of being suitably contained to the parameters of the property and subject building; and that all potential impacts are capable of being suitably managed. The supporting Plan of Management provides an overview of operational details to be conducted by the on-site community elder with support from other members of the group. The plan will be further developed by the community elders prior to operation to ensure the community fits in as a 'good neighbour'.

Given the relevant planning policies, codes and requirements of the EP and A Act 1979 have been duly satisfied the proposal is deemed to be worthy of Council's favourable determination.

Plan of Management

Community Facility: Islamic Education Centre Inc.

19 Parliament Road, Macquarie Fields

Revised by: OHA Design Workshop
Date: November 2020

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1.0 INTRODUCTION

- This plan of management has been prepared in support of a development application to Campbelltown City Council for a new Islamic Community Centre (community facility) at the premises 19 Parliament Road, Macquarie Fields. The directions and controls provided for in this plan are to be strictly adhered to in the operation of the community facility to ensure that any potential environmental impacts are suitably managed and contained to the site and subject building.
- The community facility shall operate in accordance with the terms of this plan and the conditions of any development consent issued by the Council.
- The main aims of this plan are:
 - *To provide a series of controls and self-management strategies to be adopted by the community group to limit potential impacts to neighbouring properties and the broader neighbourhood;*
 - *To ensure the premises are run in accordance with Council's standards and those best-practice procedures for community facilities and centres;*
 - *To maintain levels of safe and secure operations for children under the supervision of community elders, parents and carers;*
 - *To manage impacts such as noise, traffic, parking congestion, security and behaviours.*

2.0 SERVICES

The following services are proposed to be provided:

- Classes for children aged between 6 and 14 years old teaching extra-curricular and curriculum based lessons as well as Islamic traditions, ethics and customs.
- Classes for adults over the age of 18 teaching language, local customs, laws, social standards, finance and other specialty subjects as required by the community members.
- Counselling and family services.
- Organisation of community festivals, events and charitable fund raising.
- Community meetings and meetings of Elders.
- Youth group meetings and employment counselling.

- After funeral services held for family and community members after the passing of a loved one. These events may on occasion be catered with pre-planned / packaged meals to be prepared on the premises.
- Services for migrants and introductory courses for new community members including language classes, arrangements for transport and lifestyle assistance.
- In-home visits and care services for the elderly and disadvantaged community members.

3.0 OPERATIONAL HOURS

The community facility will typically operate on an as required basis by community members and Elders between the hours of 9.00am and 7.00pm, 7 days a week. The following regular services and opening hours are proposed:

Monday – Friday: After school classes (4.00pm – 6.30pm)

Saturday and Sunday: Classes for children and adults (9.00am – 12.00pm)

Sunday: Youth group and community group meetings (2.00pm – 7.00pm)

4.0 NUMBERS IN ATTENDANCE

Consent is sought for a maximum capacity of 30 people to occupy the building at any one time during the operational hours as specified above. In accordance with the BCA, based upon the floor area and amenities provided the building is capable of accommodating upwards of 40 people.

This being said, the maximum expected numbers for each of the proposed services / activities is provided for below:

Typical after school class: 1-2 teachers / carers, maximum 10-15 children

Typical after funeral service: Maximum 20-30 people

Typical meeting: 5-10 members of the community

Counselling Sessions: 5-10 people including a community Elder

Youth service: 20-30 children between the ages of 6 and 14 years

Meetings for Elders: 2-5 people

On-site resident: 1-3 people

5.0 NOISE AND SOUND CONTROL

The following noise mitigation measures are to be implemented on site:

- Teachers and carers for children before, during and after classes will be responsible for managing any noisy or disruptive children within the confines of the building and outside in to the care of their parents / guardians. \
- No music or other loud noise omitting sounds are to be produced at any time. Soft music to a volume considered acceptable to a residential standard may be played during after funeral services.
- On-site parking and access by vehicles will be limited to two vehicles. All other community members will be encouraged to walk to the centre or use public transportation. Where private transport is the only option members and visitors will be asked to park in the surrounding streets or within the designated public car parks.
- Irrational behaviour by any of the members in crisis, etc. will need to be suitably managed by community Elders to ensure inappropriate noise is restricted.

6.0 TRAFFIC CONTROL

Community members will be advised that on-site parking spaces are reserved for community Elders and residents only or where specifically permitted for certain members upon appointment. The site will need to be managed by the on-site resident / community member to ensure traffic does not bank up along Dale Lane.

The proponent has secured a short-term lease over the adjoining Council owned car park accessible from Dale Lane. This adjoining car provides enough space for the parking of 5 cars, albeit the hardstand parking area is not line marked. It is proposed that these five (5) spaces, in addition to the two (2) new on-site parking spaces be provided exclusively for the use of the community facility.

Members and visitors will also be told to avoid parking in Dale Lane or along the rear boundaries or adjoining properties. Internal signage and pamphlets will include this detail.

7.0 SECURITY AND MONITORING

The following security measures are proposed to be installed / controlled by designated members of the community group:

- CCTV cameras will be installed to monitor the laneway, rear and front entrance of the property. Footage of the closed circuit system will be checked regularly and tapes made available to local authorities upon request.
- New external sensor and timed-control lighting is to be provided around the perimeters of the property and at the front entrance.
- A security access code with swipe and/or lockable entrance to the centre is to be provided to limited members of the community.

8.0 FIRE SAFETY

A copy of any annual fire safety compliance statements and current fire safety schedule for the premises will be prominently displayed in the front hallway entrance to the building. Annual certification is to be carried out by a suitably qualified fire safety consultant.

Annual certification inspections must be organised by the Elders. The community group Elders will be ultimately made responsible for ensuring the required fire safety measures are maintained in a functional state (i.e. smoke alarms, fire safety blankets and extinguishers are in-date and in working order).

Details of any required Emergency Management and Evacuation Plans will be placed on public display by management of the centre. Details of the plans must include the location of all fire safety and protection measures; emergency egress and assembly points; emergency contact details; and evacuation procedures. In addition, a floor plan will be permanently fixed to the inside of the door of each room to indicate the available emergency egress routes from the respective position in the building. The teachers, carers and management will be responsible for providing directions in the event of an emergency.

9.0 CLEANING, MAINTENANCE AND WASTE MANAGEMENT

The premises are to be maintained in a safe, clean and healthy condition with all areas to be cleaned to a professional standard on a regular basis. Once every two weeks, or otherwise as required, management will be responsible for appointing cleaning contractors to clean the premises. Designated community members will be appointed responsibilities for ensuring cleanliness of the premises, including any external areas to

the building within the rear part of the property, along Dale Lane or within the Parliament Road reserve in front of the property.

All landscaping shall be maintained by the on-site residents in conjunction with management.

Pest control by a professional contractor shall be carried out on a regular basis.

The external presentation of the premises is to be maintained to a high standard by management. Any graffiti or external damage is to be rectified immediately by appointed contractors or community members.

All operational waste including food scraps, plastics, papers, other general waste is to be disposed of within one of the many on-site bins. Management will be responsible for emptying bins to the primary containers and wheeling these to the kerb for collection on collection days.

10.0 PUBLIC LIABILITY INSURANCE

The Islamic Education Centre Inc. will maintain a public liability cover throughout the life of the proposed operations of the premises. This will extend to the immediate surrounds of the property, including parts of the building which encroach into the existing road reserves.

11.0 WORKING WITH CHILDREN

All of the appointed Elders, teachers and carers who will be engaging and teaching classes for children in the community group will have undergone a working with children check issued by the NSW Office of the Children's Guardian. One (1) suitably qualified carer will operate at the premises. All relevant checks and paper work will be kept on the premises and be available for view by the Council or other authorities at any time.

12.0 COMPLAINTS REGISTER

The relevant email addresses and phone numbers of management are to be clearly displayed on the outer face of the front entrance to the centre for any complaints, questions or suggestions. These will be formally logged in a register to be held on the premises to be updated by the manager / Elder. Details of the complainant will be taken and provided to Council on a 6 monthly basis.



**19 Parliament Road
Macquarie Fields NSW 2564
Traffic and Parking Assessment**



Islamic Education Centre Inc.

Reference: 15SYT0163
3 February 2016



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3	Caitlin M ^c Hugh	Calum Hutcheson		Rev 02	03 Feb 2016
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5					



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1. Introduction

1.1. Background

TTM Consulting was engaged by Islamic Education Centre Inc. to prepare a traffic and parking engineering report investigating a proposed community centre at 19 Parliament Road, Macquarie Fields New South Wales (NSW). It is understood that a Development Application will be lodged with Campbelltown City Council.

1.2. Scope

This report investigates the transport aspects associated with the proposed development. The scope of the transport aspects investigated includes:

- Parking supply required to cater for development demand.
- Parking layout to provide efficient and safe internal manoeuvring.
- Identification of likely traffic impact of development on the public road network.
- Access configuration to provide efficient and safe manoeuvring between the site and the public road network.
- Access to suitable levels of public transport.
- Internal road hierarchy to cater for lot access, vehicle design speeds and road user amenity requirements.

To assess the proposed transport arrangements, the development plans have been assessed against the following guidelines and planning documents:

- Campbelltown (Sustainable City) Development Control Plan 2014.
- Campbelltown (Urban Area) Local Environmental Plan 2002.
- Australian Standards (AS 2890).
- RTA (RMS) Guide to Traffic Generating Developments.

1.3. Site Context

The site is Lot 2 of DP 622979. It is located at 19 Parliament Road, Macquarie Fields NSW, near the intersection of Saywell Road, Atchison Road and Parliament Road, as shown in Figure 1-1. The site has a nine metre road frontage to Parliament Road. The ground level of the property is currently vacant while the first floor is occupied as a dwelling.

There is an existing access via Dale Lane, located at the rear of the site.

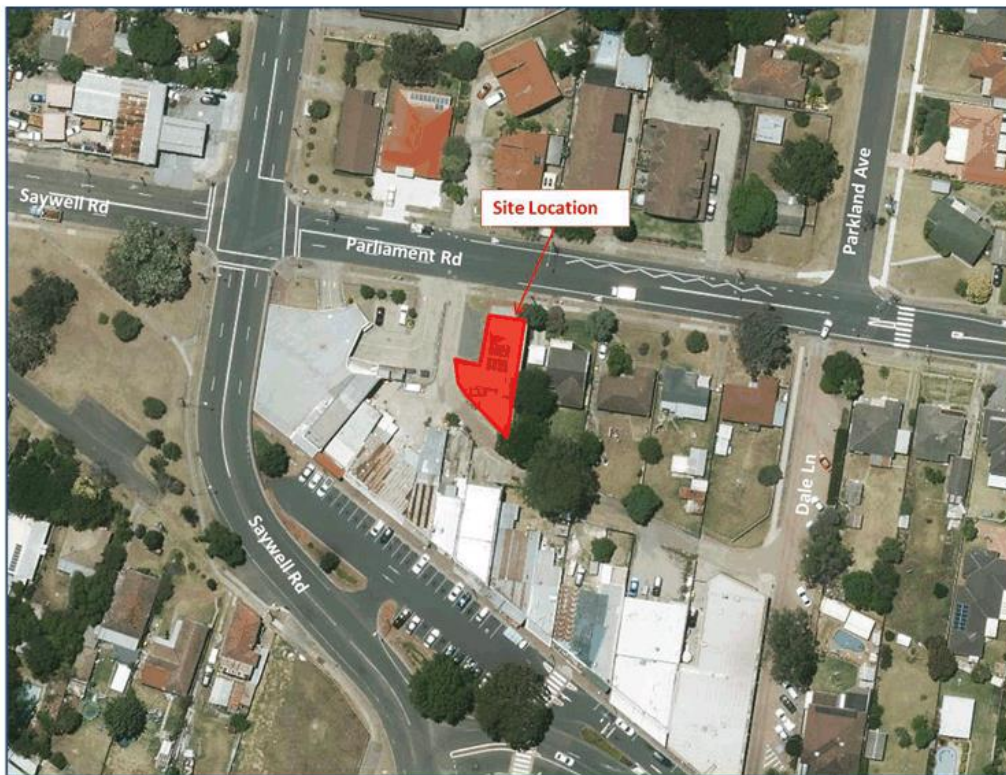


Figure 1-1: Site location

The proposed development is situated to the rear of Macquarie Fields shopping centre strip located along Saywell Road to the south. The properties on the Northern side of Parliament Road and east of the site on Parliament Road are primarily used for residential purposes. The property directly west of the site is a service station.



2. Existing Transport Infrastructure and Traffic Conditions

2.1. Active Transport Network (Pedestrians and Cyclists)

Formal pedestrian footpaths are located on both sides of Parliament Road, Saywell Road, Atchinson Road and the streets surrounding the site. A signalised pedestrian crossing is located approximately 45m west of the site providing access between the Northern and Southern side of Parliament Road and the Eastern and western side of Saywell Road. A marked pedestrian crossing is located 80m east of the proposed development providing access between the Northern and Southern side of Parliament Road.

A number of dedicated cycle ways and bicycle friendly roads are located within the vicinity of the site as shown in Figure 2-1. Dedicated bicycle paths run directly past the site on either side of Parliament Road.

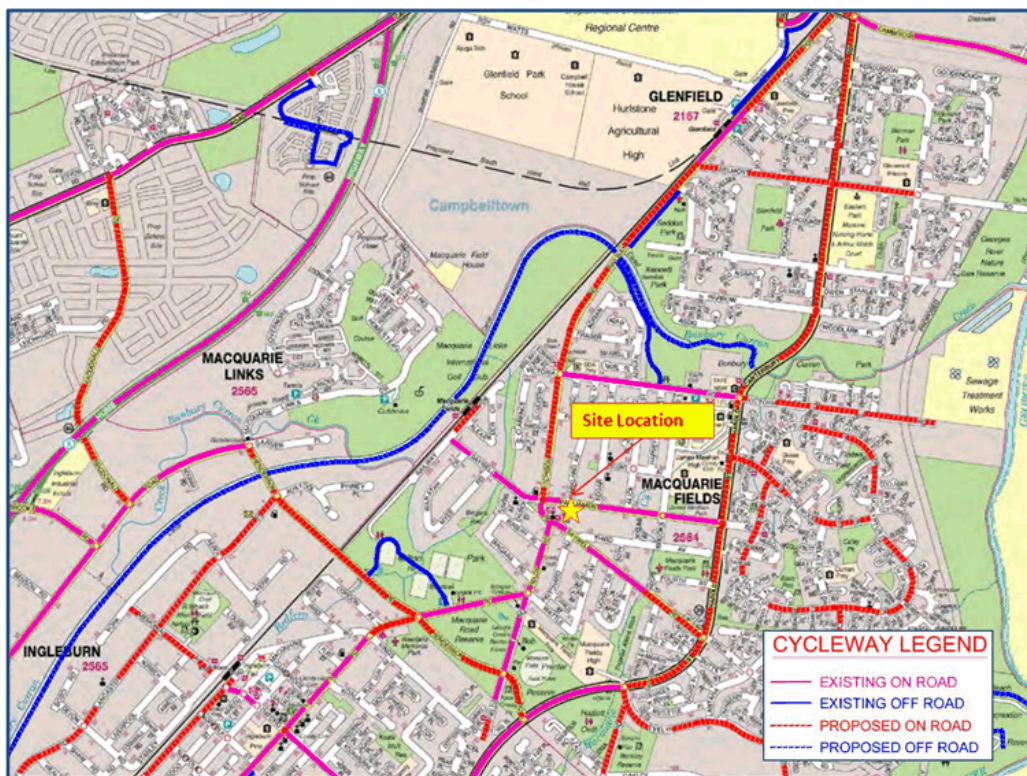


Figure 2-1: Campbelltown Council Network Diagram¹

¹ Source: Councils Website (<http://www.campbelltown.nsw.gov.au/Assets/15768/1/Cycleway-Jan2015-CYCLE.pdf>)



2.2. Public Transport

The site has excellent access to public transport. Macquarie Fields Railway station, on the T5 Cumberland Line, T2 Airport Line and T2 Inner West and South Line, is located approximately 850m from the subject site.

A number of bus stops are located within walking distance of the site which provide routes to/from various destinations (see Figure 2-2). A review of the services is shown in Table 2-1.

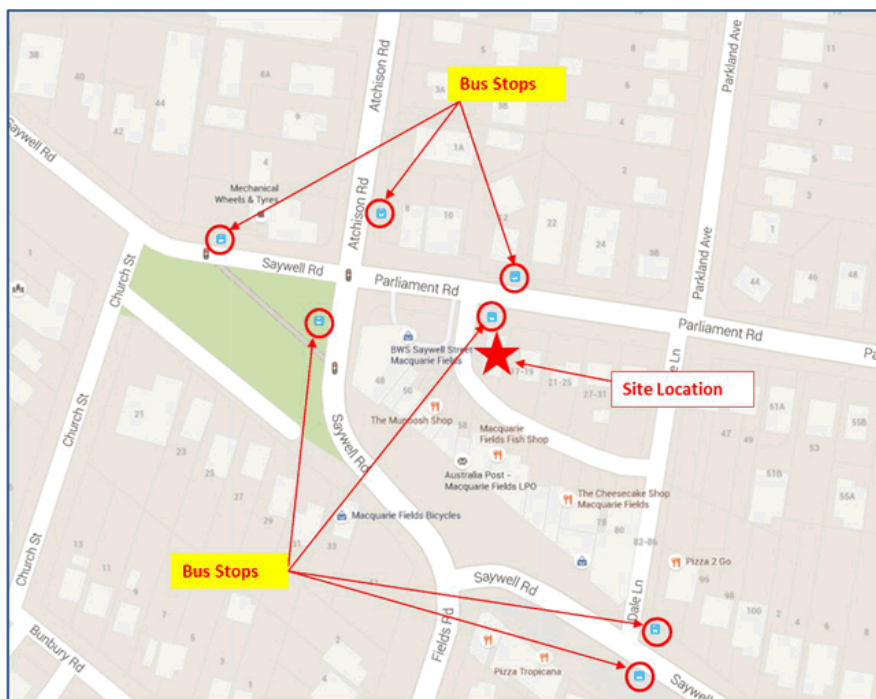


Figure 2-2: Bus stops in the vicinity of the site

**Table 2-1: Bus Provisions**

Bus Route	Route Description	Location of Stop	Walking distance to nearest stop
870	Campbelltown to Liverpool via Ingleburn, Harrow Rd and Glenfield	Parliament Road	Directly outside of site
871	Campbelltown to Liverpool via Ingleburn, Glenfield and Leacocks Lane	Parliament Road	Directly outside of site
872	Campbelltown to Liverpool via Ingleburn, Macquarie Fields and Glenfield	Saywell Road	210m
N30 (night route)	City to Macarthur	Saywell Road	65m
876	Macquarie field loop	Lane Cove Road	120m

2.3. Road Network

The main site frontage is to Parliament Road. Parliament Road along with the other roads in the immediate vicinity of the site are maintained by Campbelltown City Council (Table 2-2).

Table 2-2: Local Road Hierarchy

Road	Lanes	Road Authority
Parliament Road	4 (undivided, including parking, including east and west bound cycleways)	Council
Atchison Road	4 (undivided, including parking)	Council
Saywell Road (west of Parliament Road)	4 (undivided, plus parking)	Council
Saywell Road (south of Parliament Road)	2 (undivided) – check that doesn't have a bicycle lane	Council
Dane Lane	2 (undivided, plus parking)	Council
Parkland Avenue	2 (undivided plus parking)	Council

Parliament Road has approximately a twelve metre wide carriageway at the site frontage. The intersection of Saywell Road, Atchison Road and Parliament Road is a signalised intersection.

2.4. On Street Parking

A site inspection was conducted on the 15 November 2015 to identify existing traffic and parking controls of the road network within the vicinity of the proposed development site. The traffic and parking controls are presented in Figure 2-3.



Figure 2-3: Parking in the Vicinity of the Site

The areas of parking indicated by purple have are restricted to 1 hour parking 8:30am-6:00pm Monday to Friday and 8:30 to 12:30 pm Saturday.

In order to assess on street parking impacts associated with the proposed development TTM conducted parking surveys on Parliament Road, Church Street, Parkland Avenue, Atchison Road, Saywell Street and the local streets surrounding the proposed development. The surveys were conducted on the 3rd of December 2015.

The surrounding on street parking has been divided into two different areas. Area 1 contains on-street parking closer to the site, with area 2 being further away from the site. Figure 2-4 identifies the areas surveyed.

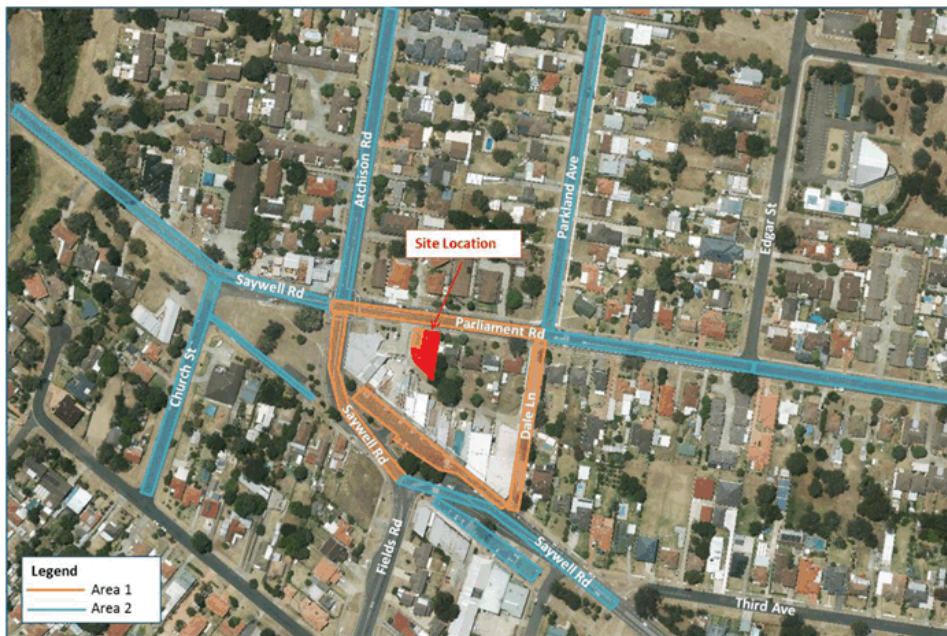


Figure 2-4: Parking Survey Areas

The detailed results of the on-street parking surveys are attached in Appendix A, with a summary in Table 2-3.

Table 2-3: Existing On-Street Parking Supply and Demand

Area	1	2	Total
Available Spaces			
	79	296	375
Unoccupied Spaces			
10:00 AM	45	57	102
11:00 AM	47	53	100
12:00 PM	55	56	111
1:00 PM	46	52	98
2:00 PM	47	46	93
3:00 PM	44	56	100
4:00 PM	45	45	90
5:00 PM	43	52	95
6:00 PM	35	64	99
7:00 PM	26	56	82
8:00 PM	24	50	74

From Table 2-3 it can be seen that there is a significant amount of available on-street parking in the vicinity of the site of which many are vacant. Looking at the full survey area and Area 1 in isolation:

- For the full survey area 20% to 30% of spaces were un-occupied on the Thursday surveyed.
- For Area 1 alone 30% to 70% of spaces were un-occupied on the Thursday surveyed.



3. Proposed Development

3.1. Development Profile

The proposal involves the fit out and use of the vacant ground floor of an existing retail building as a community centre. One parking space is currently located on-site in a garage with access off Dale Lane. Partial demolition of the rear fence is proposed to accommodate 2 additional parking spaces on site with access via Dale Lane. The layout of the parking spaces is shown in Figure 3-1.

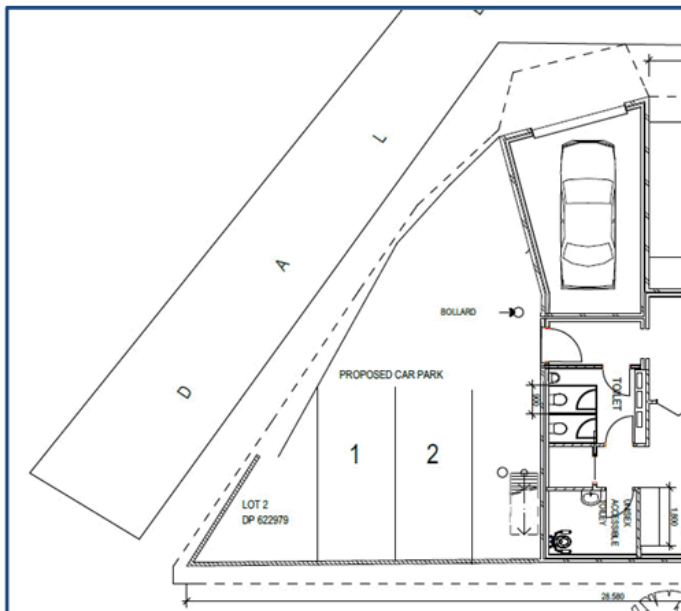


Figure 3-1: Proposed Car Park Layout

The inventory for the community centre including activities and number of people who are expected to attend are as follows;

- After school classes 4:00pm- 6:30pm Monday- Friday for up to 15 children
- Sunday class running 9:00 am – 10:30am Sunday for up to 20 children
- Up to two counselling sessions per day Monday – Friday for up to two people including a community member
- Community group meetings for 10-20 people on Saturday and Sundays as needed (maximum of two a week)
- Wake services for 20-30 people as needed



3.2. Car Parking Requirements

Campbelltown Development Control Plan 2014 specifies the parking requirements for different developments. For the purposes of this assessment the proposal is being assessed as a place of worship. The off street parking requirements for Places of Worship is summarised in Table 3-1.

Table 3-1: Parking Rates for Religious Establishments as Specified in Campbelltown DCP 2014

Specific Land Use	Car Parking Requirement	Total number of parking spaces required to be provided
Religious Establishment	A minimum of one (1) car parking space should be provided for every 3.5 site users.	9

The practical parking demands of the site have been established from the inventory for the church (see Section 3.1). A maximum of 30 attendees are expected to be at the site at any one time. Adopting the rate of 1 parking space per 3.5 attendees as specified in Campbelltown DCP 2014 a minimum of 9 parking spaces are to be provided on site.

A total of 3 parking spaces are proposed to be provided on site. Although this is 6 parking spaces short of the minimum parking requirements outlined in Table 3-1 this is considered acceptable considering the high availability of on-street parking which was discussed in section 2.4.

Figure 3-2 presents an overall picture of the parking demand associated with the proposed place of worship and the available parking both on site and on street.

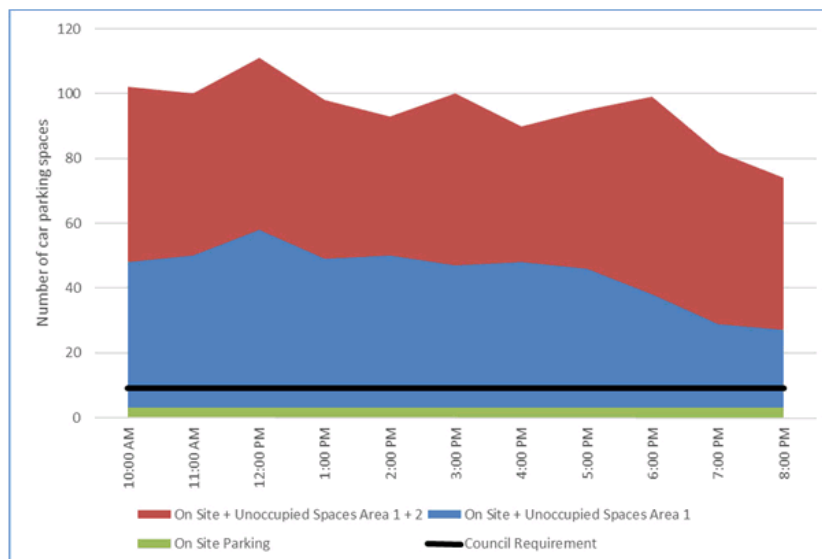


Figure 3-2: Forecast Parking Supply and Demand for Islamic Centre



From Figure 3-2 it can be clearly seen that the development will have a negligible impact on on-street parking availability. It can be concluded that the impacts on local residence will be negligible.

3.3. Accessible Parking

Campbelltown City Council requires that accessible parking spaces are provided in accordance with Table D3.5 of the Building Code of Australia (BCA). The building code does not specify the required accessible parking rate for Places of Public Worship.

The maximum rate for accessible parking for any type of development specified in the BCA is in *'1 accessible parking space for every 50 car parking spaces or part thereof'*. If this rate is adopted one accessible parking space should be made available for the development during all hours of operation.

One accessible parking space is provided on-site (space No.2) thus meeting the minimum accessible parking requirements.

3.4. Bicycle Parking

No bicycle parking rates are specified in Campbelltown DCP 2014. However, given that a number of dedicated cycle ways and bicycle friendly roads are located within the vicinity of the site. It is recommended that consideration is given to the provision of parking facilities for cyclists on site.



4. Car Parking Arrangements

4.1. Car Park Layout

Table 4-1 and Table 4-2 identify the design requirements for the layout and geometry of the proposed carpark in terms of the Australian Standards and Councils requirements.

Table 4-1: Parking Design Requirements

Design Aspect	Requirement (AS2890.1)	Provision	Compliance
Parking space length: - Angled parking	5.4m (min)	5.4m	Compliant
Parking space width: - Angled parking	2.4m (min)	2.4m (plus 300mm for each side adjacent to a high vertical obstruction)	Compliant

Table 4-2: Accessible Parking Design Requirements

Design Aspect	Requirement (AS2890.6)	Provision	Compliance
Parking space length: (Angled parking)	5.4m (min)	5.4m	Compliant
Parking space width: (Angled parking)	2.4m (min)	3.4m	Compliant
Shared area	5.4m x 2.4m	5.4m x 2.1m with stairs located within the shared space	Does not meet minimum requirements however this will have a negligible effect on access to/from the shared space
Bollard installed in shared area	To comply with Figure 2.2 of AS2890.6: 2009	Required to be shown on plans	Required
Delineation of Accessible Parking Space	To comply with Figure 2.2 of AS2890.6: 2009	Required to be shown on plans	Required



5. Site Access

5.1. Access Driveway

The site has two existing access points off Dale Lane to the rear of the property. Partial demolition of the rear fence is proposed to accommodate 2 additional parking spaces on site with access via Dale Lane (see Figure 5-1). The proposed access is approximately 10m in wide which is of sufficient width to allow two vehicles to pass through.

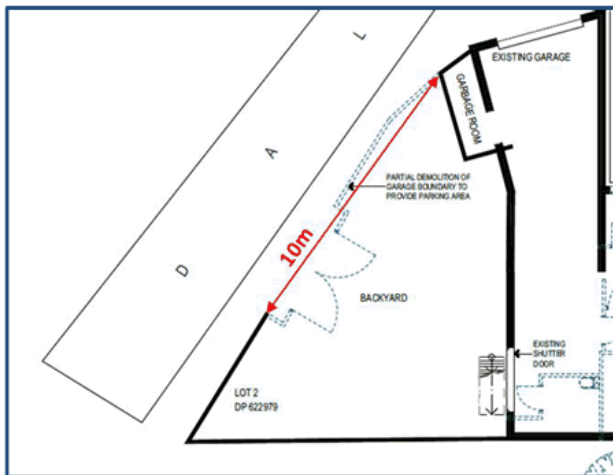


Figure 5-1: Proposed Site Access

Figure 5-2 shows the existing site entry. To comply with AS2890.6 the fence on the South-Eastern side of the driveway will need to be modified so that it is not more than 1.1.5m above the road surface for 2m along the property boundary. This is to provide visibility between cars exiting the driveway and pedestrians on Dale Lane.



Figure 5-2: Existing Site Entry



5.2. Dale Lane

It is noted that part of Dale Lane is unsealed. The traffic generation associated with the proposed development does not warrant upgrading of this laneway.

5.3. Traffic Generation

The daily vehicle trips and peak hour vehicle trips generated by Places of Worship are not specified in the NSW RTA guide to Traffic Generating Developments. However, traffic generated from the development is expected to have negligible effect on Parliament Road and the surrounding road networks



6. Recommendations and Conclusions

6.1. Conclusions

Based on the assessment contained within this report, TTM see no traffic engineering reason why the relevant approvals should not be granted

6.2. Car Parking Arrangements

Three parking spaces will be provided on site with the remaining parking accommodated by on-street parking. Due to the low parking demand of the proposed development and significant amount of available on-street parking in the vicinity of the site (see section 2.4) the development will have a negligible impact on on-street parking availability.

The layout and configuration of parking spaces complies with the requirements of AS2890.

Overall, TTM considers the proposed car parking arrangements for this development are adequate.

6.3. Impact on Surrounding Road Network

Traffic generation from the proposed development will have a negligible effect on Parliament Road and the surrounding road network.

6.4. Public Transport and Bicycle / Pedestrian Facilities

The current public transport infrastructure and facilities are considered adequate for the development. Consideration to provision of parking for bicycles on site is recommended.

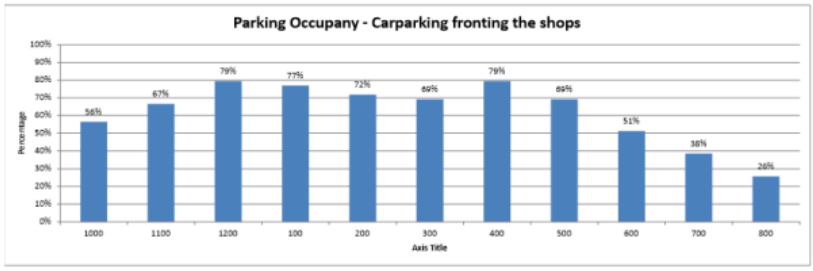
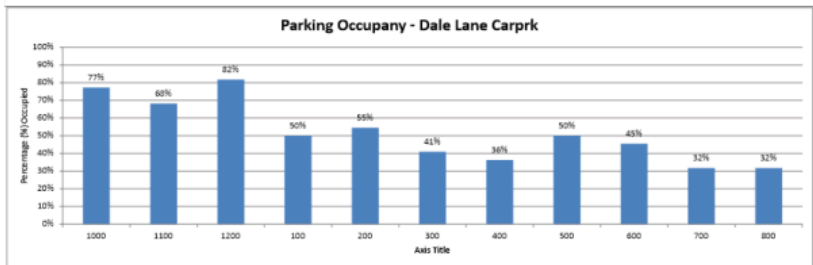
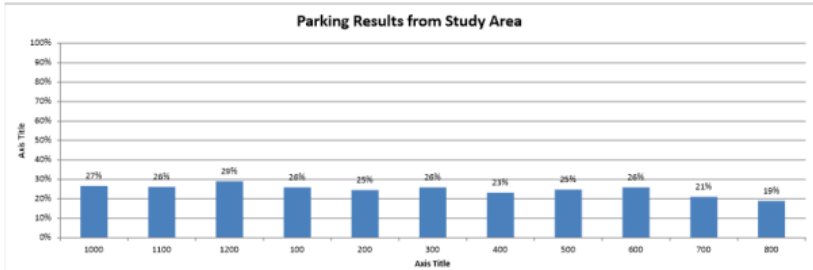


Appendix A Parking Survey Results

TTM Data

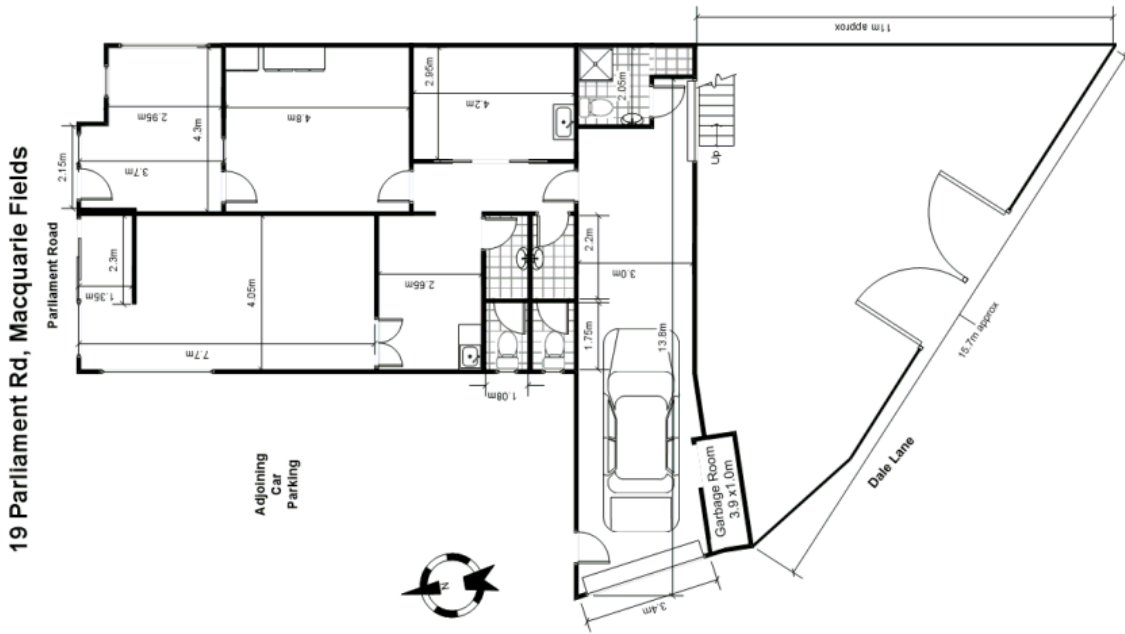
TTM Reference: 17-19 Parliament Road Macquarie Fields
 Suburb: Macquarie Fields
 Date:
 Weather:
 Notes:

Street	Side	Between	Capacity	1000	1100	1200	100	200	300	400	500	600	700	800	
Parliament Road	North	Redfern Creek to Atchison Road	18	8	2	0	1	1	0	0	0	0	0	0	
		Atchison Road to Parkland Ave	6	1	2	1	3	4	3	2	3	3	3	3	
		Parkland Ave to Edgar Street	10	5	5	3	4	3	0	0	0	4	4	4	
	South	Edgar Street to Dale Lane	15	4	3	3	2	2	4	5	5	4	4	4	
		Alice Street to Edgar Street	22	3	1	2	3	3	5	3	2	0	0	1	
		Edgar Street to Dale Lane	10	2	1	1	0	0	0	0	0	1	0	0	
Total			114	28	18	14	11	12	14	11	10	21	21	27	
Unoccupied Spaces			86	96	100	103	102	100	103	104	95	93	97	87	
Percentage Occupied			25%	18%	12%	10%	11%	12%	10%	9%	18%	18%	13%	24%	
Church Street	East	Saywell Road to Bunbury Road	18	4	4	4	5	3	3	2	3	3	2	2	
	West	Bunbury Road to Saywell Road	20	3	3	3	3	3	3	4	3	2	3	3	
	Total			38	7	7	7	8	6	6	6	5	5	5	
Unoccupied Spaces			31	31	31	30	32	32	32	32	33	33	33	33	
Percentage Occupied			18%	18%	18%	21%	16%	16%	16%	16%	13%	13%	13%	13%	
Parkland Ave	East	Parliament Road to Halfway up the street	18	2	3	3	2	2	3	2	2	3	1	1	
	West	Halfway up the street to Parliament Road	20	3	3	3	3	2	3	3	4	4	2	3	
	Total			38	2	6	6	5	4	6	5	6	7	4	
Unoccupied Spaces			36	32	32	33	34	32	33	32	31	35	34	34	
Percentage Occupied			9%	16%	16%	13%	11%	16%	13%	16%	18%	8%	11%		
Atchison Road	East	Parliament Road to Halfway up the street	32	0	0	0	0	0	3	2	3	3	3	3	
	West	Halfway up the street to Parliament Road	32	0	0	0	0	0	1	1	1	2	2	1	
	Total			64	0	0	0	0	4	3	4	5	5	4	
Unoccupied Spaces			64	64	64	64	64	60	61	60	59	59	60		
Percentage Occupied			0%	0%	0%	0%	0%	6%	5%	6%	8%	8%	6%		
Saywell Road	East	Parliament Road to Intersection	0	0	0	0	0	0	0	0	0	0	0	0	
	West	Intersection to Parliament Road	2	0	0	0	0	1	1	1	1	0	0	1	
	Total			2	0	0	0	0	1	1	1	1	0	1	
Unoccupied Spaces			2	2	2	2	2	1	1	1	1	2	2		
Percentage Occupied			0%	0%	0%	0%	50%	50%	50%	50%	0%	0%	50%		
Saywell Road	North	no through road	5	1	1	1	1	1	1	1	1	2	1	1	
	South	no through road	6	4	4	4	4	4	4	4	0	0	3	2	
	Total			11	5	5	5	5	5	5	5	1	5	3	
Unoccupied Spaces			6	6	6	6	6	6	6	6	10	6	10		
Percentage Occupied			45%	45%	45%	45%	45%	45%	45%	9%	9%	43%	27%		
Saywell Road	North	Fields Road to Third Ave	10	2	2	2	1	1	3	5	2	2	5	3	
	South	Third Ave to Fields Road	2	0	0	0	0	1	0	0	1	1	0	0	
	Total			12	2	2	2	1	1	3	5	3	5	3	
Unoccupied Spaces			12	12	12	12	11	12	12	11	11	12	12		
Percentage Occupied			0%	0%	0%	0%	8%	0%	0%	6%	6%	0%	0%		
Dale Lane (carpark)	Capacity		22	17	15	18	11	12	9	8	11	10	7	7	
	Percentage Occupied			77%	68%	82%	50%	55%	41%	36%	50%	45%	32%	32%	
CAR PARK	Side	Between	Capacity	1000	1100	1200	100	200	300	400	500	600	700	800	
			Car park 1 in front of shops	39	22	26	31	30	28	27	31	27	20	15	10
			Car park 2 across road	30	16	18	25	24	20	22	19	24	23	20	12
			Carpark next door to site	5	53%	60%	83%	80%	67%	73%	63%	80%	77%	67%	40%
			Area Total	Capacity	74	54	64	84	84	84	80	81	60	59	60
Unoccupied Spaces			375	275	268	278	283	278	288	282	278	268	304		
Percentage Occupied			27%	20%	29%	26%	25%	26%	23%	23%	26%	21%	19%		





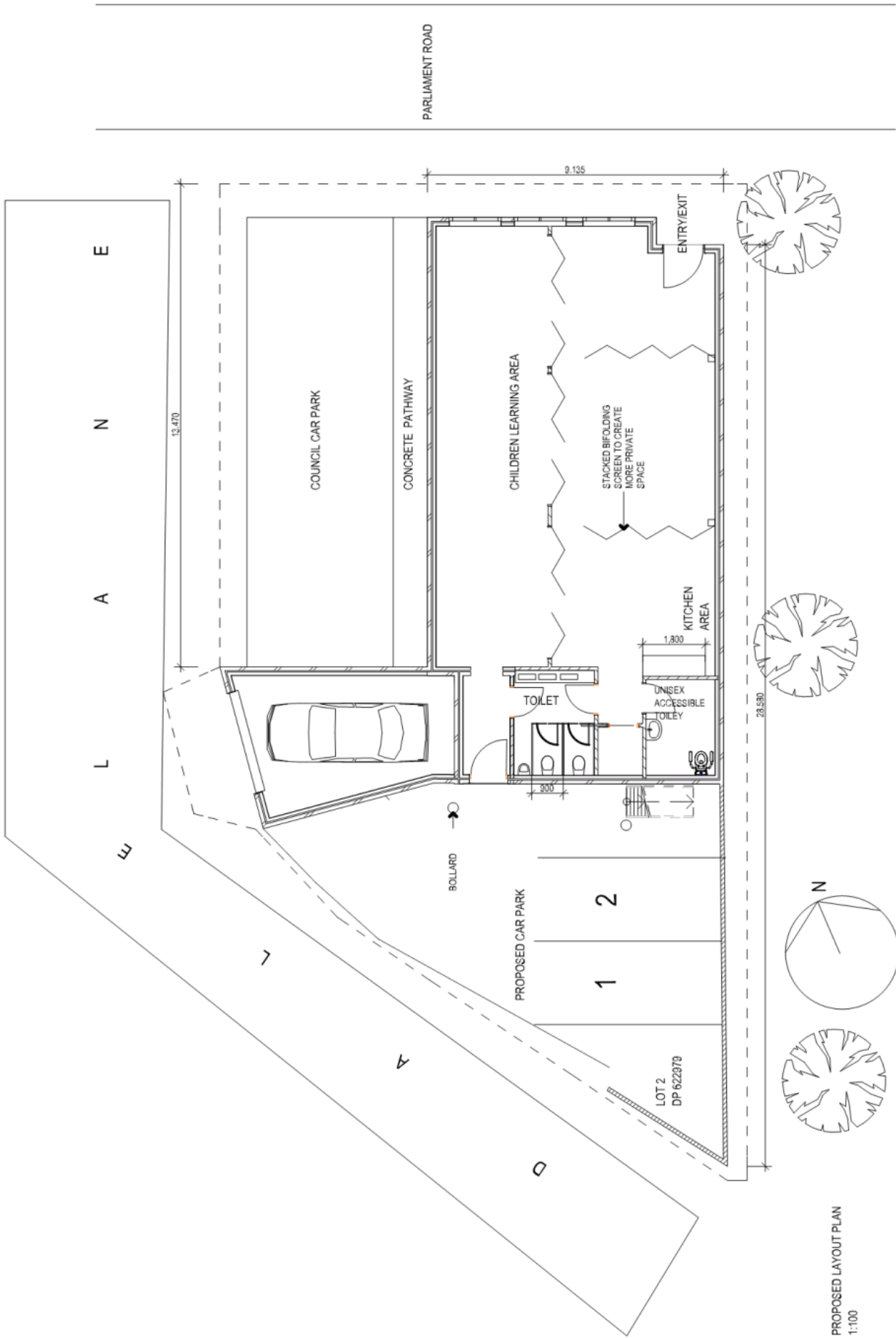
Appendix B Site Plans



DRAWING INDEX

- A001- TITLE PAGE
- A100- DEMOLITION PLAN
- A101- PROPOSED LAYOUT
- A200- SITE PHOTOS

Client:	NOVEMBER 2015	Issue for PRE-DA	Sheet:	A	CAMPBELL TOWN
Project:	RENOVATION AND REPAIRS OF EXISTING BUILDING 19 PARLIAMENT ROAD, MACQUARIE FIELDS				
Design By:	O+H ARCHITECTS				
Drawn By:	ARCHITECTURE STRUCTURE CIVIL INTERIOR				
Checked:	CONSTRUCTION				
Project No.:	PR1630-M				
Drawing No.:	A001				
Notes:	<p>* Figures are approximate. Make appropriate cover checks. Investigate and verify all levels, clearances and dimensions on site.</p> <p>All materials to be used must be in accordance with the relevant Australian Standards and specifications.</p> <p>All work to be done in accordance with the relevant Australian Standards and specifications.</p> <p>All work to be done in accordance with the relevant Australian Standards and specifications.</p>				
Architect:	<p>O+H ARCHITECTS</p> <p>P: 41 2 8031 7564, F: 41 2 8076 3766</p> <p>E: info@oharchitects.com.au</p> <p>Level 5/11 St. Albans Street</p> <p>Macquarie Park NSW 2107</p>				



PROPOSED LAYOUT PLAN
1:100

DATE	NOVEMBER 2015	ISSUE FOR PRE-DA	MAP#	A	COUNCIL	CAMPBELL TOWN
PROJECT	RENOVATION AND REPAIRS OF EXISTING BUILDING	ADDRESS	ROAD	WAZZARIE	STATE	QUEENSLAND
DESIGNER	CHA ARCHITECTS	PROJECT NO.	A101	PROJECT NO.	PR1630-M	
ARCHITECT	CHA ARCHITECTS	STRUCTURE		INTERIOR		CONSTRUCTION
<p>NOTES:</p> <ul style="list-style-type: none"> * Figure dimensions take precedence over scale drawings * All materials to be used must be approved by the Council * All materials to be used must be in accordance with the relevant Australian Standards * All materials to be used must be in accordance with the relevant Australian Standards * All materials to be used must be in accordance with the relevant Australian Standards * All materials to be used must be in accordance with the relevant Australian Standards 						



Ref: 0333r01v02

9/12/2020

IDA & Associates Group Pty Ltd
c/- OHA Design Workshop
Level 10, 122 Arthur Street
North Sydney NSW 2060

Attention: Omar Ahmed

**RE: 19 PARLIAMENT ROAD, MACQUARIE FIELDS
LETTER OF RESPONSE TO COUNCIL**

Dear Omar,

We refer to recent correspondence concerning the abovementioned site, and in particular the subject Development Application (DA), 2135/2020/DA-C, which is currently under assessment by Campbelltown City Council (Council).

Following submission of the DA, Council's Development Planner issued a Request for Additional Information (RFI) dated 06/10/2020 which includes several queries regarding the development, including Items 6 – 12 pertaining to traffic, parking, and loading areas.

For clarity, we have reproduced and highlighted the relevant comments from Council's RFI below, with our response provided underneath each comment. The amended architectural drawings are included as **Attachment 1** for reference.

6. The submitted Traffic Impact Assessment Report prepared by TTM dated February 2016 provides a car parking assessment based on car parking rates for a place of public worship. The application submitted under 2135/2020/DA-C clearly detail the proposed use is not a place of public worship, as such a car parking rate that is appropriate for the type of use proposed shall be submitted. A revised Traffic Impact Assessment Report shall be submitted.

Neither Council's Development Control Plan (DCP) nor the Roads and Maritime Services Guide to Traffic Generating Developments 2002 (RMS Guide) provide recommended car parking rates for *community facilities*. The proposed uses for the community facility, detailed in the associated Statement of Environmental Effects (SEE) prepared by OHA Design Workshop, have religious associations with the Islamic Education Centre.

However, given Council rejects use of *place of worship* car parking rates as a proxy for the proposed *community facility*, Council's DCP has been assessed for alternative, similar land uses. Section 6.1 of Council's DCP states "for the purpose of this part, community facilities can be taken to mean a 'commercial development'. This position is further informed by Items 9 and 11 of Council's RFI which refer to Section 6.4 of the DCP, which itself provides general requirements for *commercial development*.

Table 6.4.2.1 of Council's DCP provides car parking rates for several land uses including *commercial premises, health service facilities, recreational facilities, and other commercial uses*. A majority of the land uses contained within these

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sub-sections, including *office and business premises, indoor recreational facilities, entertainment facilities and environmental facilities*, all provide recommended car parking rates of 1 space per 25 m² gross floor area (GFA). The total GFA of ground floor *community facilities* proposed by the development is approximately 92 m². Application of a car parking rate of 1 space per 25 m² would therefore result in a requirement for four (4) car parking spaces.

As detailed in the SEE and illustrated on the architectural drawings provided as **Attachment 1**, the proponent has secured a short-term lease over the adjoining Council owned car park accessible from Dale Lane. This land accommodates five (5) car parking spaces, which in addition to the two (2) proposed to the rear of the site totals seven (7) spaces.

Provision therefore exceeds the DCP requirement when assessed against any of several land use parking rates.

The proposed parking provision of seven (7) car parking spaces at the site is therefore considered appropriate; however, should Council wish to reinforce a reduced reliance upon private cars in accessing the site, the applicant invites a condition to develop a Green Travel Plan to promote sustainable travel choices and reduce car dependency.

7. Car spaces proposed across Lot 1, DP 602021 shall be appropriately line marked to demonstrate compliance with Australian Standard AS 2890.1 and 2 (as amended). Amended plans shall be submitted.

The proposed layout of all car parking spaces associated with the site has been reviewed, with compliance against AS 2890.1 confirmed. The amended architectural drawings are provided as **Attachment 1**, for reference.

8. Additional information shall be submitted detailing the management of the proposed car spaces at the rear of the site and across Lot 1, DP 602021. It is noted a gate is proposed across the rear boundary of the site which limits public access into these spaces. The applicant shall amend the submitted Plan of Management to detail the management of proposed off-street car spaces.

The Plan of Management (POM) has been amended accordingly to clarify operation of the two (2) car parking spaces to the rear of the site. A gate will no longer be provided at this location.

9. Swept path diagrams in accordance with Australian Standard AS 2890.1 and 2 (as amended) shall be submitted demonstrating the two (2) car spaces proposed at the rear of the site can leave in a forward direction in accordance with Volume 1, Part 6.4.2 of the 3 of the Campbelltown (Sustainable City) DCP 2015.

Swept path diagrams, provided as **Attachment 2**, demonstrated that vehicles parked in the two (2) car spaces to the rear of the site can leave in a forward direction.

10. Proposed Plan DWG. A200 shows the placement of a bollard within the rear yard. Clarification of the location of this bollard is required to be submitted as the proposed location appears to conflict with traffic movements.

Swept path diagrams, provided as **Attachment 2**, demonstrated that vehicles parked in the two (2) car spaces do not impact or conflict with the proposed bollard when entering or exiting the site. The design provides a blind aisle extension beyond the accessible space well exceeding the minimum 1.0 metre required by Figure 2.3 of AS 2890.1, given the presence of the adjacent shared area. The bollard in question is well beyond the minimum 1.0 metre clearance, with swept paths demonstrating no conflict when entering or exiting the site.



11. Plan of management shall be amended to detail how loading and unloading will occur on site in accordance with Volume 1, Part 6.4.2.2 of the Campbelltown (Sustainable City) Development Control Plan 2015.

The POM has been amended accordingly to confirm that waste collection will be undertaken by Council's waste collection vehicle, on-street. An on-site employee or caretaker will be responsible for transferring the bins to the kerbside prior to collection, and promptly returning them following. This arrangement is considered acceptable and will ensure that waste can be collected safely and efficiently, whilst also being consistent with comparable developments in the area.

Given the use and small scale of the proposed development, it is expected that there would be a negligible demand for service vehicle parking and accordingly, it is considered acceptable that the development does not provide any on-site loading / unloading facilities and instead, it is considered acceptable that any minor and infrequent service vehicle parking demands be accommodated via on-site parking provision. To ensure deliveries and servicing does not limit the ability of patrons to park at the site, servicing and deliveries will be timed accordingly so as not to coincide with events or peak occupancy of the site.

12. The application proposed the use of car space no. 2, located at the rear of the site as accessible parking. Car parking space no. 2 shall be appropriately line marked and designed in accordance with AS No 2890.6 (as amended). Amended plans shall be submitted.

The proposed layout of the accessible car parking space has been reviewed, with compliance against AS 2890.6 confirmed. The amended architectural drawings are provided as **Attachment 1**, for reference. The space is designed with a minimum width of 2.4 metres and length of 5.4 metres. Additionally, it is located immediately adjacent to a 2.4-metre-wide and 5.4-metre-long shared area, thereby satisfying the requirements of AS 2890.6.

We trust the above satisfactorily addresses Council's remaining traffic and parking concerns with the subject development.

Please contact the undersigned should you have any queries or require anything further.

Yours sincerely,

Ben Midgley

Principal Traffic Engineer, PDC Consultants

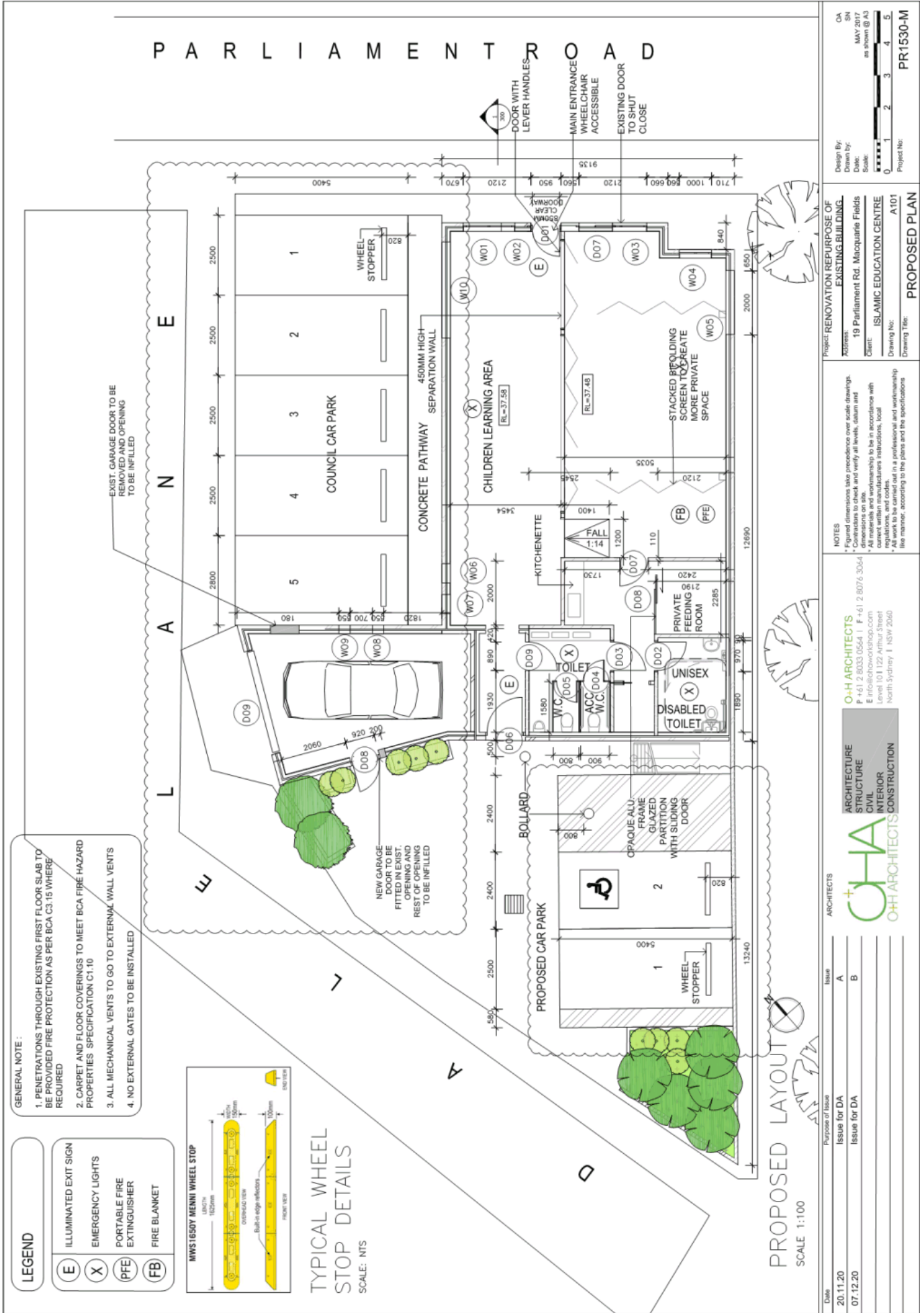
Email: bmidgley@pdcconsultants.com.au

Attachments:

- 1) Amended Architectural Drawings*
- 2) Swept Path Drawings*



Attachment 1





Attachment 2

WASTE MANAGEMENT STATEMENT

For

**19 Parliament Road.
Macquarie Fields. NSW 2564**

**Accompanying a Development Application for:
Change of use to a Community Facility including minor internal and
ancillary work.**

Prepared by

**IDA + Associates Group Pty. Ltd.
Level 10, 122 Arthur St.
North Sydney, NSW 2060**

Waste Management Statement

**WASTE MANAGEMENT STATEMENT
DEMOLITION, CONSTRUCTION AND USE OF PREMISES****Outline of Proposal**

Site Address: 19 Parliament Road. Macquarie Fields.

Applicant: Mr Ismail Miah

Brief Description:

- A. Change of use to a Community Facility and;
- B. including minor internal and ancillary work.

The details included in this Statement are the intentions for managing waste relating to the project.

A copy of the Statement shall be provided to the Contractor and kept on site during Demolition and Construction.

The Contractor shall prepare a supplementary Statement and Plan incorporating the intentions expressed in this Statement and modifications to suit the Contractors work methods.

Generally

Demolition and construction activities are to be managed so that wastes that cannot be avoided are re-used or recycled.

All materials which cannot be recycled shall be disposed of to a land fill site.

Waste materials shall be sorted on site to enable disposal to recycling depots for re-use. Clearly marked containers or areas shall be provided on site for separated recyclables and waste materials.

Verifiable records of all waste materials leaving the site are to be maintained by the Contractor until completion of the Works.

Site supervisors shall audit waste management practices by on-going checks of site.

A. DEMOLITION

Prior to demolition an initial investigation of the structures and site shall be carried out in accordance with Clause 1.6 and Clause 1.7.25 of AS 2601-2001.

The investigation of the structure and site, preparation of work plan and execution shall be carried out in accordance with Canterbury City Council requirements and standards.

Prior to the demolition, the person contractor responsible for such work must ensure that the building is assessed for hazardous materials, especially asbestos. This assessment should be prepared by a suitably qualified person.

A Supplementary Waste Management Statement shall be prepared to verify the type and amount of asbestos present and the work method proposed for its removal and disposal. Demolition shall be carried out by selective deconstruction.

All demolition and building waste materials able to be recycled shall be sorted and disposed of to a recycling plant or contractor.

Waste Management Statement

Items shall be actively salvaged for resale and recycling. (refer Demolition Plan)

TYPE OF WASTE	ESTIMATED VOLUME (m ³)	REUSE AND RECYCLE		DISPOSAL DEPOT
		ON-SITE	OFF-SITE	
Green waste	18	Separated. Some chipped & stored on site for reuse on landscaping	Remainder to landscape supplies for composting / reuse. To be determined by the contractor	Stumps & large trunks separated & sent to landfill site determined by the contractor
Asbestos	2	N/A	N/A	In accordance with Work Cover & EPA requirements
Concrete	2		To crushing and recycling company determined by the contractor	
Bricks	0.4	Clean & reuse lime mortar bricks for footing	To crushing and recycling company determined by the contractor	
Weather board	4	N/A	N/A	In accordance with Work Cover & EPA requirements
Wall & Roof insulation	3			To landfill site determined by the contractor
Timber	4	Re-use for formwork & stud work. Chip remainder for reuse on landscaping.	To Stockpile at transfer station determined by contractor	
Metal	2		To metal recyclers determined by the contractor	
Roof Tiles	3	Broken tiles to be reused for fill	Remainder to building supply company determined by the contractor	
Miscellaneous demolition materials	18			To landfill site determined by the contractor

B. CONSTRUCTION

Purchasing policy:

- Order the right quantities;
- Pre-fabricate materials and elements where possible;

Site work

- Re-use formwork;
- Minimise site disturbance, limiting unnecessary excavation;
- Co-ordination and sequencing of trades;

Waste Management Statement

- Careful separation of off-cut to facilitate re-use, resale or efficient recycling.
- Staff training
- Staff shall be trained in waste management practices.
- Sub-contractors
- Sub contracts should require sub-contractors to comply with the intentions in this Statement.

TYPE OF WASTE	ESTIMATED VOLUME (m ³)	REUSE AND RECYCLE		DISPOSAL DEPOT
		ON-SITE	OFF-SITE	
Excavated and site clearance material	80			To landfill site determined by the contractor
Concrete	0.4		To crushing and recycling company determined by the contractor	
Bricks and roof tiles	0.4		To crushing and recycling company determined by the contractor	
Treated timber	0.02			To landfill site determined by the contractor
Plasterboard	12 m ²		Returned to Manufacturer	
Metal off cuts	2 kg		Metal Recyclers	
Miscellaneous non recyclable wastes	3			To landfill site determined by the contractor

WASTE MANAGEMENT PLAN**USE OF PREMISES****OUTLINE OF PROPOSAL**

TYPE OF WASTE TO BE GENERATED	EXPECTED VOLUME PER WEEK	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES	COLLECTION AND DISPOSAL
Normal Domestic Household Waste	Up to 140 litre	140 litre Council rubbish bin to dwelling	By Council
Household recyclable waste	Up to 240 litre	240 litre Council bin to dwelling	By Council



19 Parliament Road
Macquarie Fields NSW 2564
Noise Impact Assessment

Islamic Education Centre Inc.

Reference: 16SYA0002
7 July 2016





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PO Box 5238 Greenwich NSW 2065

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Rev No.	Author	Reviewed/Approved		Description	Date
		Name	Signature		
1	Keshav Dhayam	Keith Hewett		Issued to client	07/07/2016
2					
3					
4					
5					



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1. Introduction

1.1. Background

TTM was engaged by Islamic Education Centre Inc. to prepare a noise impact assessment report investigating a proposed community centre at 19 Parliament Road, Macquarie Fields, NSW 2564. The report is required as part of the Development Application (DA) submission to Campbelltown City Council.

1.2. Scope

The report identifies and assesses potential noise impacts from the proposed community centre to nearby residential properties. The assessment considers the following:

- Estimated average background noise levels at the site in accordance with AS1055;
- Identification of Noise Sensitive Receivers (NSRs);
- Identification of noise sources generated from activities of the proposed development;
- Noise assessment in accordance with NSW Industrial Noise Policy 2000; and
- Practical and appropriate in-principle noise mitigation and management where required.

1.3. Site location and description

The proposed community centre site is located at 19 Parliament Road, Macquarie Fields, as shown in Figure 1. The land description of the site is Lot 2 DP622979.

There is currently a two-storey red brick building on the site. The ground floor of the building is currently vacant and is proposed to be refitted to accommodate the proposed community centre. The first floor is currently being used as a residential property by members of the proposed community centre. At the rear of the site, there is direct vehicular access from Dale Lane which is currently used as an informal parking area.

The site adjoins both residential and commercial properties. Along Parliament Road to the west of the site, exists a drive-thru bottle shop. To the front of the property across Parliament Road, exists a medium density town house development, a dental clinic and stand-alone dwellings. To the east of the site, exists a family medical practice and single storey dwellings. To the rear of the building, exists commercial buildings.



Figure 1: Site location

1.4. Noise Sensitive Receivers (NSRs)

The closest and most sensitive NSRs to the proposed development have been identified as follows (Refer to Figure 2):

- R1 – Drive-in bottle shop located at 46-50 Saywell Road, adjoining the site to the west;
- R2 – Family Medical Practice located at 25 Parliament Road, adjoining the site to the east;
- R3 – Commercial building located at 62-64 Saywell Road, at the rear of the site;
- R4 – Dental Art Clinic located at 10 Parliament Road, across the road opposite the site;
- R5 – Highset townhouses at 12 Parliament Road, across the road opposite the site; and
- R6 – Lowset residential dwelling at 22 Parliament Road, across the road opposite the site.



Figure 2: Location of Noise Sensitive Receivers

2. Proposed Development

2.1. Development profile

The proposal involves the fitout and use of the vacant ground floor of the existing building on site as a community centre. Currently one parking space is available on-site as a garage which is accessible through Dale Lane. A council car park area, adjoining the building, is accessible through Parliament Road which is currently used by members of the community.

Two additional outdoor parking spaces are proposed on site by the partial demolition of the rear fence which will then be accessible through Dale Lane. The current garage will then be used for the residents of the first floor of the building and the two proposed outdoor parking spaces will be used by members of the proposed community centre facility. The council car park area may also be used by members of the proposed community centre facility. The proposed site layout is shown in Figure 3.

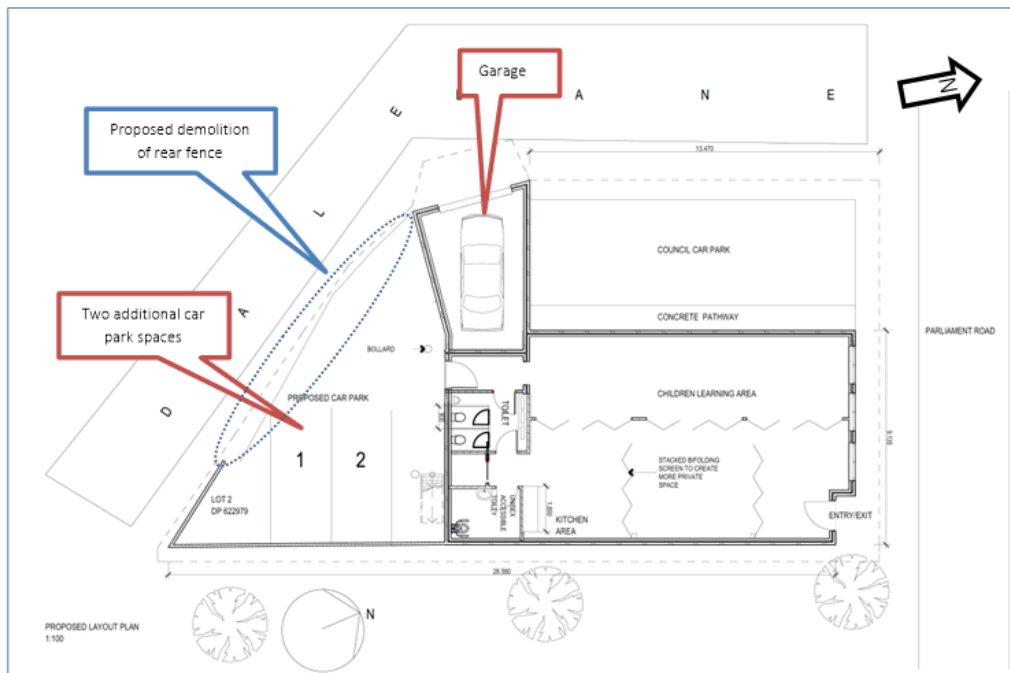


Figure 3: Proposed site layout

2.2. Proposed Community Centre activities

The proposed Community Centre is expected to be used at the following times:

- After school classes:
 - Monday to Friday from 4:00pm to 6:30pm, for up to 15 children;



-
- Sunday class:
 - Sundays from 9.00am to 10.30am, for up to 20 children;
 - Counselling sessions:
 - Monday to Friday, maximum of two sessions per day involving a maximum of two people and one community member;
 - Community group meetings:
 - Saturdays and Sundays, from 8.00am to 6.00pm, for 10-20 people;
 - Wake services, such as celebrating Ramadan:
 - Generally, from 7.00am to 6.00pm, when required, for 20-30 people.



3. Noise Criteria

3.1. NSW Industrial Noise Policy (2000)

For noise emissions generated on the site resulting from the activities at the proposed development, the relevant noise criteria are defined in the NSW Industrial Noise Policy¹ (INP).

The policy offers guidelines to minimise noise impact to NSRs not associated with the development. Project-specific noise levels (PSNLs) are determined and set at the boundary of relevant NSRs which are not to be exceeded.

The policy states that the most stringent of the intrusive and amenity criteria, described below, sets the PSNL.

3.1.1. Intrusiveness Criterion

The INP states:

The intrusiveness of an industrial noise may generally be considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (represented by the L_{Aeq} descriptor), measured over a 15-minute period does not exceed the background noise level measured in absence of the source by more than 5 dB.

The INP recommends methods for determining background noise level. At the planning and approval stage, the long-term method is used which is designed to ensure that the criterion for intrusive noise will be achieved for at least 90% of the time periods (day/evening/night), known as the Rating Background Level (RBL).

The intrusiveness criterion can thus be summarised by:

$$L_{Aeq, 15 \text{ minute}} \leq \text{Rating Background Level plus 5dB}$$

3.1.2. Amenity Criterion

The INP sets Acceptable Noise Levels (ANLs) for areas impacted by industrial noise that should ideally not be exceeded to protect against impacts such as, speech interference and community annoyance. Any new industrial noise sources should not increase overall industrial noise in an area and cause 'background creep', where background noise levels rise overtime as each new noise sources are introduced. Where all practical and reasonable noise mitigation has been applied and still the ANL cannot be achieved, the INP suggests a Recommended Maximum noise level which is 5 dB above the ANL.

Where there is an existing level of industrial noise affecting the NSRs, modifications to the ANL are required as defined in Section 2.2 of the INP.

¹ Environmental Protection Authority (2000). NSW Industrial Noise Policy.



3.1.3. Project-specific noise levels

The Project-specific noise level (PSNL) is the target noise emission level from the new noise source as a result of the new development at the boundaries of the identified NSRs. The PSNL is taken to be the lowest and most stringent of the intrusiveness and amenity noise criteria.

3.2. Australian Standard 1055:2: – *Description and measurement of environmental noise, Part 2: Application to specific situation*

3.2.1. Existing acoustic environment

In accordance with AS1055², the neighbourhood of the site at 19 Parliament Road, Macquarie Fields, is described as an area with negligible transportation, which corresponds to a Noise area category R1. A Noise area category R1 represents the lowest noise category for recommended average background noise levels for different areas containing residences in Australia. These are presented in Appendix A, AS1055.2 and are summarised in Table 1 below.

Table 1: Average background noise level for Noise area category R1 – AS1055

Period	Average background Noise Levels (LA90,T) in dBA	
	Monday to Saturday	Sunday and Public Holidays
Day	40	40
Evening	35	35
Night	30	30

Note:

- Day-time period is from 0700 to 1800 (Monday to Saturday) and 0900 to 1800 (Sundays and Public Holidays)
- Evening period is from 1800 to 2200
- Night-time period is from 2200 to 0700 (Monday to Saturday) and 2200 to 0900 (Sundays and Public Holidays)

3.2.2. Evaluated noise criteria

The Noise area category R1 ensures that the assumed background noise levels are conservative as category R1 represents the lowest average background noise levels presented in AS1055.2.

In accordance with the procedures of the INP and using the estimated background noise levels for the site (Table 1), the applicable criteria have been evaluated and are summarised in Table 2.

² Australian Standard AS1055.0-1997: *Acoustics – Description and measurement of environmental noise, Part 2: Application to specific situation*



Table 2: Evaluated noise criteria

Period*	Intrusiveness Criterion, L _{Aeq,15min} in dBA	Amenity Criterion L _{Aeq,15min} in dBA	Project-Specific Noise Levels (PSNLs) in dBA
Day	45	55	45
Evening	40	45	40
Night	35	40	35
Note: *			
- Day-time period is from 0700 to 1800 (Monday to Saturday) and 0900 to 1800 (Sundays and Public Holidays)			
- Evening period is from 1800 to 2200			
- Night-time period is from 2200 to 0700 (Monday to Saturday) and 2200 to 0900 (Sundays and Public Holidays)			

Table 2 shows that the intrusive criterion is the most stringent for the all the time periods and are therefore the PSNLs.

By meeting the PSNLs at the nearest NSR, all other NSRs and residential properties located further away from the development site are expected to comply with INP noise requirements.



4. Noise Impact Assessment from the Community Centre onto the Local Community

Based on information provided, the noise sources generated from the activities of the proposed development are expected to be:

- Car parking and patron activity/movement noise using the car parking spaces.

Noise impact to NSRs from voices from the car occupants and other patrons arriving by foot are expected to be negligible unless the patrons are shouting, in which case the community centre will have to put in place management measures, such as, notices reminding patrons not to be noisy when entering or leaving the premises.

No amplified sound such as, the use of microphones and loudspeakers are expected to be used during any the proposed activities of the community centre as detailed in Section 2.2. In addition, no loud singing/praying is expected to occur at the premises.

No new mechanical plant is expected to be installed on site, therefore noise from mechanical plant has not been assessed.

4.1. Car parking and car movement noise

The proposed development includes two car parking spots at the rear of the building for use by members of the community centre.

Based on this information, it is expected to have a maximum of two cars parking at the same time on the premises. Additional parking when required, will be provided by the on-street parking in the vicinity of the site as detailed in the Traffic and Parking Assessment Report prepared by TTM (Report Ref.: *15SYT0163 Revision 03*, dated 23rd June 2016).

The Traffic and Parking Assessment report points out that there is significant amount of available on-street parking in the vicinity of the site.

4.1.1. Assessment Methodology

Car parking and car movement noise has been predicted at the closest NSR for slamming of car doors and typical car movements during car parking for a maximum of two cars during any 15 minute period. The closest NSR is: R2 – Family Medical Practice located at 25 Parliament Road, adjoining the site to the east.

The prediction of car parking and car movement noise has been based the following:

- Measured noise levels of car parking activities by TTM as shown in Table 3;



Table 3: Measured noise levels of car parking activities

Source Ref.	Source description	Sum		Octave frequency in Hz							
		dB	dBA	63	125	250	500	1k	2k	4k	8k
1	Car Door Slam @2m – SEL*	87	68	78	79	68	64	62	56	50	50
2	Car Engine @2m – SEL*	90	73	82	82	70	67	66	64	63	59

Note: *
SEL, Sound Exposure Level, is a convenient indicator to describe and compare sound measurements taken over different time periods. The SEL compresses the sound energy of the measurement into a normalised 1 second period, allowing prediction on a like for like basis. The units are the decibel (dBA).

- Distance loss;
- Maximum number of two cars parking at one time; and
- Shielding from surrounding buildings or barriers, where appropriate.

4.1.2. Predicted Results

The assessment involves predicting the maximum allowable number of noise events and vehicles that may visit the premises during specific time periods before the criteria is exceeded. It is assumed that each vehicle generates three noise events on average, being two car door slams and engine noise.

The results in Table 4 show predictions of maximum allowable number of noise events per 15 minutes to achieve compliance at the closest NSR, R2 (Refer to Figure 2), which is located at approximately 12m from the closest car parking spot. Compliance at R2 ensures compliance at all other NSRs.

Table 4: Car parking noise – Prediction results at R2

Assessment Period*	Project-specific Noise Level L _{Aeq,15min} (dBA)	Predicted approximate maximum allowable number of events per 15 minutes	Predicted approximate maximum allowable number of vehicles** per 15 minutes
Day	45	40	13
Evening	40	20	7
Night	35	7	2

Note: *
- Day-time period is from 0700 to 1800 (Monday to Saturday) and 0900 to 1800 (Sundays and Public Holidays)
- Evening period is from 1800 to 2200
- Night-time period is from 2200 to 0700 (Monday to Saturday) and 2200 to 0900 (Sundays and Public Holidays)
** One vehicle has been conservatively assumed to create three noise events.

The predicted approximate maximum allowable number of vehicles per 15 minutes for day, evening and night time periods are 13, 7 and 2 respectively. Since the expected maximum number



of vehicles parking is 2 at any one time, compliance for all time periods is achievable and expected to be met.

4.2. Recommendations

Based on the predicted results and on the information available regarding the proposed activities of the community centre, the following recommendations are made:

- Car parking should be limited to two only on the premises. On-street parking is to be used to accommodate additional vehicles; and
- Should new mechanical plant be installed, a detailed noise assessment of the mechanical plant noise is recommended. The noise assessment should include noise source levels of plant, location and adjustments for mechanical plant noise characteristics to verify compliance with the PSNL determined in the report.

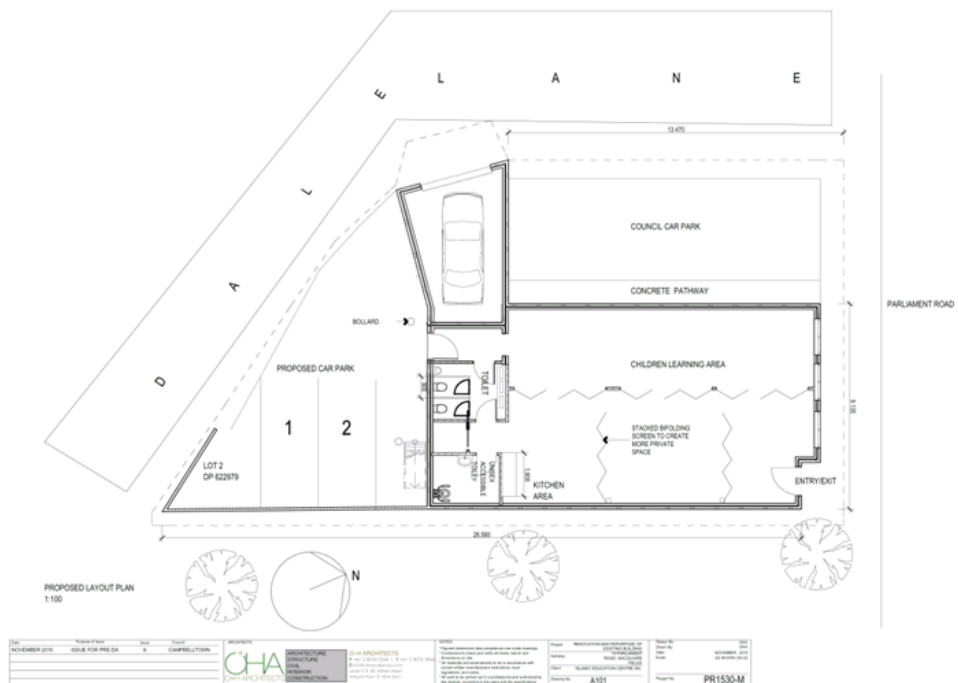
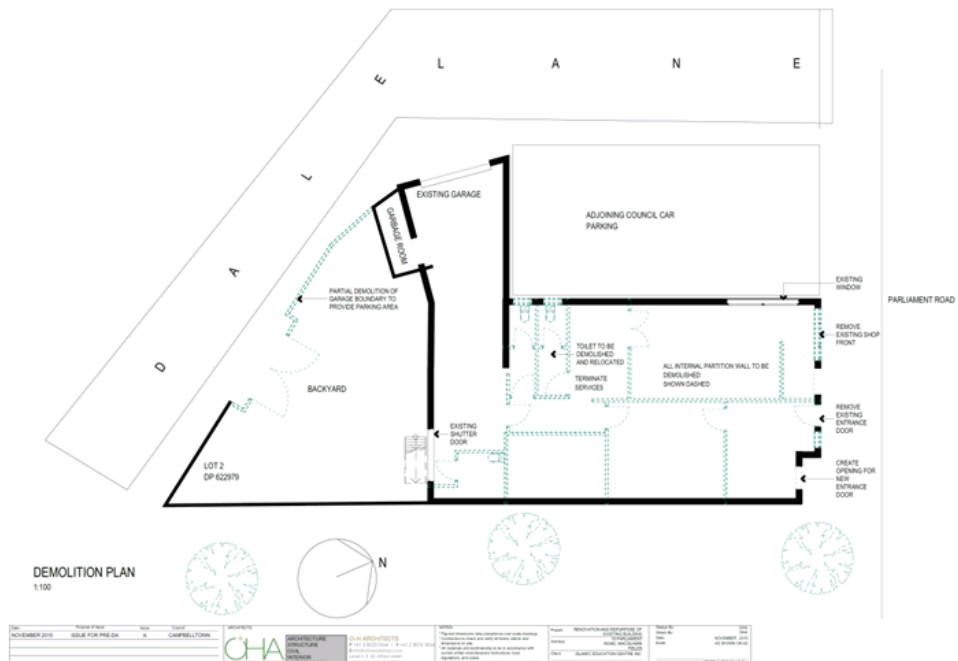


5. Conclusion

The noise impact assessment for the proposed community centre located at 19 Parliament Road, Macquarie Fields yielded the following conclusions:

- Car parking and patron activity/movement noise on the premises are expected to comply with the applicable noise criteria. The predicted recommended maximum allowable number of vehicles per 15 minutes given in Table 4 are expected to comply with the applicable noise criteria;
- Car parking should be limited to two cars only on the premises. On-street parking is to be used to accommodate additional vehicles; and
- No new mechanical plant is expected to be installed as part of the proposed development. A detailed noise assessment is recommended if a new mechanical plant is installed, including noise source levels of plant, location and adjustments for mechanical plant noise characteristics to verify compliance with the PSNLs determined in the report.

Providing the recommendations described above are incorporated into the proposed community centre design, the applicable noise criteria are expected to be met and an adverse noise impact is not expected.



Site: 19 Parliament Road, Macquarie Fields NSW 2564
Reference: 165YA0002_R01_0

19 January 2017

Our Reference: J16-001

Islamic Education Centre
C/- O + H Architects
Suite 41 Level 10 No. 22 Arthur Street
NORTH SYDNEY NSW 2060



BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT

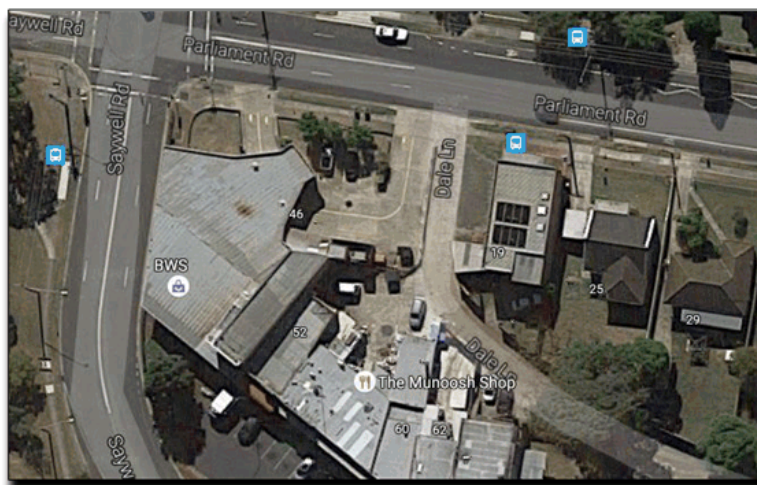
“Islamic Education Centre” Renovation Repurpose f Existing Building (No. 19) Parliament Road, Macquarie Fields

Dear Sir/Madam,

We have undertaken a preliminary assessment of the proposed use of the existing building for education purposes.

It is understood that this statement is to be provided to Council as part of the submission of a development application for approval to demonstrate it is capable of being used for the purpose as a change of use to an education centre.

The existing building is best described as a two storey brick building currently used for commercial purposes on the ground floor and a residential flat on the 1st floor. The property is located on the southern side of Parliament Rd and eastern side of Dale Lane, Macquarie Fields.



Source: Google Maps 2016

The plans by O+ H Architects relied upon as part of this statement is as follows:

<u>Description:</u>	<u>Reference:</u>	<u>Dated</u>
Title Page	Drawing Number: A001	November 2016
Demolition Plan	Drawing Number: A100	November 2016
Proposed Plan	Drawing Number: A200	12.10.16
Site Photos	Drawing Number: A300	12.10.16

The following BCA building description criteria relates to the proposed building:

<u>Building Design Basis</u>	Assessment based on <i>NCC BCA2016</i>
<u>Fire Source Features</u>	North: – Parliament Rd East: – Residential Property South: – Dale Lane West: – Dale Lane
<u>Classification</u>	Class 9b – Education Purposes (proposed) Class 4 – 1 st floor Residential Flat (existing not assessed)
<u>Maximum Rise-in-Storeys</u>	Two
<u>Floor Area</u> <u>(Approximately)</u>	142 m ² Total ground floor area.
<u>Type of Construction</u> <u>Required</u>	Type B Construction The building is constructed out of brick construction and appears to generally compliant with Type B prior restricting construction.
<u>Effective Height</u>	<25m <12m (estimated in relation to Part E3)
<u>Exits</u>	Number of exits required – 2 Number of exits provided – 2 The building is provided with the minimum required number of exits.
<u>Access for people with Disabilities</u>	The BCA requires all Class 9b buildings to be accessible to members of the public. Access will be provided to the main entrance. The main entrance door appears to be widened for access and there is an internal ramp proposed to provide access between levels. Further details to show compliance with AS1428.1 will be provided with the construction certificate.

Services and Equipment

The existing building is provided with existing fire services including portable fire extinguishers, fire blanket, emergency lights, exist signage. The existing ceiling above is a concrete slab and it should be checked for the fire collars and the like. Details should be provided with the application of the construction certificate.

Health and Amenity

Full details of the approved student and staff numbers must be provided to the certifying authority to determine the minimum required number of facilities. The plans show provisions for facilities adequately distributed, based on the floor area of the building.

Light and ventilation will be provided in accordance with the minimum standards prescribed by the BCA via existing doors and windows. Mechanical exhaust ventilation will be required to the enclosed rooms such as the fully enclosed WC's.

Energy Efficiency

The property is located in Climate Zone 6 of the BCA Section J provisions. The existing building fabric including walls, floors, ceilings and fittings will not change significantly. New work will need to comply with Section J where applicable and details should be provided to the certifying authority with the application for a construction certificate.

Conclusion:

We confirm that the plans prepared by 'O+H Architects' for the proposed development has been assessed by the undersigned and is capable of complying with the deemed-to-satisfy provisions or by a performance based solution which complies with the of the Building Code of Australia (BCA).

If required, a full design report for NCC BCA compliance can be submitted to an accredited certifier for assessment.

Should you wish to discuss please do not hesitate to contact the undersigned at any time.

Yours faithfully,

Robert Valades
Accredited Certifier A1 (Unrestricted)
NSW BPB0419
Benchmark Building Certifiers

5. CONFIDENTIAL ITEMS

5.1 Planning Proposal - Kearns

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(f) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

-

details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

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