



**CAMPBELLTOWN
CITY COUNCIL**

LOCAL PLANNING PANEL

27 APRIL 2022

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, 27 April 2022 at 3 pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT TO COUNTRY

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

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS

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4.1 Construction of a two storey dwelling - 39 Halwes Avenue, Menangle Park

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5. CONFIDENTIAL ITEMS

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5.1 Planning Proposal - Campbelltown

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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 your questions at the end of your submission.

Recommendations of the Panel

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

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

Information

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

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

Lindy Deitz
General Manager

4. REPORTS

4.1 Construction of a two storey dwelling - 39 Halwes Avenue, Menangle Park

Community Strategic Plan

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

Referral Criteria

Pursuant to Clause 4.8(3) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the consent authority for the subject development application is the Campbelltown City Council Local Planning Panel, as the landowner is a councillor currently sitting on the Campbelltown City Council.

Executive Summary

- The site is situated within the Menangle Park Urban Release Area, and is a vacant residential allotment.
- The application proposes the construction of a 2 storey dwelling house.
- The site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015.
- Conditions of approval have been issued by Subsidence Advisory NSW in relation to development within a mine subsidence district.
- The application requires variations to the Menangle Park Precinct Development control Plan 2021 in relation to eaves, garage setback and retaining walls.
- Development contributions are not required to be levied for the proposed development.
- The application was publicly notified and no submissions were received.

Officer's Recommendation

That development application 189/2022/DA-DW for the construction of a 2 storey dwelling at Lot 1176 DP 1269274, 39 Halwes Avenue, Menangle Park be approved subject to the conditions in attachment 1.

Purpose

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

Property Description	Lot 1176 DP 1269274, 39 Halwes Avenue, Menangle Park
Application No	189/2022/DA-DW
Applicant	Rawson Homes
Owner	Mr Graeme Leonard Chivers and Mrs Margaret Ruby Chivers
Provisions	Planning for Bushfire Protection 2019 <i>Coal Mine Subsidence Compensation Act 2017</i> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Menangle Park Precinct Development Control Plan 2021 Menangle Park Contributions Plan 2020
Date Received	25 January 2022

The Site and Locality

The site is situated within the Menangle Park Urban Release Area.

The site is a vacant residential allotment, and has a land area of 480 m².

The allotment is rectangular in shape, with a width of 16 m and depth of 30 m.

Site levels vary from RL 20.59 to RL 19.87 generally from southwest to northeast (diagonally from the front to the rear of the site).

A battered area of land is located within the site adjacent to the eastern property boundary.

An easement to drain water 1.5 m wide runs parallel with and adjacent to the rear boundary of the site.

An easement for access and maintenance 0.9 m wide is located within the site adjoining the western property boundary.

A sealed footpath and street tree is located within the road reserve fronting the site.

Council's records indicate that Complying Development Certificates have been issued on neighbouring land for a single storey dwelling and 2 storey dwelling at 37 Halwes Avenue and 10 Lantern Street, respectively.

The Proposal

The proposed development application seeks consent for the construction of a 2 storey dwelling house, comprising:

- Double garage
- Four bedrooms
- Lounge and rumpus room
- Open plan kitchen, dining and family room
- Laundry, linen and bath rooms
- Alfresco, landscaping works and retaining walls

The external finishes of the dwelling house comprise rendered brickwork and painted panels.

Stormwater is proposed to be drained under gravity into the drainage pipe within the drainage easement running parallel with and adjacent to the rear boundary of the property.

Swimming Pool - It is noted that the landscape plan attached to this development application indicates a future pool adjacent to the eastern side of the dwelling house. Other than for that reference, a swimming pool is not referred to or discussed within the Statement of Environmental Effects or any other documents supporting the development application, nor does the development application specifically seek consent for a swimming pool.

Report

1. Vision

Campbelltown 2017/2027 Community Strategic Plan

Campbelltown 2027 is the 10 year Community Strategic Plan for the City of Campbelltown.

The Strategic Plan addresses 4 key strategic outcomes that Council and other stakeholders committed to achieving over the 10 year period to 2027, being:

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

The key outcome most relevant to the proposed development is Outcome 3: A thriving, attractive city.

The strategy most relevant to this application is:

- 4.3 – Responsibly manage growth and development, with respect for the environment, heritage and character of our city.

The proposed development would be compatible with the desired future character of the Menangle Park Urban Release Area.

2. Planning Provisions

The proposed development has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act.

2.1. Planning for Bushfire Protection 2019

The subject site is located within bushfire prone land. The proposal has been considered against the specifications and requirements of Planning for Bushfire Protection 2019.

The application was accompanied by a Bushfire Risk Assessment Report prepared by Local Group.

The Bushfire Risk Assessment Report advises that based on building setbacks and vegetation classification a Bushfire Attack Level of BAL-LOW applies to the proposed development.

A recommended condition has been included requiring the proposed development to comply with the recommendation of the Bushfire Risk Assessment Report.

Accordingly, the proposal is considered to conform to the specifications and requirements of PBP 2019.

2.2. Coal Mine Subsidence Compensation Act 2017

Section 22 of the *Coal Mine Subsidence Compensation Act 2017* requires approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.

The proposed development involves the construction of a residential dwelling within a mine subsidence district.

Although the development application was not lodged as integrated development within the meaning of Section 4.46 of the EP&A Act, the applicant separately referred the proposal to Subsidence Advisory NSW for approval.

The applicant provided Council with the approval issued by Subsidence Advisory NSW on 10 December 2021.

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

The proposed development requires BASIX certificates to accompany the development application. A BASIX certificate has been prepared for the development demonstrating the proposal satisfies the relevant water, thermal and energy commitments. All relevant BASIX commitments have been shown on the development plans. The provisions of SEPP (BASIX) 2004 have therefore been satisfied.

2.4. State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 4.6 of SEPP Resilience and Hazards, the Panel must not consent to the carrying out of any development on land unless:

- a) it has considered whether the land is contaminated

- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose

Comment: The land was remediated and subject to a Site Audit Statement prior to the release of the subdivision certificate which created the subject allotment. A review of Council's records confirms the allotment has not been used for any other purpose since registration. Accordingly, the land is not considered to be contaminated and is considered to be suitable for the proposed residential use of the land as a dwelling house.

2.5. Campbelltown Local Environmental Plan 2015

The proposed development has been assessed against the relevant provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). This assessment is discussed below:

Permissibility

The development site is zoned 'R2 Low Density Residential' under the zoning maps of CLEP 2015. The proposed development is defined as 'dwelling house' and is permitted with consent in the R2 zone.

Dwelling house means a building containing only one dwelling.

The proposed development is consistent with the definition of dwelling house as the building contains only one dwelling.

Zone objectives

The relevant objectives of the R2 zone under CLEP 2015 are:

- To provide for the housing needs of the community within a low density residential environment.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

The proposed dwelling house would provide for the housing needs of the community within a low density residential environment. The submitted shadow diagrams show the development has been designed to minimise overshadowing and ensure a desired level of solar access to all properties. The proposed vehicle crossing would facilitate a sustainable means of vehicular access and movement to the proposed garage.

Height of buildings

Under Clause 4.3(2) of CLEP 2015, the maximum building height applying to the subject site is 8.5 metres. The proposed development would have a maximum height of 6.6 metres and complies with this development standard.

Height restrictions for certain residential development

Under Clause 4.3A(2) of CLEP 2015, a dwelling house must not be higher than 2 storeys. The proposed dwelling house is not higher than 2 storeys and complies with this provision.

Floor space ratio

Under Clause 4.4(2A) of CLEP 2015, the maximum floor space ratio that applies to a dwelling housing in Zone R2 Low Density Residential is 0.55:1. The proposed development would have a maximum floor space ratio of 0.53:1 and complies with this development standard.

Earthworks

The objective Clause 7.1 of CLEP 2015 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Comment: To mitigate impacts from arising in the locality of the development, a recommended condition has been included requiring erosion and sediment control fencing implemented during construction to mitigate impacts from arising in the locality of the development. A further condition has been included requiring measures to be implemented to manage erosion and dust impacts in accordance with the requirements of the document titled Managing Urban Stormwater: Soils and Construction prepared by Landcom. The land is not identified as being contaminated or as containing relics. The proposed earthworks would be setback substantially from any waterway, drinking water catchment or environmentally sensitive area.

Salinity

The objective Clause 7.4 of CLEP 2015 is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

Comment: The land was previously determined as not being adversely affected by salinity processes and suitable for future urban development. A recommended condition has been included requiring the development to be designed in accordance the Australian Standard AS2870 - Residential Slabs and Footings. In this regard, the development will be designed, sited and managed to avoid any significant adverse environmental impact.

2.6. Campbelltown (Sustainable City) Development Control Plan 2015

The proposed development has been assessed against the relevant development controls of the Campbelltown (Sustainable City) Development Control Plan 2015 - Volume 1 (DCP 2015).

Part 2 - Requirements Applying to All Types of Development

Part 2 of DCP 2015 contains requirements that apply to all types of development. Compliance with the relevant controls is discussed below:

Views and Vistas - The proposal would not have a significant adverse impact on the scenic value of Campbelltown's natural and built environment, or significant views and vistas from and to public places.

Sustainable Building Design - A BASIX Certificate accompanied the proposed development demonstrating the relevant water, energy and thermal comfort targets will be satisfied.

Erosion and Sediment Control - The application was accompanied by details of erosion and sediment control.

Security - The proposed development is considered to be satisfactory with regard to security. Habitable room windows provide passive surveillance opportunities to the street and driveway.

Waste Management - A Waste Management Plan has been provided for the construction phase and ongoing management of the development. Adequate space would be available at the kerbside for the presentation of waste and recycling bins for collection by Council's waste collection vehicles.

Risk Management - The subject site is mapped as being located within bushfire prone land and was accompanied by Bushfire Risk Assessment Report prepared by Local Group. The site is located within a mine subsidence district and was accompanied by stamped plans and conditions of approval issued by Subsidence Advisory NSW. The land is not identified as being affected by flooding.

Site Specific Development Control Plan: Menangle Park Precinct Development Control Plan 2021

Volume 2 of the DCP 2015 contains the site specific Menangle Park Precinct Development Control Plan 2021 (Menangle Park DCP). Compliance with the relevant controls is outlined in the table below:

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
Bushfire Hazard Management		
For development located on bushfire prone land (detailed in figure 2.2):		
a. A Bushfire Assessment Report shall accompany the application; and b. The development shall be consistent with Planning for Bushfire Protection 2019.	The application was accompanied by a Bushfire Risk Assessment Report prepared by Local Group demonstrating consistency with Planning for Bushfire Protection 2019.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
Stormwater, Watercycle Management and Flooding		
All future development must comply with Council's Engineering Design for Development (as amended), Volume 1, Part 2, 2.10 of the Campbelltown (Sustainable City) DCP 2015 and the Menangle Park Water Cycle Management Report prepared by SMEC, dated 14 November 2018.	Drainage of stormwater to rear drainage easement. A recommended condition has been included requiring the development to comply with Council's Engineering Design for Development.	Yes
Night Sky Protection		
Accent lighting, shall be directed downward onto the building or object and not towards the sky or onto adjacent properties.	No accent lighting proposed on building.	N/A
Direct light emissions are not to be visible above the roof line or beyond the building edge.	No direct light emissions proposed above roof line or beyond building edge.	N/A
Spotlighting on landscaping and foliage is to be limited to 150 watts incandescent. The lamp is to be shielded and not create disabling or nuisance glare.	The landscape plan proposes decorative pot/series of pots with up lighting. A recommended condition has been included to manage the impacts of spotlighting.	
Sustainable Building Design		
New residential dwellings, including a residential component within a mixed use building and serviced apartments intended, or capable of being strata titled are to be accompanied by a BASIX Certificate and are to incorporate all commitments stipulated in the BASIX Certificate.	The application was accompanied by a BASIX Certificate. The development incorporates the BASIX commitments.	Yes
The design of dwellings is to maximise cross flow ventilation.	Design of dwelling promotes cross flow ventilation.	Yes
The positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to	Positioning and size of windows, openings and skylights take advantage of solar orientation to maximise natural light penetration to	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
indoor areas and to minimise the need for mechanical heating and cooling.	indoor areas and minimise the need for mechanical heating and cooling.	
Outdoor clothes lines and drying areas are required for all dwellings and must be accessed from the principle private open space.	Outdoor clothes line provided and accessible from principle private open space.	Yes
Metal roofs and garage doors are to have a solar absorption rate equal to or below 0.65 and tile roofs are to have a solar absorption rate equal to or less than 0.80 as classified by the National Construction Code. This selection is to be reflected in the BASIX report submitted with the DA.	Colorbond "surfmist" metal roof has a solar absorption rate below 0.65.	Yes
	Colorbond "night sky" garage door colour has a solar absorption rate above 0.65m. A recommended condition has been included requiring the garage door to have a solar absorption rate equal to or below 0.65.	Yes
	The solar absorption rating of the metal roof is specified in the NatHERS certificate which supports the BASIX Certificate.	Yes
	There is no requirement for the garage door colour to be specified in BASIX.	N/A
All Development Applications are required to provide an external colours and materials schedule.	The application was accompanied by a schedule of external building colours and materials.	Yes
Dwelling Design Controls		
Dwellings in the R2 Low Density Residential zone shall comply with the requirements set out in Table 5.1 below.	An assessment of the proposal against the controls set out in Table 5.1 is provided below.	Yes
The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features: a. entry feature or porch; b. awnings or other features over windows (excluding	The primary street facade of the dwelling addresses the street and incorporates an entry porch, recessing and projecting architectural elements.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
roller shutters); c. balcony treatment to any first-floor element; d. recessing or projecting architectural elements; e. open verandah; f. bay windows or similar features; or g. verandas, pergolas or similar features above garage doors.		
At least 1 habitable window is to be provided to the front façade of the dwelling for lots with a frontage of less than 12 m. At least 2 habitable windows are to be provided in the front façade for lots with a frontage exceeding 12 m in width.	Bedroom window provided in front façade and contains 2 adjoining windows comprising an awning window and fixed window.	Yes
The articulation zone is to occupy no more than 50% of the frontage, excluding any garage.	Articulation zone does not occupy more than 50% of the frontage, excluding the garage.	Yes
Modulation of the façade should be integral to the design of the building, rather than an unrelated attached element.	Modulated façade integrated into design of building.	Yes
Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest. Except for walls built to the boundary, eaves should have a minimum of 450 mm overhang (measured to the fascia board). Council will consider alternative solutions to eaves so long as appropriate sun shading is provided to windows and display a high level of architectural merit.	Eaves not proposed. The applicant has sought a variation to this control.	No – see discussion below.
Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.	Garage to be constructed of materials that complement the colour and finishes of the dwelling.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
For lots greater than 420 m ² , at least 3 hours of direct sunlight is to be received to 50% of the PPOS area of the proposed dwelling between 9 am and 3 pm on 21 June.	The submitted shadow diagrams show that at least 3 hours of direct sunlight would be received to 50% of the PPOS area between 9 am and 3 pm on 21 June.	Yes
Table 5.1 - Dwelling Controls for the R2 Zone		
Primary street setback: 4.5 m	4.5 m.	Yes
Articulation encroachment Zone: 1 m	Articulation zone provided behind primary setback.	N/A
Garage to primary (front): 5.5 m	5.64 m.	Yes
Side setback: 900 mm	950 mm - 960 mm.	Yes
Rear setback:		
- 4 m (ground floor)	4 m ground floor	Yes
- 8 m (first floor)	8 m first floor	Yes
Maximum Site Coverage: 60%	32%	Yes
Maximum Upper Floor Area (UF:GF): 70%	27%	Yes
Minimum Landscaped Area: 25%	45%	Yes
Minimum Principal Private Open Space (PPOS): 25 m ²	PPOS area exceeds 25 m ² .	Yes
Minimum Width POS - directly accessible from internal living areas, can include alfresco areas: 5 m	POS directly accessible from internal living areas, and exceeds minimum width of 5 m.	Yes
Minimum No. of Car Parking Spaces (on site)		
3+ bedrooms = 2 car parking spaces	2 garage spaces plus driveway parking.	Yes
Maximum Garage Door Width		
6 m for lots with a lot width greater than 12 m	Garaged door width: 4.81 m.	Yes
Alfresco areas (minimum): 4 m x 5 m	Alfresco exceeds minimum dimension of 4 m x 5 m.	Yes
Internal Storage: Linen press + 2m ³	Linen press and laundry storage to accommodate +2m ³ .	Yes
Landscaped Area		
A landscaped plan is to be submitted with every application of development.	A landscape plan accompanied the application.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
The Landscaped Plan is to illustrate spread of species, mature height and pot size, of plants and trees. The Landscape Plan is also required to demonstrate grass, impervious surfaces and bin location.	Landscaped plan illustrates spread of species and pot size of plantings. The Landscape Plan shows grass, impervious surfaces and bin location. A recommended condition has been included requiring the landscape plan to be amended to include the mature height of plantings.	Yes
Artificial turf is not permitted.	Artificial turf not proposed.	Yes
At least 50% of the landscaped area required by Tables 5.1-5.3 is to be behind the building line.	At least 50% of the required landscaped area is located behind the building line.	Yes
Surface water drainage shall be provided as necessary to prevent the accumulation of water.	The stormwater plan does not provide surface water drainage. A recommended condition has been included requiring the stormwater plan to be amended to take into account surface water drainage to prevent the accumulation of water.	Yes
Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.	Low flow watering devices not proposed. Landscape plan incorporates low water demand drought resistant vegetation, including salt tolerant trees.	N/A Yes
A minimum of 2 trees must be planted within the front and/or rear setback. Tree species are to be a minimum pot size of 60 L when planted and capable of growing between 4-6 m in height at maturity.	Two trees planted within front setback area. The trees have a pot size of 25 L. A recommended condition has been included requiring the trees to have a minimum pot size of 60 L.	
Areas within 1.5 m in width and depth are not considered within the parameters of a landscaped area and are not to be included in the landscaped area minimum size requirements.	Areas within 1.5 m in width and depth have been excluded from the landscaped area minimum size requirements.	Noted.

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
Private Open Space		
The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.	Location of PPOS has regard to dwelling design, allotment orientation, future adjoining dwellings, landscape features and topography.	Yes
The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.	PPOS directly accessible from main living area of dwelling and alfresco. Plans do not indicate a gradient exceeding 1:10.	Yes
No private open space is to be provided at the front of the lot/dwelling.	Private open space not provided at the front of the dwelling.	Yes
Garages, Site Access and Parking		
A minimum of one car parking space must be located behind the building façade line and shall be access from primary street boundary.	Two parking spaces located behind the building façade line accessed from primary street boundary.	Yes
Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.	4 m wide driveway proposed to facilitate vehicle turning movements to double garage. Driveway configuration indicates compliance with AS2890.	Yes
Driveways are to have a minimum of 500 mm landscaping on each side, particularly between the driveway and boundary.	One metre wide landscape strip between driveway and side property boundary.	Yes
Front Loaded Garages		
Single garage doors should be a maximum of 3 m wide and double garage doors should be a maximum of 6 m wide. Exceptions to these requirements may be considered where an	Double garage door 4.81 m wide.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
innovative design solution is demonstrated.		
Minimum internal dimensions for a single garage are 3 m wide x 5.5 m deep and for a double garage 5.6 m wide x 5.5 m deep.	Double garage 6.1 m wide x 5.5 m deep.	Yes
Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.	Garage door colour to be visually recessive.	Yes
Garage is to be setback a minimum 1m behind the front façade of the dwelling.	Garage setback 300 mm behind primary façade.	No - see discussion below.
Visual and Acoustic Privacy		
Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping.	Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings has been minimised through building layout, window location and design.	Yes
Living area windows with a direct sightline to principal private open space or to habitable room windows in an adjacent dwelling within 5 m are to: a. be obscured by fencing, screens or landscaping, or b. be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window; or c. have sill height of 1.5 m above floor level; or d. have fixed obscure glazing in any part of the window below 1.5 m above floor level.	Upper level rumpus room window does not have a direct sightline to principal private open space or to habitable room windows in an adjacent dwelling within 5 m.	Yes
Balconies are not permitted on the first floor of the side and/or rear portion of the dwelling except where the	No balconies proposed	N/A

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
balcony faces a public road, or land zoned for public recreation.		
No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7 am to 10 pm and noise is not to exceed background levels during the hours 10 pm to 7 am.	A recommended condition has been included requiring the air conditioning unit to not generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7 am to 10 pm and noise is not to exceed background levels during the hours 10 pm to 7 am.	Yes
Fencing		
Any fence forward of the building line to the primary street frontage or secondary side boundaries is to be a maximum of 1.2 m high and with a predominantly open character. The design of the fence is also to integrate a letterbox.	No fencing forward of building line to primary street frontage.	N/A
Side and rear fences are to be a maximum of 1.8 m high, where retaining walls are proposed they are to be integrated into the fencing height of 1.8 m.	1.8 m high boundary fencing.	Yes
Boundary fencing not visible from the street is required to be a maximum of 1.8 m high and must finish 6.5 m from the front boundary and return to the side wall of the home, including an integrated side gate.	1.8 m high boundary fencing setback at least 6.5 m from front boundary, returned to the side wall of the home, including an integrated side gate.	Yes
Pre-painted steel or timber paling or lapped/capped boundary fencing is not permitted adjacent to open space or drainage land or on front boundaries.	Fencing not adjacent to public open space, drainage land or on front boundary.	Yes
Where there is a retaining wall on a front boundary of a lot the front fence should be setback 1m from the top of	No retaining wall on front boundary of lot. Fencing setback behind building line.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
the retaining wall.		
Consideration is to be given to potential overshadowing to adjoining properties where side and/or rear boundary fences are to be located on top of retaining walls on the respective boundary, where privacy is of concern Council may support an increase in fencing to 2.1 m.	Fencing on top of 600 mm high retaining wall not considered to adversely impact neighbouring property with regard to overshadowing.	Yes
Cut, Fill and Retaining		
Any cut and fill works will require the submission of a Cut and Fill Management Plan that details the full extent, depth and volume of any cut, and fill proposed by the development. The plan shall show existing and proposed surface level contours, and depths categorised, at intervals no greater than 200 mm.	Levels of cut and fill shown on Site Plan.	Yes
Earthworks shall be undertaken to a maximum of 600 mm excavation or fill from the natural ground level of the property. A variation may be considered on merit, should a detailed variation request be provided that has appropriate regard to topography, amenity, privacy etc.	240 mm fill and 200 mm cut.	Yes
Any excavation within the zone of influence of any structure requires a 'dilapidation report' prepared by suitably qualified person. This report is to demonstrate adequate measures are implemented to protect the integrity of the structure.	No excavation proposed within identified zone of influence of adjoining structures.	N/A
No filling shall be permitted within 2 m of any property boundary unless sufficient details are submitted to Council illustrating how	Up to 240 mm of fill proposed adjacent to eastern property boundary. The low level of fill would not adversely impact on privacy, overshadowing,	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.	stormwater management and access.	
Retaining Wall Controls		
All retaining walls must be accurately identified on development application plans. Plans must include setbacks, heights, widths and materials used in any existing or proposed retaining walls that are to form part of any consent issued. Council will not accept notations on plans such as 'retaining wall to be done by owner'.	Details of retaining walls identified on Landscape Plan. The Site Plan refers to a notation "retaining wall by owner if required". The notation on the plans has been crossed out in red by Council.	Yes
Any retaining wall exceeding 600 mm shall be designed by a suitably qualified person. Retaining walls higher than 900 mm shall be designed by a structural engineer with engineering specifications being submitted at the time the development application is lodged.	600 mm high retaining walls.	Yes
To limit the overall height impacts of retaining walls on sloping sites, terracing of retaining walls is required for retaining walls with a minimum height of 1 m.	Terracing of retaining walls not required.	N/A
Any retaining wall shall not adversely alter surface flows to adjoining private land.	Retaining walls not likely to adversely alter surface flows to adjoining private land.	Yes
Adequate provision must be made for the appropriate disposal of surface and subsurface drainage associated with the erection of retaining walls. The method of disposal must be approved by Council that may include: a. the connection of sub-surface drainage from the	A recommended condition has been included requiring the retaining walls be provided with agricultural drainage lines connected to the stormwater system.	Yes

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
<p>retaining wall to the street gutter, or</p> <p>b. disposal via properly constructed absorption trench/es on the property containing the retaining wall, or</p> <p>c. disposal via piped or channelled drainage easement/s, or</p> <p>d. other means as determined by Council.</p>		
<p>Retaining walls are to be constructed from natural stone, coloured concrete sleepers and rendered or feature block walls/brick if consistent with dwelling materials. Treated pine sleepers are not permitted.</p>	<p>Timber sleepers proposed. A recommended condition of consent has been included requiring the retaining walls to be constructed from concrete sleepers and galvanised steel 'H' posts.</p>	Yes
<p>A retaining wall shall be restricted to a maximum height above or depth below existing natural ground level of no more than:</p> <p>a. 500 mm where retaining walls are visible from the street frontage or a public open space; and</p> <p>b. 600 mm at any distance up to 900 mm setback from any side or rear boundary); or</p> <p>c. 1m, if the toe of the retaining wall or embankment is setback greater than 900 mm from any side or rear boundary.</p>	<p>600 mm high retaining walls within 900 mm from the side boundary.</p>	Yes
<p>The height and design of any proposed fence on top of a retaining wall must be included in the consideration of the overall height of the fence and retaining wall.</p>	<p>The height of the side boundary fence on top of the retaining wall has been considered and would have an overall height of 2.4 m.</p>	Yes
<p>Open window face type retaining walls must not be permitted within 1.5 m of an adjoining property boundary. These include crib block and</p>	<p>Open window face type retaining walls not proposed.</p>	N/A

Menangle Park Precinct Development Control Plan 2021		
Requirement	Proposed	Compliance
similar type walls that permit the free flow of solid material through the wall.		
Any retaining wall proposed directly on or within 450 mm from a side boundary (irrespective of being within the front or rear yard) must provide the written consent of the adjoining affected land owner at the time any development application is lodged with Council. The written consent should agree to not only the lodgement of the development application but to agree to the creation of any easements created over the land for the purpose of access and maintenance of the proposed retaining walls.	The Landscape Plan proposed a retaining all within 450 mm of the eastern property boundary. The application was not accompanied by the written consent of the adjoining affected land owner.	No – see discussion below.

Eaves

Section 5.2.1(8) of the Menangle Park DCP requires dwellings to be provided with 450 mm wide eaves to provide sun shading, protect windows and doors, and provide aesthetic interest. The control allows alternative solutions to eaves, providing appropriate sun shading is provided to windows and a high level of architectural merit is displayed.

The applicant has requested a variation to control, and has provided the following reasoning:

- The absence of eaves complements the architectural style of the building.
- The dwelling achieves the requirements of the BASIX Certificate despite the non-compliance with the control.

In relation to providing sun shading to windows, it is considered the covered alfresco adjoining the northern façade would offer a level of sun shading to the ground floor living room area and provide an acceptable level of internal amenity for occupants.

The majority of sun received on the western façade would be limited to windows of non-habitable rooms comprising fixed glass stairways and corridors.

A recommended condition has been included requiring habitable room windows to be fitted with shutters, blinds, curtains or the like.

In this regard, the applicant's request for a variation to the control is considered capable of being supported in this instance.

Garage setback

Section 5.2.7(4) of the Menangle Park DCP requires the garage to be setback a minimum 1 m behind the front façade of the dwelling.

Numerically the proposed design does not comply with this standard as the garage of the proposed dwelling house is only setback 300 mm from the front façade of the dwelling. The main bedroom is situated directly above the garage.

While the garage is not positioned 1 m behind the front façade of the dwelling, the garage is however, recessed 300 mm into the façade, and the front porch extends 840 mm forward of the face of the garage, which includes a rendered brick column.

On review, it is considered the alternate design methods of recessing of the garage and articulating the front porch, adequately reduces the visual impact and dominance of the garage on the streetscape. In this regard, the non-compliance with the numerical standard is unlikely to result in a significantly negative impact on the desired visual character of the streetscape or the overall amenity of the area.

As such, a variation to the control is considered capable of being supported in this circumstance.

Retaining Wall – Adjoining Owners Consent

Section 5.2.10.2(12) of the Menangle Park DCP requires any retaining wall proposed within 450 mm from a side boundary to be accompanied by the written consent of the adjoining affected land owner at the time any development application is lodged with Council. The written consent should agree to the lodgement of the development application, and the creation of an easement for the purpose of access and maintenance of the proposed retaining wall.

The application proposes a 600 mm high retaining wall adjoining the eastern property boundary, however the application was not accompanied with the required written consent of the adjoining land owner.

On review, and in the circumstances, the need to obtain the written consent of the neighbouring land owner is considered to be unreasonable and unnecessary, as the retaining wall is only 600 mm high (at its highest point) and is not proposed to be constructed on neighbouring land.

It is also held that the proposed retaining wall is capable of being constructed, accessed and maintained entirely from within the subject site, and without any impact on the neighbouring land. As such, there is no need to create an easement over neighbouring land for the purpose of access and maintenance of the proposed retaining wall, and therefore the objective of Section 5.2.10.2(12) is deemed to be satisfied.

However, to enable the future retaining wall can be more easily maintained, and capable of being constructed and accessed from within the subject site, a recommended condition has been included requiring the retaining wall to be constructed of concrete sleepers and galvanised steel 'H' posts.

Having regard to the above, a variation to this control is recommended and is considered capable of being supported in this case.

2.7. Menangle Park Contributions Plan 2020

Council's Development Contributions Officer has confirmed that development contributions are not required to be levied for the proposed development, as contributions were previously paid for each lot by the original developer of the subdivision under a Voluntary Planning Agreement.

3. Regulations

The regulations do not prescribe any matters of relevance that require consideration in relation to determining the development application.

4. Impacts on the Natural and Built Environment

The proposal would have negligible impact on the natural environment. The site is a vacant residential allotment.

An erosion and sediment control plan would be implemented to mitigate impacts of the development from arising in the locality. Stormwater will be conveyed to Council's drainage system.

The proposal would have a positive impact on the built environment.

The proposed building design, setbacks and landscaping would complement the scale of the development, and contribute positively to the desired built form and character of the locality.

5. Social and Economic Impacts

Socially, the proposal would provide for the housing needs of the community.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development.

6. Site Suitability

The site is considered suitable for the proposed dwelling house. The land is located within an Urban Release Area and has been zoned to provide for future residential development.

The site is considered to be suitable for the proposed development with regard to development within bushfire prone land and a mine subsidence district. The site is not identified as being affected by flooding.

7. Submissions

The application was publicly notified and exhibited between 31 January 2022 and 21 February 2022. No submissions were received by Council in relation to the proposed development.

8. The Public Interest

The application is considered to have satisfactorily responded to the future desired outcomes expressed in the environmental planning instruments and development control plan, and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

Conclusion

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Subject to the recommended conditions, the proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies, including *Coal Mine Subsidence Compensation Act 2017*, SEPP (Building Sustainability Index: BASIX) 2004, SEPP (Resilience and Hazards) 2021 and Campbelltown Local Environmental Plan 2015.

Subject to the recommended conditions, the proposed development is deemed to satisfy Planning for Bushfire Protection 2019.

The variations to the Menangle Park Precinct Development Control Plan 2021 in relation to eaves, garage setback and retaining wall would have a negligible environmental impact or the desired amenity of the local area and are capable of being supported in this instance.

The design of the development would provide a high level of residential amenity for occupants, and the built form would contribute positively to the desired future character of the residential estate.

Overall, the site is considered to be suitable for the proposed dwelling house subject of this development application.

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

Attachments

1. Recommended Conditions of Consent (contained within this report) [↓](#)
2. Subsidence Advisory Approval (contained within this report) [↓](#)
3. Architectural Plans (Due to confidentiality)(distributed under separate cover)
4. Floor Plans (Due to confidentiality)(distributed under separate cover)
5. Landscape Plan (Due to confidentiality)(distributed under separate cover)

Reporting Officer

Executive Manager Urban Release and Engagement

ATTACHMENT 1
189/2022/DA-DW
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	Drawing Number	Issue	Author	Dated
Site Plan	2	E	Rawson Homes	26.07.21
Ground Floor	3	E	Rawson Homes	26.07.21
First Floor	4	E	Rawson Homes	26.07.21
Elevations 1-2	5	E	Rawson Homes	26.07.21
Elevations 3-4	6	E	Rawson Homes	26.07.21
Roof Plan	7	E	Rawson Homes	26.07.21
Sections	8	E	Rawson Homes	26.07.21
Sediment & Analysis	11	E	Rawson Homes	26.07.21
Stormwater Plan	12	E	Rawson Homes	26.07.21
BASIX Commitments	14	E	Rawson Homes	02.11.21
Landscape Plan	-	A	Wisdom Pools & Landscapes	17.09.21

Associated Documentation:

- Document Title: Bushfire Risk Assessment Report, Author: Local Group – Craig Hardy, Reference: 9025642, Dated: December 2021.
- Subsidence Advisory NSW approval and conditions, Reference: TBA21-04787, Dated: 10 December 2021.

2. Building Code of Australia

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

3. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under section 69 of the *Environmental Planning and Assessment Regulation 2021*, subject to the terms of any condition or requirement referred to in section 69(6) of that regulation; or
- a. To the erection of a temporary building.

4. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the appointed Principal Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - i. The name of the insurer by which the work is insured under Part 6 of that Act.
- a. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - i. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the appointed Principal Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.

5. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. The garage door must have a solar absorption rate equal to or below 0.65, and be visually recessive in colour. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

6. Subsidence Advisory NSW

The development must be undertaken in accordance with the approval and conditions issued by Subsidence Advisory NSW.

7. Swimming Pool

Separate consent is required to be obtained for any swimming pool, pool filtration and sanitation equipment, and heat pump.

8. Air Conditioning Noise

The air conditioning unit must not generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm, and noise is not to exceed background levels during the hours 10.00pm to 7.00am

9. Easement to Drain Water 1.5 wide (C)

Pots/planter boxes, screening and decking is not permitted to be installed within the Easement to Drain Water 1.5 wide (C).

10. Easement for Access & Maintenance 0.9 wide (D)

Panelling is not permitted to be attached to the retaining wall within the Easement for Access & Maintenance 0.9 wide (D) to facilitate the inspection and maintenance of the retaining wall.

11. 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.

12. Bushfire Protection

The development must comply with the recommendations of the Document Title: Bushfire Risk Assessment Report, Author: Local Group – Craig Hardy, Reference: 9025642, Dated: December 2021.

13. Air Conditioning Unit – Noise

The air conditioning unit must not generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm, and noise is not to exceed background levels during the hours 10.00pm to 7.00am

14. Night Sky Protection

Spotlighting on landscaping and foliage must not exceed 150 watts incandescent. Lamps must be shielded and not create disabling or nuisance glare.

15. Shading

Habitable room windows shall be fitted with shutters, blinds, curtains or the like.

16. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer.

17. Driveway

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

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

18. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's "Engineering Design Guide for Development" (*as amended*) and the applicable *Development Control Plan*.

19. Rain Water Tank(s)

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

20. Shoring and Adequacy of Adjoining Property

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

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

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

21. Construction Certificate

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

- a. The applicant shall obtain a construction certificate for the particular works;
- a. The applicant shall appoint a Principal Certifier; and
- b. The appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

22. Landscape Plan

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the Landscape Plan must be amended to include the following:

- a. Mature height of plantings.
- b. Two trees with a with a minimum pot size of 60L when planted, capable of growing between 4-6m in height at maturity.
- c. Turfing of the swimming pool area (the swimming pool was not proposed and approved within this application).
- d. The green wall adjoining the eastern property boundary must not exceed the height of adjoining fence.
- e. All retaining walls must be constructed of concrete sleepers and galvanised steel 'H' posts.

The landscape design shall incorporate of native, low water demand plans consistent with Campbelltown City Council's Native Gardening Guide.

23. Bushfire Construction – 88B Restriction

Prior to Council or the appointed Principal Certifier issuing a construction certificate, details must be submitted to the Principal Certifier demonstrating the building has been designed in accordance with the measures and controls contained within the Bushfire Attack Level (BAL) Plan prepared by EcoLogical Pty Ltd, dated 25-07-2018.

24. Footing/Foundation – 88B Restriction

Prior to Council or the appointed Principal Certifier issuing a construction certificate, details must be submitted to the Principal Certifier demonstrating the footing/foundations have been designed by a practising qualified Civil/Structural Engineer based on geotechnical advice in the form of a report prepared by a laboratory registered with the National Association of Testing Authorities (NATA).

Additionally, the development must be designed in accordance with the Australian Standard AS2870 – Residential Slabs and Footings.

25. 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 applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the appointed Principal Certifier issuing an occupation certificate.

26. Sydney Water

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

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

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

27. Driveway Crossing and S138 Roads Act 1993 Approval

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.

Prior to Council or the Principal Certifier issuing a construction certificate, a Section 138 Roads Act 1993 applications, including payment of application fees and inspection fees, shall be lodged with Campbelltown City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings);
- a. Road opening for utilities and stormwater (including stormwater connection to Campbelltown City Council road and other Campbelltown City Council owned drainage); and
- b. Road occupancy or road closures.

All works shall be carried out in accordance with the *Roads Act 1993* approval, the development consent, including the stamped approved plans, and Council's Residential Vehicle Crossing Specification, guidelines and best engineering practice.

28. Stormwater Management Plan

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

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to easement to drain water adjoining the rear property boundary.

The Stormwater Management Plan must take into account surface water drainage to prevent the accumulation of water, and retaining walls be provided with agricultural drainage lines connected to the stormwater system.

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

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.

29. 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.

30. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- a. Stating that unauthorised entry to the work site is prohibited;
- b. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- c. Stating the approved construction hours in which all works can occur; and
- d. Showing the name, address and telephone number of the appointed Principal Certifier for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Stamped plans, specifications, a copy of the Development Consent, the construction certificate and any other certificates to be relied upon shall be available on the site at all times during construction.

31. Toilet on Construction Site

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

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

32. 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.

33. Vehicular Access during Construction

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

34. Public Property

Prior to the commencement of any works on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) 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.

35. Fencing

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

36. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm;
Saturday	8.00am to 5.00pm; and
Sunday and public holidays	No Work.

37. Erosion and Sediment Control

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

38. 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.

39. Excavation and Backfilling

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

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

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

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

40. 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.

41. Excess Material

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

42. Imported 'Waste-Derived' Fill Material

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

43. Garage Door

Prior to the appointed Principal Certifier issuing an occupation certificate, the garage door must have a solar absorption rate equal to or below 0.65.

44. 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.

45. Completion of External Works Onsite

Prior to the appointed Principal Certifier issuing a final occupation certificate, all external works, landscaping, fencing and retaining walls to be completed to the satisfaction of the appointed Principal Certifier.

Driveways, replacement/relocation of any street trees and rectification of any public areas are to be completed prior to the issue of an occupation certificate.

46. Public Utilities

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

47. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

48. 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 4000.
- a. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- b. Give Council at least two days notice prior to the commencement of any works.
- c. Have mandatory inspections of nominated stages of the construction inspected.
- d. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Covenants

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

Advice 3. Inspection Within Public Areas

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

Advice 4. 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.

Advice 5. Rain Water Tank

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

Advice 6. 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 7. 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.

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE

END OF CONDITIONS



Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

24 Hour Emergency Service: 1800 248 083 (Free Call)

Our Ref: TBA21-04787

Mikayla Sawyers

Dear Mikayla

**PROPOSED DWELLING AT PROPOSED LOT 1176
39 HALWES AVENUE MENANGLE PARK**

I refer to the building application for the above property.

Subsidence Advisory NSW has reviewed the information provided and determined to issue approval of this building application, subject to Conditions 1 to 5 as detailed below:

- Condition 1.** Prior to construction, a copy of the final plans are submitted to Subsidence Advisory NSW and signed off by the assessing officer.
- Condition 2.** Dwelling to be erected on reinforced concrete footings/slabs, designed and constructed to comply with AS 2870 for a **minimum Class H2** site ignoring Class "P" for a Mine Subsidence site.
- Condition 3.** Architectural plans submitted to Subsidence Advisory NSW for approval must show the location and detailing of articulation/control joints in brickwork taking into consideration the requirements of AS4773.
- Condition 4.** The gradients on wet area floors, roof gutters and drainage shall be increased to ensure that they remain serviceable when subjected to 7mm/m tilts.
- Condition 5.** Flexible joints in pipes shall be designed in accordance with AS2870 to minimum H2 site classification specifications to accommodate curvature in any plane, coupled with tensile or compressive strain. Branches, bends and valve stems shall be protected by flexible wrapping or shrouds to prevent shearing of the pipes as ground movement occurs. Flexible joints shall be provided where pipes are connected to chambers or gullies.

Please note this approval expires five years after the date the approval was granted if construction work has not physically commenced.

If you have any questions regarding this approval, please contact our office on (02) 4908 4300.

Yours sincerely

Senior Advisor Residential Subsidence Regulation
10 December 2021

5. CONFIDENTIAL ITEMS

5.1 Planning Proposal - Campbelltown

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(f) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:-

details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

PO Box 57, Campbelltown NSW 2560

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F 02 4645 4111

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