



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

23 MARCH 2022

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held via Microsoft Teams on **Wednesday, 23 March 2022 at 3 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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- 4.1 Subdivision of one existing allotment to create 18 Torrens title residential allotments and one residue lot for landscaping, including the removal of trees, bulk earthworks, construction of a new road, stormwater drainage, retaining walls and pedestrian access to the Scenic Hills

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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 Subdivision of one existing allotment to create 18 Torrens title residential allotments and one residue lot for landscaping, including the removal of trees, bulk earthworks, construction of a new road, stormwater drainage, retaining walls and pedestrian access to the Scenic Hills

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 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the consent authority for the subject development application is the Campbelltown City Council Local Planning Panel, as the development contravenes a development standard imposed by an environmental planning instrument by more than 10 per cent.

Executive Summary

- The land is situated within the Southwest Growth Centre, and is located on the corner of Leppington House Drive and Pimelea Avenue. The site is located on the western edge of the Scenic Hills.
- The application proposes the subdivision of land to create 18 residential lots, one residue lot and associated civil works, including the removal of trees, bulk earthworks, construction of a new road, stormwater drainage, retaining walls and pedestrian access to the Scenic Hills.
- The site is zoned R2 Low Density Residential and E3 Environmental Management under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).
- General Terms of Approval have been issued from NSW Rural Fire Service.
- The land is subject to a Biodiversity Certification Agreement (BCA), and biodiversity certification has been conferred on the land under Section 126G(1) of the Threatened Species Conservation Act (TSC Act).
- The application was accompanied by a clause 4.6 exception to the minimum residential dwelling density development standard.

- The written request seeks a variation to the minimum required residential density of 15 dwellings per hectare. The proposed subdivision would provide for a minimum residential density of 12.5 dwellings per hectare.
- The proposal, subject to conditions, is generally consistent with the Campbelltown Growth Centre Precincts Development Control Plan.
- The land is subject to a Local Voluntary Planning Agreement between Council and the landowner. The land is subject to Special Infrastructure Contributions payable to the NSW Department of Planning and Environment.
- The application was publicly notified and one submission objecting to the proposed development was received.

Officer's Recommendation

That development application 1676/2021/DA-SW for the subdivision of one existing allotment to create 18 Torrens title residential allotments and one residue lot for landscaping, including the removal of trees, bulk earthworks, construction of a new road, stormwater drainage, retaining walls and pedestrian access to the Scenic Hills at Lot 6189 Leppington House Drive, Denham Court 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 6189 Leppington House Drive, Denham Court Lot 6189 DP 1238897
Application No	1676/2021/DA-SW
Applicant	Sandy So
Owner	Stockland Development Pty Ltd
Provisions	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Campbelltown Growth Centres Development Control Plan 2013
Date Received	31 May 2021

History

On 21 June 2019 development application 3953/2017/DA-SW was approved by Council for "subdivision to create 188 residential allotments and one superlot and associated civil works - Stage 13 Willowdale". The approval comprised Stages 13A, 13B and 13C.

The Site and Locality

The subject site is known as Stage 13D, and is located on the corner of Leppington House Drive and Pimelea Avenue.

The site is irregular in shape and has an area of 14,580 m². Site levels vary from RL 112.42 to RL 128.59 generally from west to east.

The site is predominantly cleared of vegetation and contains a drainage channel.

The majority of trees on site adjoin the southern property boundary.

A sealed footpath/cycleway adjoins both street frontages.

The site is mapped as being located within bushfire prone land and containing potential Koala habitat.

The site adjoins residential dwellings to the north and east, the Scenic Hills Area and Lookout Point to the east, and the Former Leppington Farm House to the south.

The Former Leppington Farm House is recognised as a heritage item of 'Potential State' significance under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 due to its archaeological potential.

Willowdale Shopping Plaza is situated approximately 1.2 km to the north-west, and Edmondson Park Railway Station is situated approximately 3.5 km to the north-east.

The M31 Motorway and Camden Valley Way are generally located to the east and west, respectively.

The Proposal

The proposed development seeks consent for the following works:

- Removal of 18 trees (5 retained)
- Implementation of erosion and sediment control measures
- Earthworks, ground contouring and construction of retaining walls
- Construction of a new road, cul-de-sac, footpaths, vehicle crossovers and stormwater drainage pipes
- Construction of pedestrian stairs towards the Major Ridgeline of the Scenic Hills Area

- Street tree planting
- Subdivision to create 18 Torrens title residential allotments and creation of 1 residue lot

The land subject to this application has been 'biodiversity certified' pursuant to the TSC Act, under which no further assessment or consideration of the developments impacts on biodiversity values is required.

The proposed road is 14.1 m wide, including a 9 m wide carriageway and 1.2 m wide footpath.

Stormwater drainage pipes would be provided within the proposed street network and easements to drain water would be created through residential lots.

A temporary sediment basin would be formed to manage the downstream runoff of soil and water during construction.

The proposed residential lots areas vary in area between 389.5 m² – 634 m².

The proposed residue lots has approximate area of 3,900 m².

The application proposes to excavate approximately 19,734 m³ of material, of which 4,291 m³ will be used as fill within the development site.

Report

1. Vision

1.1 Greater Sydney Regional Plan

The Greater Sydney Region Plan (GSRP), is built on a vision of 3 cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. In the transformation of Greater Sydney, the needs of a growing and changing population have been broken into 3 metropolis cities:

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

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

The proposal is consistent with the GSRP as Denham Court is located within the South West Growth Area which is identified by the GSRP as a land release area proximate to the emerging centres of Leppington and Oran Park.

1.2 Western City District Plan

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

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release areas and urban renewal of existing areas close to existing centres. The proposed development will provide 18 residential allotments for a range of housing choices.

1.3 Local Strategic Planning Statement

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

The LSPS responds to a number of key strategic documents produced by the Federal and NSW State Governments, as well as by Council, to provide a 20 year land use vision for the Campbelltown LGA. The LSPS delivers 4 key themes, which are consistent with the Council's Community Strategic Plan.

The themes that are most relevant to the proposed development are:

1. A vibrant, liveable city

The planning priorities, within this theme, that is applicable to the proposed development are:

- Planning Priority 1 – Creating a great place to live, work, plan and visit.

The proposed development provides will create residential allotments proximate access to the Scenic Hills Area.

1.4 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 is located within a residential zone and responds appropriately to the Scenic Hills Area, Biodiversity Certification Agreement and Former Leppington Farm House.

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. Rural Fires Act 1997

Section 100B of the *Rural Fires Act 1997* requires a bushfire safety authority for a subdivision of bushfire prone land for residential purposes, or development of bushfire prone land for a special fire protection purpose.

The proposed development involves the subdivision of land for residential purposes. The development application has been lodged as integrated development within the meaning of Section 4.46 of the EP&A Act.

The NSW RFS issued General Terms of Approval on 27 July 2021 which have been included within the recommended conditions of consent.

2.2 Biodiversity Conservation (Savings and Transitional) Regulation 2017

The land subject to this application has been biodiversity certified.

On 11 December 2007, Minister Assisting the Minister for Climate Change, Environment and Water (Environment) issued an Order conferring biodiversity certification on State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) for the purposes of the TSC Act.

The Order was made under section 126G(1) of the TSC Act.

Section 43(1) of Biodiversity Conservation (Savings and Transitional) Regulation 2017, contains provisions for the preservation of biocertification of Sydney Region Growth Centres SEPP, and confirms the repeal of the TSC Act does not affect the operation of Part 7 or 8 of Schedule 7 to that TSC Act.

Schedule 7, Part 7 Clause (19)(1) of the TSC Act provides that Section 126l applies to the subject land in the same way it applies to biodiversity certified land referred to in that section.

Section 126l of the Act provides the effect of biodiversity certification:

- (2) Development under Part 4 of the EP&A Act Development on biodiversity certified land is taken, for the purposes of Part 4 of EP&A Act, to be development that is not likely to significantly affect any threatened species, population or ecological community under this Act, or its habitat.
- (3) A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the EP&A Act, is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the EP&A Act or any regulation or instrument made under that Act).

Comment: For the purposes of the TSC Act, biodiversity values includes the composition, structure and function of ecosystems, and includes (but is not limited to) threatened species, populations and ecological communities, and their habitats.

With respect to the above provisions, the Panel is not required to assess and consider the likely impact of the development on animal and plant life, including but not limited to Koalas and vegetation.

Impacts to animal and plant life were however considered during the biodiversity certification process during which offsets were secured to maintain and conserve biodiversity.

In this regard, an assessment of the proposal against Chapter 4 Koala Habitat Protection 2021 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 and Council's Comprehensive Koala Plan of Management is not required.

2.3 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

The application was accompanied by a Summary of Contamination Investigations prepared by Douglas Partners. The summary provides findings of prior contamination investigations relevant to the site.

The summary finds the site is suitable from a contamination perspective for the proposed development. The subject site does not contain any soil stockpiles which require assessment, and no areas of environmental concern were recorded within the subject site.

The summary recommends the implementation of an Unexpected Finds Protocol to manage any unexpected potential contamination issues encountered during works.

Having regard to the Summary of Contamination Investigations and its findings, it is considered the land is not contaminated, and is suitable for future urban development uses.

2.4 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

On 1 March 2022, Growth Centres SEPP was repealed and included within State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Precincts SEPP).

In accordance with the savings provision, the development application must be determined as if the Precincts SEPP had not commenced, as the application was lodged before the

commencement of the Precincts SEPP, and not finally determined before the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Savings) 2022.

Accordingly, the proposed development has been assessed under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

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

The land subject to the proposed development contains 2 land use zones under the provisions of SEPP Growth Centres. The proposal is considered consistent with the applicable objectives discussed below:

Zone R2 Low Density Residential

- To provide for the housing needs of the community within a low density residential environment.

Comment: The proposed development would deliver 18 residential allotments that would provide for the housing needs of the community within a low density residential environment.

Zone E3 Environmental Management

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To set aside certain land as protected scenic environment.
- To ensure that such land will remain a rural environment providing visual contrast to the urban areas of Campbelltown.
- To ensure that the residents of Campbelltown will continue to have views of, and access to, a rural environment.

Comment: The proposal involves the construction of pedestrian stairs within the E3 zoned land which would lead to a future proposed Scenic Hill Trail to be undertaken by the applicant as part of a future application. The remainder of the E3 zoned land in the site would be set aside as protected scenic environment. With the exception of the stairs, the remainder of the E3 zoned land would remain a rural environment providing visual contrast to nearby surrounding urban areas. The proposed stairs would not adversely impact views and would ensure that residents will have future access to a rural environment.

With regard to the pedestrian stairs, the applicant has advised the level change from the footpath to the top of the stairs is over 3 m in height, and the slope would be too steep for an access ramp in this location with a compliant gradient of 1:14. The applicant has advised that alternate pedestrian routes to the Scenic Hill Trail will be provided from Leppington House Park which adjoins the site that will comply with access requirements for people with a disability.

Subdivision

Pursuant to Clause 2.6 of SEPP Growth Centres, land may be subdivided, but only with development consent.

Comment: Development consent is sought for the proposed subdivision.

Minimum lot size

Pursuant to Clause 4.1(3) of SEPP Growth Centres, the size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Comment: There is no minimum size shown the Lot Size Map in relation to the land.

Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

Pursuant to Clause 4.1AB(3) of SEPP Growth Centres, the minimum lot size for a dwelling house is 300 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 25.

Comment: The dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15. The proposed residential allotments have areas between 389.5 m² – 634 m² and comply with this provision.

Residential density

Pursuant to Clause 4.1B(3) of SEPP Growth Centres, the density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land. In this clause:

Comment: The dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15. The net developable area of the land is 1.4 h.

The applicant has calculated the subdivision would create a residential density of 12.5 dwellings per hectare, which is less than the minimum required 15 dwellings per hectare mapped for the land. Accordingly, a Clause 4.6 variation has been requested and is detailed below.

4.6 Exceptions to development standards

The applicant has submitted a clause 4.6 variation seeking a 17 per cent variation to the minimum density of residential development under Clause 4.1B(3) of SEPP Growth Centres.

Under Clause 4.6(2) of SEPP Growth Centres, 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.

Comment: The Panel may grant development consent to a contravention of the minimum dwelling density development standard as it is not excluded from operation of this clause.

Pursuant to Clause 4.6 (3) of SEPP Growth Centres, 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: The proposed contravention to the development standard was accompanied by a written request from the applicant. In demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, the applicant's written request finds that:

- The objectives of the standard are achieved notwithstanding non-compliance with the Standard
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The applicant's written request demonstrates there are sufficient environmental planning grounds to justify contravening the development standard. The applicant's written request is provided as attachment 2 to this report.

In demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, the applicants written submission outlines how the objectives of the standard are achieved notwithstanding non-compliance with the standard.

The objectives of the residential density standard, and the applicant's submission, are provided below:

- (a) to establish minimum density requirements for residential development, and

Applicant's submission: This objective primarily has a descriptive administrative purpose as opposed to a required environmental outcome. Despite this, the proposed variation does not compromise the environmental outcome intended to be achieved for the standard as discussed below.

- (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

Applicant's submission: To provide for the achievement of this objective, clause 4.1B sets out a methodology to calculate the density of certain types of housing that could be achieved with the development of residential zoned land. An underlying intent is to ensure that an adequate number of dwellings and population would be accommodated across different parts of the

Precinct to make use of the infrastructure that will be provided to service these areas. This infrastructure comes at a cost and is delivered with a combination of public and developer funds. Accordingly, there is an implicit aim to ensure that enough housing is delivered to justify the cost of providing this infrastructure.

Clause 4.1B seeks to ensure a minimum number of dwellings and population would be accommodated across different parts of the Precinct so that the land is efficiently used. This allows for the planning of the Precinct with confidence that there will be adequate housing and population to use and support the facilities and services such as open space, drainage infrastructure, transport facilities and commercial and community facilities that are to be delivered.

The clause seeks to apply a minimum residential density standard to a specific range of housing forms, which are at the lower end of the residential density spectrum, being dwelling houses on minimum 300 m² lots and secondary dwellings. These forms of housing are permissible with consent in the R2 Low Density Residential zone. The proposal involves housing on lots in the range of 389 m² to 634 m².

The proposed lot sizes are a direct consequence of the topographical characteristics of the land. Any further reduction in lots sizes would require further earthworks, additional retaining wall structures and the need for split level designed housing on smaller constrained lots. This likely have visual consequences that would affect the acceptability of the development having regard to the character of the area and juxtaposition with the Scenic Hills. The current proposed subdivision for 18 lots provides an acceptable environmental outcome that balances and maximises the number of lots while addressing the site constrains.

The proposed development will contribute to the availability of new housing with 18 new dwelling houses on separate lots to be delivered across the site. A portion of the land to the middle and east is dedicated for public road and open space land as the adjoining property connects with the Ridgetop pathway. Due to the existing site contours, a sandstone feature retaining wall with landscaping and a staircase will be constructed to link the site to the Ridgetop parkland pathway.

The application of the minimum density standard on the site would require a minimum of 22 residential lots. While only 18 lots are provided this is primarily because 26 per cent of the land is designed to be dedicated for open space land.

As the site forms part of the Precinct 13, the subdivision as a whole including the site under this DA would comply with the minimum density required. The NDA of the whole of Precinct 13 (including Precinct 13D) is 10.5 hectares and with a total proposed lots of 206, this provides a residential density of 19.6 dwellings per hectare.

As such the minimum density is achieved when considered holistically across the whole of Precinct 13. Adequate housing and population will be accommodated on the site, together with a desirable low density residential environment, consistent with the planning intent for the area and the capacity of the infrastructure being provided to service the area.

- (c) to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.

Applicant's submission: The site is located on the eastern border of Willowdale Estate and East Leppington Precinct with R2 zone land to the north and west. The scale of the development reflects what is to be anticipated for land zoned in R2 Low Density. The character for the precinct focuses on small lots dwelling houses with a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings. The proposed development delivers dwelling houses on single allotments with potential to be developed with detached housing and dual occupancies products which is consistent with the planned suburban streetscape of the area. A s88B title restriction is proposed so all future dwelling designs include split level dwellings that will ensure the dwellings are not visible from Denham Court Road.

The proposed development of the site will provide for housing at a density that is compatible with the planned character of the precinct and adjoining land.

Pursuant to Clause 4.6 (4) of SEPP Growth Centres, development consent must not be granted for development that contravenes a development standard unless:

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

Comment: It is considered the Panel may grant development consent to the contravention of the development standard as the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Further, as outlined in the applicant's submission, 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.

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

2.6 Campbelltown Growth Centres Development Control Plan 2013

The proposed development has been assessed against the relevant development controls of the Growth Centre Precinct Development Control Plan (Growth Centres DCP).

Part 2 – Precinct Planning Outcomes

Part 2 of Growth Centres DCP contains controls for Precinct Planning Outcomes. Compliance with the relevant controls is outlined in the table below:

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
Indicative Layout Plan		
All development applications are to be generally prepared in accordance with the Indicative Layout Plan.	Low density residential subdivision generally consistent with Indicative Layout Plan.	Yes
Flooding		
The pattern of subdivision is to ensure that no new dwelling is required to be located within the post-development 1% AEP flood extent shown on the Flood Prone Land Figure (refer to Figure 2-2).	The site is not mapped as being located on flood prone land in Figure 2-2.	Yes
Water cycle management		
Stormwater within new subdivisions is to be managed through a gravity network of pipes and overland flows generally following streets where flow volumes exceed the capacity of pipes.	Stormwater managed through gravity network of pipes. Overland flow conveyed to street network.	Yes
Where development on land affected by local runoff or local overland flooding - major drainage is proposed, it must be designed in accordance with Council's Engineering Design Guide for Development.	Stormwater network and temporary sediment basin to manage local runoff and overland flow to be designed in accordance with Council's Engineering Design Guide for Development.	Yes
Salinity and soil management		
Salinity shall be considered during the planning, design and carrying out of earthworks, rehabilitation works and during the siting, design and construction of all development including infrastructure: <ul style="list-style-type: none"> To protect development and other works from salinity damage; and To minimise the potential impacts that development and other works may have on salinity. 	The application was accompanied by a salinity investigation and management plan prepared by Douglas Partners. The soils are slightly saline. A salinity management plan would be implemented to mitigate potential salinity impacts from arising.	Yes
All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development. Soil and Water Management Plans, prepared in accordance with Managing Urban	Erosion and sediment control submitted. A recommended condition has been included requiring a Soil and Water Management Plan to be implemented, prepared in accordance with The Blue Book.	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
Stormwater - Soils and Construction (Landcom 3rd Edition March 2004 ('The Blue Book') are to be submitted with each subdivision development application.		
Native vegetation and ecology		
1. Native trees and other vegetation are to be retained where possible by careful planning of subdivisions to incorporate trees into areas such as private allotments, the public domain or within road reserves.	Four trees located on the southern property boundary proposed for retention. All other trees are proposed for removal. Tree removal is permitted in accordance with Biodiversity Certification Agreement. All impacts to native vegetation will be offset in accordance with the requirements of the BCA.	Yes
Bushfire Hazard Management		
Reference is to be made to Planning for Bushfire Protection in subdivision planning and design, and development is to be consistent with Planning for Bushfire Protection.	The application was accompanied by a Bushfire Protection Assessment prepared by EcoLogical. Subdivision design has regard to Planning for Bushfire Protection.	Yes
Site Contamination		
Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made suitable, for the proposed use. Remediation works identified in any RAP will require development consent prior to the works commencing.	The application was accompanied by a Summary of Contamination Investigations prepared by Douglas Partners. The site is suitable from a contamination perspective for the proposed development.	Yes
Noise		
Development will require an acoustic report where it is in a location such as: <ul style="list-style-type: none"> • Adjacent to an arterial road and/or sub-arterial roads; • Potentially impacted upon by a nearby employment area; or • Potentially impacting upon sensitive receivers such as residences within the precinct and outside the precinct. 	Development not adjacent to arterial roads, employment areas, or other significant noise sources.	N/A
Odour Assessment and Control		
Where land is deemed by Council to be affected by an odour source Council will consider whether the type of development in this area is	Land not deemed to be affected by an odour source.	N/A

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
appropriate and will also consider the need for the applicant to provide additional supporting information with the development application.		
Demolition		
A Waste Management Plan (WMP) is to be submitted with the development application. The WMP must include volume or area estimates and information about reuse, recycling and disposal options for all types of waste produced on-site, including excavation materials.	The application was accompanied by a Waste Management Plan. The application proposes to excavate 19,734 m ³ of material, of which 4,291 m ³ will be used as fill within the development site.	Yes
Crime Prevention through Environmental Design		
All developments are to incorporate the principles of Crime Prevention Through Environmental Design (CPTED). Development applications for subdivision, public open space and community facilities may require a formal crime risk (CPTED) assessment.	Subdivision design consistent with principles of Crime Prevention Through Environmental Design. Crime risk assessment not considered to be required for vacant allotments and retaining walls.	Yes
Earthworks		
Subdivision and building work is to be designed to respond to the natural topography of the site and wherever possible, minimise the extent of cut and fill.	Subdivision design responds to natural topography of the site.	Yes
Subdivision and building work shall be designed to ensure minimal cut and fill is required for the building construction phase of development.	The application was accompanied by cross sections showing indicative levels of cut and fill for future dwelling houses on the land.	Yes
The applicant is to demonstrate:	The plans show:	
<ul style="list-style-type: none"> what the proposed finished surface levels and gradients will be for the site, 	finished surface levels and allotment gradients,	Yes
<ul style="list-style-type: none"> how these finished levels are integrated with nearby land, and 	how finished levels integrate with nearby land, and	Yes
<ul style="list-style-type: none"> that the finished levels are consistent with the drainage strategy contained within the overall 	finished levels are consistent with the drainage strategy and water cycle management plan for the precinct.	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
water cycle strategy for the precinct.		
Preliminary building pad levels are to be constructed at the subdivision stage of development where site slopes exceed 5.0%.	Earthworks and retaining walls form preliminary building pads.	Yes
All retaining walls on the boundaries of proposed lots are to be identified and proposed as part of the respective subdivision development application.	Retaining walls on boundaries form part of this subdivision development application.	Yes
The maximum height of retaining walls to be constructed on the boundaries of proposed residential lots is 600mm.	Retaining walls constructed within boundaries of residential lots.	N/A
Where retaining walls are in proximity to or on property boundaries or adjacent to infrastructure such as drainage lines, a section 88B instrument is to create an easement for support on the subject lot and adjoining land.	Max. 3 m high retaining walls adjacent to lot boundaries to be managed under s88B to create an easement for support on the subject lot and adjoining land.	Yes
All retaining walls that are proposed as part of a subdivision or early works shall be designed by a practicing Structural Engineer and be of masonry construction.	Retaining walls to be designed by a practicing Structural Engineer and be of masonry construction.	Yes
Retaining walls that front a public place are to be set back to allow screen planting in front of the walls.	Retaining walls within the E3 zoned land area terraced to allow screen planting in front of the walls.	Yes
Boundary retaining walls are to be designed and constructed to allow for installation of boundary fencing without impact on the structural soundness of the retaining wall and its footings.	Section plan has regard to a retaining wall with a 1.8m fence high boundary fence.	Yes
Development on land having a natural gradient of 1:6.7 (15%) or greater shall not be approved	Land has a natural gradient greater than 15%. While the application was not	Satisfactory

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
unless a geotechnical study that includes guidelines for structural and engineering works on the land has been considered by Council.	accompanied by a geotechnical study, Council's Senior Development Engineer is satisfied this a geotechnical study can provided and considered prior to the issue of a subdivision works certificate.	

Part 3 – Neighbourhood and Subdivision Design

Part 3 of Growth Centres DCP contains controls for Neighbourhood and Subdivision Design. Compliance with the relevant controls is outlined in the table below:

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
Residential Density		
All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	The application for residential subdivision does not meet the minimum residential density requirements of the Precinct Plan, and was accompanied by a clause 4.6 exception to the development standard.	Variation considered acceptable.
Residential development is to be generally consistent with the residential structure as set out in Figure 3-2: Residential Structure, and the typical characteristics of the corresponding Density Band in Table 3-1.	Figure 3-2 maps the area as 'low density residential'. The proposal is generally consistent with the Density Band in Table 3-1 and would provide lots for future detached dwelling houses, semi-detached dwellings, dual occupancies, and some secondary dwellings in a suburban streetscape with high amenity.	Yes
Block and Lot Layout		
Subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and site features, place making opportunities and solar design principles.	Subdivision layout is legible and responds to the natural topography. Allotments will have opportunities for solar access.	Yes
Pedestrian connectivity is to be maximised within and between each residential neighbourhood	The pedestrian pathway will connect to the pedestrian pathway fronting Pimelea	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
with a particular focus on pedestrian routes connecting to public open space, bus stops and railway stations, educational establishments and community/recreation facilities.	Avenue and provide linkages to nearby open space and facilities.	
Street blocks are to be generally a maximum of 250 m long and 70 m deep. Block lengths in excess of 250 m may be considered by Council where pedestrian connectivity, stormwater management and traffic safety objectives are achieved. In areas around neighbourhood and town centres, the block perimeters should generally be a maximum of 520 m (typically 190 m x 70 m) to increase permeability and promote walking.	Street block does not exceed 250 m long and 70 m deep. The site is not around the local centre.	Yes
Lots		
Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 3-2. In certain density bands, variations to some lot sizes may be possible subject to clauses 4.1AD, 4.1AE and 4.1AF in the Sydney Region Growth Centres SEPP.	Lot sizes comply with Growth Centres SEPP. 300 m ² required for a dwelling house, 500 m ² for a dual occupancy, 200 m ² for a semi-detached dwelling.	Yes
Minimum lot frontages applying to each density band will comply with Table 3-3. Lot frontage is measured at the street facing building line as indicated in Figure 3-4.	All lots satisfy the minimum lot width of 9 m.	Yes
A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	Residential lot areas range between 389.5 m ² – 634 m ² . The lots will offer a mix of housing types and dwelling sizes to create future character.	Yes
In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in any	All lots have a frontage greater than 10 m when measured at the building façade line. Under the Growth Centres DCP, lot	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
one street block may have a frontage of less than 10 m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control.	frontage is measured at the building façade line.	
Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Lots are generally rectangular. All lots are adequate in size and appropriately oriented to accommodate a future dwelling house.	Yes
Corner Lots		
Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Two corner lots, including splays and driveway locations indicate compliance with AS2890 and Council's Engineering Specifications.	Yes
Corner lots are to be designed to allow dwellings to positively address both street frontages as indicated in Figure 3-8.	The design of the corner lots will allow future dwellings to positively address both street frontages.	Yes
Garages on corner lots are encouraged to be accessed from the secondary street or a rear lane.	The indicative garage location of one corner lot is accessed from the primary street. The indicative driveway location is setback at least 6 m from the tangent point.	Satisfactory
Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	No existing or proposed substations or sewer man holes shown on plan of subdivision. It is likely that such infrastructure, if required will be located within setback areas or sited appropriately so to not adversely impact on the future development of the corner lots.	Satisfactory
Street Layout and Design		
The design and construction of streets in East Leppington is to be generally consistent with the relevant typical designs in Figure 3-12 to Figure 3-16 and Council's Engineering Design Guide.	Street design is generally consistent with Figure 3-15 and Council's Engineering Design Guide.	Yes
Street trees are to be provided with a minimum spacing of one tree for each residential lot, or one tree per 10 metres of road, whichever spacing is the greater.	Street trees provided for each residential lot, with the exception of lot 6197 at the head of the cul-de-sac. Notwithstanding, the road is approximately 140 m long, and	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
	16 additional street trees are proposed.	
Pedestrian and Cycle Network		
Pedestrian and cycle pathways that are within road verges or carriageways are to be constructed as part of the road construction works for each subdivision.	Pedestrian pathway in road reserve to be constructed as part of the subdivision works.	Yes
Open Space Network		
Significant trees and remnant native vegetation are to be retained in open space wherever possible.	Four remnant trees to be retained. All other trees to be removed under the Biodiversity Certification Agreement.	Yes
Construction Environmental Management		
A Construction Environmental Management Plan (CEMP) is to be submitted to Council or the accredited certifier and approved prior to the issue of a construction certification for subdivision.	Condition of consent to comply prior to issue of a subdivision works certificate.	Yes

Part 6 – Site Specific Controls

Part 6 of Growth Centres DCP contains Site Specific Controls. Compliance with the relevant controls is outlined in the table below:

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
Scenic Hills and Associated Visual Impacts		
Any development within the 'Lands associated with the Scenic Hills' and 'Ridge Sensitivity Zone' must demonstrate that it will not result in adverse impacts on the visual and scenic quality of the Scenic Hills Area particularly when viewed from the portion of Denham Court Road as identified in Figure 6-1.	Residential subdivision proposed within 'Lands associated with the Scenic Hills' and retaining walls proposed within the 'Ridge Sensitivity Zone'. The applicant proposes to create an s88B title restriction requiring split level dwelling designs to ensure future dwellings will not adversely impact on scenic quality, and not be visible from Denham Court Road. The terraced retaining walls with vegetated areas are considered to be compatible	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
	with the future open space and recreational setting of the Ridge Sensitivity Zone.	
Where land is of a gradient of more than 1 in 6 (16%) development must demonstrate the following principles:		
i. Dwelling and landscape elements are sensitively designed to respond to natural topography;	Indicative dwelling section plans show how future development is capable of being designed to respond to natural topography.	Yes
ii. No adverse impacts on the visual character of the Scenic Hills Area;	The plans do not indicate any adverse impacts on the visual character of the Scenic Hills Area.	Yes
iii. The length of the dwelling is sited along the contour;	Indicative dwelling section plans show the length of a dwelling along the finished ground level.	Yes
iv. Split level design; and	Indicative dwelling section plans show split level dwelling designs.	Yes
v. Natural materials such as local stone and timber are used for construction of retaining walls.	Sandstone blocks (0.5 m x 0.5 m stacked two high and terraced).	Yes
Development within the 'Land Associated with Scenic Hills', shall maintain and interpret the significant visual and physical links associated with the Scenic Hills shown in Figure 6-1 and be based on the following principles:		
i. The view corridor between the Heath Road entry from Camden Valley Way and the prominent "Lookout Knoll" is maintained and interpreted in the urban subdivision pattern;	Maintains view corridor between Heath Road entry from Camden Valley Way and the Lookout Knoll.	Yes
ii. Impacts on significant regional views from Lookout Knoll, Lookout Point and the Leppington House Archaeological Site are minimised;	Impacts on significant regional views from Lookout Knoll, Lookout Point and the Leppington House Archaeological Site will be minimised through the use of	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
<p>iii. The impacts on significant views between "Lookout Knoll" and the Leppington House Archaeological Site are minimised;</p> <p>iv. The Major Ridgeline is maintained in its natural form; and</p> <p>v. Key existing view corridors shown in Figure 6-3 are be recognised.</p>	<p>split level dwelling designs and landscaped retaining walls on the higher contours of the site.</p> <p>No impacts on views between the Lookout Knoll and the Leppington House Archaeological Site.</p> <p>No impact to Major Ridgeline.</p> <p>Recognises significant view corridors shown in Figure 6-3 including significant views from Lookout Point and Lookout Knoll.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>In considering any relevant development application that relates to development in the 'Land Associated with the Scenic Hills Area', the following matters are to be addressed:</p> <p>i. Proposed landscape elements respond to the natural environmental character of the area;</p> <p>ii. Native vegetation planting in proximity to the Ridge Sensitivity Zone is considered as it would have the potential to screen new development;</p> <p>iii. Pedestrian and cycle path system along the major ridgeline is considered; and</p> <p>iv. Signature landmark planting (e.g. of spire trees such as Hoop Pine) in association with the Leppington House archaeological site is considered (Refer to Section 6.2).</p>	<p>Sandstone retaining walls with vegetated areas respond to the natural environmental character of the area.</p> <p>Vegetation propose adjacent to sandstone retaining walls.</p> <p>Pedestrian stairs proposed to lead towards the major ridgeline.</p> <p>This application does not propose any signature landmark planting within the Land Associated with the Scenic Hills Area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
European Heritage		
<p>Applications for subdivision and building on the land identified in Figure 6-10 are to be accompanied by a report from a suitably qualified heritage</p>	<p>No works to a heritage item or potential heritage item shown on Figure 6-10.</p>	<p>Yes</p>

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
consultant detailing the results of archaeological investigations undertaken to confirm the presence of archaeological material relating to the land. Where archaeological material is identified, the proposal is to address the requirements of the Heritage Act 1977.		
A Conservation Management Plan (CMP) and Interpretation Plan for the LHAS and second paddock associated with Leppington House as shown in Figure 6-11 is to be submitted with the first development application relating to land within this area for endorsement by Council. All subsequent development relating to this land is to be developed in accordance with the Council endorsed CMP and Interpretation Plan.	A development application was approved by Council in January 2020 in consultation with the Heritage Council of NSW for the Leppington House Archaeological Site.	N/A
Aboriginal Cultural Heritage Management Areas		
Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these) (refer to Figure 6-12).	The land does not contain or adjoin any areas of Aboriginal heritage value shown in Figure 6-12.	Yes

3. Local Voluntary Planning Agreement

The East Leppington Voluntary Planning Agreement applies to the land and was entered into by Campbelltown City Council and Stockland Development Pty Ltd on 13 October 2017

The subject site contains land which forms part of the "Park and Ridgeline Trail" (Item 50) to be dedicated to Council for the public purpose of providing "Open space and Recreation" under the VPA.

In accordance with the VPA, the Park and Ridgeline Trail is to be developed in accordance with Council's standards, and include the following elements:

- Shelter with part furniture (viewing deck, seating, BBQ, bubbler, bin enclosures)
- Heritage interpretation elements
- Turf kick around area

- Shrub and shade tree planting
- Share way / path network
- Incidental play area – e.g. climbing blocks, boulders, no play equipment
- Refreshment room
- Amenities
- Car parking
- Community garden
- Lookout structure
- Land dedication of approximately 88,933 m²

The Contribution Value/Monetary Contribution is \$3,964,150, and the Timing of Works is at the issue of a subdivision certificate which, when issued, results in subdivision certificates having been issued for 90 per cent of Net Developable Area in Contribution Area M.

To ensure compliance with the VPA, a recommended condition has been included requiring the applicant to submit evidence to, and obtain the written approval of, Council's Development Contributions Officer demonstrating the obligations of the VPA are being fulfilled, prior to the issue of a subdivision certificate.

4. Special Infrastructure Contributions

The site is with a 'special contributions area' pursuant to Part 7, Division 7.1, Subdivisions 4 and 5 of the EP&A Act. As such, contributions are to be paid by the developer to fund infrastructure as determined by the Minister for Planning.

A recommend condition of consent has been imposed requiring a special infrastructure Contribution to be paid in accordance with Section 7.24 of the EP&A Act.

5. Impacts on the Natural and Built Environment

Section 4.15(1)(b) of the EP&A Act requires Council to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Biodiversity and Ecological Significance

The proposal involves the removal of trees, including Potential Koala Habitat on biodiversity certified land.

In accordance with the TSC Act, which applies to the Order to confer biodiversity, the Panel, when determining the development application in relation to development on biodiversity certified land is not required to take into consideration the likely impact on biodiversity values (despite any provision of the EP&A Act or any Regulation or instrument made under the EP&A Act).

The Ministers Order conferring biodiversity certification declares the Growth Centres SEPP and other relevant measures, will lead to the overall improvement or maintenance of biodiversity values.

The conditions of the biodiversity certification agreement include conservation measures to facilitate the proposed development, including the protection of 2,000 hectares of native

vegetation, and at least \$530 million of conservation funding to be used for biodiversity conservation and regional open space purposes.

Accordingly, developments or activities proposed to be undertaken within the biodiversity certified areas do not need to undertake assessment of impacts on threatened species, populations and ecological communities, or their habitats, that would normally be required under the EP&A Act.

The applicant has advised the removal of the vegetation is required to achieve appropriate road, drainage and lot design levels and impacts to vegetation is unavoidable.

It is considered there is potential for appropriate road, drainage and lot design levels to still be achieved while further avoiding impacts to vegetation adjoining the southern property boundary, through a revised subdivision design opting a shorter road with less or larger residential allotments. However such subdivision design would further contravene the minimum dwelling density development standard under the Growth Centres SEPP on biodiversity certified land where impacts to biodiversity have been recognised, assessed and certified.

Visual Impact – Scenic Hills

The proposed development is not considered to adversely impact the visual quality of the Scenic Hills Area.

The proposed allotments would be separated from the higher contours of the land by the proposed road and terraced retaining walls.

Future residential development would occur on the lower contours of the site which ensures the Scenic Hills would be protected and retain its existing rural and visual character when viewed east from the Major Ridge Line.

The applicant proposes to create an s88B title restriction requiring split level dwelling designs to ensure future dwellings would not adversely impact on scenic quality, and not be visible from Denham Court Road.

The proposed development would maintain key view corridors from Lookout Point, Lookout Knoll, and the intersection of Heath Road and Camden Valley Way east to Lookout Knoll.

It is considered the reduction of aesthetic values caused by the proposed tree removal would be mitigated by replacement trees through proposed canopy tree planting, and the planting of vegetation adjacent to the terraced retaining walls which form a landscaped feature.

Traffic and site access

The application was accompanied by a Traffic Assessment prepared by Cardno.

Nine residential allotments will accessed from Leppington House Drive and nine residential allotment will be accessed from the proposed road.

The assessment advises the proposed road design and cross section satisfies Council's requirements and the ability for waste bin collection from the kerbside will be achieved through compliant road widths and a cul-de-sac turning area.

Driveway access to Leppington House Drive and the proposed road will be achieved in accordance with the DCP and Australian Standards.

Based on a traffic generation rate of 0.85 trips per dwelling using TfNSW Guide to Traffic Generating Developments, the proposed 18 lots are estimated to generate approximately 15 vehicle trips during peak hour.

The additional traffic generation is equivalent to 1 vehicle every 4 minutes, which is considered to be negligible and unlikely to result in any noticeable impact to surrounding residents.

The generation of 1 vehicle every 4 minutes is also within the capacity of signalised intersections, which typically operate on a cycle time of around 2 minutes, meaning within peak hour there may be 1 additional vehicle every 2 cycles, which again is considered to be negligible.

6. Social and Economic Impacts

The proposed subdivision would facilitate the future residential development of the land to provide for the housing needs of the community, which would provide tangible social and economic benefits.

Socially, the proposal would deliver vacant residential allotments that would facilitate an increase of housing supply within the local government area that would help to improve housing choice and affordability.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development and future residents spending in the local economy once the allotments contain dwellings houses.

7. Site Suitability

The site is considered suitable for the proposed residential subdivision. The land is located within a Growth Centre and has been zoned to provide for future residential development.

The proposed dimensions, areas and orientation of the allotments are considered adequate to facilitate the siting, design and construction of future residential development.

The land once subdivided would contribute positively to the desired future character of the locality by enabling the construction of future dwellings within the residential zone.

The proposed development is considered to be compatible with the existing rural and visual character of the locality and not adversely impact the visual quality of the Scenic Hills Area.

8. Submissions

The application was publicly notified and exhibited between 11 June 2021 and 2 July 2021.

Council received one submission objecting to the development. The issues of objection are summarised and discussed below.

Issue: Future 2 storey dwellings will obstruct solar access and privacy impacts to existing neighbouring development.

Response: The proposed development would be separated from existing neighbouring development by Leppington House Drive and Pimelea Avenue.

Future development of the proposed lots along these street frontages would face the public domain and not likely cause privacy impacts to the rear private open spaces areas of existing neighbouring dwellings.

Future development of the proposed lots is not likely to cause the rear private open space areas of existing neighbouring dwellings to receive less than 12 m² of solar access between 9 am and 3 pm at the winter solstice. The private open space areas of existing neighbouring development to the south-west are situated approximately 40 m – 50 m from the development site.

The private open space areas of existing neighbouring dwellings would already be experiencing impacts to solar access from existing built form, particularly between 9 am and 12 noon, when potential overshadowing impacts from the future development of the proposed lots would be greatest.

9. The Public Interest

Section 4.15(1)(e) of the EP&A Act requires Council to consider 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*. The proposed development, subject to the recommended conditions, adequately satisfies the relevant State Legislation and State Environmental Planning Policies, including the *Rural Fires Act 1997*, SEPP (Resilience and Hazards) 2021 and SEPP (Sydney Region Growth Centres) 2006,

The clause 4.6 written request seeking a contravention to the minimum required residential density development adequately demonstrates that compliance with the development standard is unreasonable or unnecessary, there are sufficient environmental planning grounds, and 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.

The proposal, subject to recommended conditions, is consistent with the applicable controls of Campbelltown Growth Centre Precinct Development Control Plan 2013.

As the proposed development would be carried out on biodiversity certified land, this relieves the Panel of the obligation to assess and consider the impacts of the development on biodiversity values.

The site is considered to be suitable for the proposed subdivision, as the land is located within a Growth Centre and has been zoned to provide for future residential development. The proposed allotments are adequate in size to support the construction of future dwellings that would contribute positively to the desired future character of the residential estate.

The design and siting of the proposed development is considered to be compatible with visual quality of the Scenic Hills Area.

One submission objecting to the proposal was received. The matters raised have been discussed within this report.

Accordingly, the development is considered appropriate for the site and the application is recommended for approval.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Clause 4.6 Variation Request (contained within this report)
3. Plan of Subdivision (contained within this report)
4. Engineering Works Plans (contained within this report)
5. Public Domain Plan (contained within this report)
6. Rural Fire Service Approval (contained within this report)

Reporting Officer

Executive Manager Urban Release and Engagement

ATTACHMENT 1
1676/2021/DA-SW
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	Revision	Author	Dated
COVER SHEET AND DRAWING SCHEDULE	600319-DA13D-1000	3	Cardno	10.05.2021
COVER SHEET AND DRAWING SCHEDULE	600319-DA13D-1001	3	Cardno	10.05.2021
GENERAL ARRANGEMENT PLAN	600319-DA13D-1010	3	Cardno	10.05.2021
SITE GRADING PLAN	600319-DA13D-1100	3	Cardno	10.05.2021
EROSION AND SEDIMENT CONTROL PLAN	600319-DA13D-1130	3	Cardno	10.05.2021
EROSION AND SEDIMENT CONTROL DETAILS	600319-DA13D-1150	3	Cardno	10.05.2021
ROADS AND STORMWATER PLAN	600319-DA13D-1200	3	Cardno	10.05.2021
ROAD LONGITUDINAL SECTIONS	600319-DA13D-1220	3	Cardno	10.05.2021
TYPICAL CROSS SECTIONS SHEET 1	600319-DA13D-1290	3	Cardno	10.05.2021
TYPICAL CROSS SECTIONS SHEET 2	600319-DA13D-1291	3	Cardno	10.05.2021
PUBLIC DOMAIN PLAN	600319-SK2159	1	Cardno	30.04.2021
PLAN OF SUBDIVISION	600319-SK2161	1	Cardno	24.05.2021

Associated Documentation:

- Document reference: DA20210620002488-Original-1, Author: NSW Rural Fire Service, Dated: 27 July 2021.
- Document title: Summary of Contamination Investigations, Author: Douglas Partners, Revision: R.001.Rev0, Dated: 8 November 2017.
- Document title: Summary of Salinity Investigations and Management Plans, Author: Douglas Partners, Revision: R.003.Rev0, Dated: 8 November 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 subdivision works certificate is made.

3. 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.

4. Electrical Substations

Substations are not permitted to be installed on land to be dedicated to Council as a part of this determination. If the applicant is to pursue the installation of substations on land to be dedicated to Council, the applicant is required to obtain agreement from Council's Executive Manager Property.

5. Compliance with EPBC Approval

Compliance is required at all times with the "Order to Confer Biodiversity Certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006" issued under the Threatened Species Conservation Act 1995 by the Minister Assisting the Minister for Climate Change, Environment and Water (Environment) on 11 December 2007.

6. Voluntary Planning Agreement

The provision and timing of infrastructure as detailed in the East Leppington Voluntary Planning Agreement between Campbelltown City Council and Stockland Development Pty Ltd, as executed on 13 October 2017, must be undertaken by the applicant in accordance with that Agreement throughout the Agreement's operation.

7. 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*.

8. Subdivision Works Certificate

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

- a) the applicant shall appoint a Principal Certifier;
- b) the applicant shall obtain a subdivision works certificate for the particular works; and
- c) 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.

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision works certificate by either Campbelltown City Council or the Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision works certificate.

9. Amended Plans

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the allotment areas shown on the Public Domain Plan shall be amended to be consistent with the allotment areas shown on the Subdivision Plan.

10. Special Infrastructure Contribution

A Special Infrastructure Contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, (as in force when this consent becomes operative). The SIC shall be paid to the NSW Department of Planning and Environment and evidence of payment of the SIC shall be provided to both the Council and the Principal Certifier prior to the issue of a subdivision works certificate.

Note: Information on the SIC can be found on the NSW Department of Planning and Environment's website. Please contact the NSW Department of Planning and Environment when organising payment of the SIC.

11. Utility Servicing Provisions

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall obtain a letter from Sydney Water, Endeavour Energy, Jemena (if relevant) and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

12. NBN Co

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

13. Telecommunications Infrastructure

a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifier prior to the issue of a subdivision works certificate or any works commencing, whichever occurs first; and

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

14. Sydney Water

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

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

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

15. Geotechnical Report

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

16. Soil and Water Management Plan

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

17. Road Construction

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for approval of the proposed road construction.

Pavement design and construction of the roads shall be undertaken in accordance with the requirements of the pavement report prepared by a NATA registered laboratory and approved by Council and also the design requirements detailed in Council's *"Engineering Design Guide for Development"* (as amended).

All inspections are to be undertaken by Council and the Principal Certifier shall not issue the subdivision certificate until all works have been completed to Council's satisfaction.

18. Structural details

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall submit structural details certified by a suitably qualified structural engineer for the following structures:

- a) Retaining walls
- b) Reinforced concrete stairs
- c) Structural stormwater pits

Sandstone where used shall have the following properties:

- a) Hard and durable (having a minimum design life of 50 years).
- b) Have a wet crushing strength of at least 25 MPa, a minimum point load strength index (Is50) of 1 MPa and wet/dry strength ratio of no less than 45%.
- c) Demonstrated durability against saline environment when tested as per test method AS 4456.10.
- d) Shall be angular with not more than 25% of the rock having a length more than twice the breadth/thickness
- e) Shall have a minimum relative density of 2.2.
- f) Free from seams, pockets, foreign matter and imperfections.
- g) Generally sound, clean and of uniform colour and texture.

The applicant shall submit documentation from the sandstone supplier stating that it complies with above Council's requirement, prior to Council or the Principal Certifier issuing a subdivision works certificate.

19. Traffic Committee

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

20. Construction Traffic Management Plan

Prior to Council or the Principal Certifier issuing a subdivision works certificate, a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements for plant and private vehicles and traffic control, shall be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

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

21. Street Lighting Design

Prior to Council or the Principal Certifier issuing a subdivision works certificate, street lighting design plans shall be prepared by an Endeavour Energy Accredited Service Provider (ASP) and comply with the following:

- a) All street lighting is to be LED "Smart" lighting to Council's specification. The lighting of residential roads and public places must comply with AS/NZS1158 Residential Street Lighting Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements 2005, using the appropriate categories.
- b) The design and installation of the street lighting is to be such that Council can take ownership of the street lighting in this subdivision (ie. separate circuit to residential supply).
- c) The power supply to the street lighting shall meet the load requirements of Endeavour Energy plus 30% loading for the future requirements of Council.
- d) The location of meters to service the street lighting network.
- e) The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- f) Details of the number of electrical turrets and switchboards to be installed within the network.
- g) The street lighting and associated infrastructure in this subdivision is to be dedicated to Council and not be handed over to the energy supplier.

Note: Electrical Turrets are to be:

- Situated within the road reserve;
- Located no more than 700mm measured from the private lot boundary;
- Not to interfere with the delivery of the current or future pedestrian/ cycleway paths;
- Multiple Switch Board doors must be oriented toward the street for ease of access.

A copy of the street lighting design plans are to form part of the Subdivision works certificate documents and provided to Council for our records.

22. Stormwater Management Plan

Prior to Council or the Principal Certifier issuing a subdivision works 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 Council's written approval.

The proposed flush grate pit at the intersection of new road and Pimelea Avenue as shown in the submitted plans is not acceptable, the existing lintel kerb inlet pit shall be converted into closed junction pit. In this regard, the upstream pits may require longer lintels to compensate for the lost inlet capacity.

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

23. Inundation by Flood Waters

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall submit for Council's approval, plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the design requirements of Council's *"Engineering Design Guide for Development"* (as amended) as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a) The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b) Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c) Measures proposed to ensure compliance with the design requirements of Council's *"Engineering Design Guide for Development"* (as amended).

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements in accordance with the design requirements of Council's *"Engineering Design Guide for Development"* (as amended)
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended), and the approved construction drawings.

24. Temporary Detention Basin

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified geotechnical engineer to prepare a report which details the construction requirements for the proposed temporary detention basin.

The report shall identify all measures that need to be considered for the construction of the detention facility. The engineering plans for the basin and ancillary works shall be certified by the geotechnical engineer.

25. Vehicle turning movements

Prior to Council or the Principal Certifier issuing a subdivision works certificate, Vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking and provided to Council for approval. In this regard the Vehicle Tracking files and associated development proposal shall be submitted in .dwg/

.dxf format and the speed environment used in the assessment must be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

26. Landscape Requirements

Prior to Council or the Principal Certifier issuing a subdivision works certificate, the applicant shall submit detailed landscape plans for the written approval of Council's Executive Manager Urban Release and Engagement (or equivalent). The landscape plans shall include, but not be limited to the following:

- a. Details and specifications of street tree planting, root boxes or barriers and vegetation management.
- b. The 3.3m high retaining wall adjoining the southern property boundary shall be provided landscape planting to soften its visual impact when viewed from Leppington House Park.
- c. The 1.6m wide verge on the eastern side of the road, and verge adjoining the cul-de-sac (excluding the verge fronting lot 6197 frontage) shall be planted with low maintenance native grass instead of turf.

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.

27. 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.

28. Unexpected Finds Protocol

Prior to the commencement of works, an unexpected finds protocol must be prepared by a suitably qualified and experienced person and submitted to the Principal Certifier for approval.

29. Erection of Construction Sign

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

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

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

30. Toilet on Construction Site

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

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

31. 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.

32. 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 the public road system.

The access shall be constructed in accordance with the approved subdivision works certificate plans and where applicable, in accordance with the Sydney Catchment Authority's requirements.

33. Public Property

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

34. Hoarding / Fence

Prior to the commencement of any works, a fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any fencing on public land.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

35. Construction Work Hours

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

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

36. Erosion and Sediment Control

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

Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.

37. 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.

38. 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.

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. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

41. Dust Nuisance

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

42. Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

43. 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.

44. Earth Works/Filling Works

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

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

45. Fill Compaction requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirements of 98% standard compaction.

If any lot filling operation greater than 300mm are carried out in accordance with this consent, they shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

46. Revegetation

Revegetation to the requirements of the manual - *'Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

47. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "*Traffic Control at Work Sites*" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

48. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a) Council's specification for *Construction of Subdivisional Road and Drainage Works* (as amended);
- b) Council's '*Engineering Design Guide for Development*'
- c) *Soils and Construction (2004) (Bluebook)*; and
- d) Relevant Australian standards and State Government publications.
- e) AS 1742 various (*Manual for traffic control devices*).
- f) RMS Guide to "*Traffic Control At Work Sites*" 1998ed.
- g) AS 1428.1 (*Design for access and mobility*)

The applicant shall provide water conduits, common drainage lines or kerb outlets and laybacks to Council's specifications as required.

49. Footpaths/Cycleways

The footpath/cycleway construction shall be to the satisfaction of Council and in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works* (as amended), *Engineering Design for Development* (as amended) and the applicable Development Control Plan.

A 1 metre wide turf strip shall be laid immediately behind the kerb.

Where necessary, the footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

50. Pavement Thickness Determination

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works* (as amended) shall be forwarded to the Principal Certifier a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

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. Imported 'waste-derived' fill material

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

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

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

53. National Metering Identifier

Prior to the submission of an application to Endeavour Energy for National Metering Identifier, written confirmation is to be obtained from Council's Executive Manager Infrastructure regarding the location of electricity connections/ meters required in the delivery of the private lighting network.

54. Asset Number Allocation

The developer shall submit the street lighting design plans to Council's Executive Manager Infrastructure to obtain Asset Number for the assets, including but not limited to footings, poles and luminaires with capability of smarts. Asset numbers to be provided by Council will need to be marked on the assets being installed.

55. Commissioning of Private Lighting Network

Commissioning of the private lighting network to be dedicated to Council shall be undertaken in the presence of Council's nominated Certifier.

Note: Council's City Delivery Team is to be contact three (3) months prior to the commissioning of the private lighting network to determine the Council's nominated Certifier.

56. Inspections

The following stages of construction shall be inspected by Council. A compliance certificate or other documentary evidence of compliance is required to be obtained prior to proceeding to the subsequent stages of construction:

- 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) SUBSOIL DRAINS – After:
 - i. The trench is excavated.
 - ii. The pipes are laid.
 - iii. The filter material placed.
- d) SUBGRADE – Joint inspection with a NATA Registered Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- e) SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.

- f) CONDUITS – Laid and jointed prior to backfilling.
- g) GULLY PITS & OTHER CONCRETE STRUCTURES – Prior to pouring concrete.
- h) PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- i) SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- j) BASE COURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- k) OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- l) CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- m) ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- n) FINAL INSPECTION – All outstanding work.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or an appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

57. Section 73 Certificate – Subdivision Only

Prior to the Principal Certifier issuing a subdivision certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to Council prior to the release of the subdivision certificate.

58. Subdivision Certificate

Prior to the Principal Certifier issuing a subdivision certificate, a satisfactory final inspection is required to be issued for all works relevant to the subdivision certificate.

59. Bush Fire Certification

Prior to the issue of a subdivision certificate, a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment shall be submitted to Council and/or the Principal Certifier stating that the development conforms to the relevant specifications and requirements as specified in the relevant condition from the NSW Rural Fire Service forming part of this consent.

60. Structural Engineering Certificate

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall submit certificate/s from practising structural engineer/s certifying that all the structural components of the development are in compliance with the approved structural drawings and relevant *Australian standards* and are structurally adequate.

61. Restriction on the Use of Land

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act 1919 which may include:

- a. Floor Level Control
- b. No Alteration To Surface Levels where required
- c. Lots Filled
- d. Split level dwellings
- e. Cut/Fill restriction to allow split level dwelling construction only
- f. Easements for support and maintenance in favour of Council where retaining walls are located on the edge of future public roads.
- g. Easements for support and maintenance of inter-allotment retaining walls
- h. Easements for drainage of water
- i. Lots with any other restrictions for example, refuse collection, access, maintenance of landscaped areas and asset protection, building siting envelope plans, boundary fencing etc.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

62. Bond (Outstanding Work)

Prior to the Principal Certifier issuing a subdivision certificate and to facilitate the release of the subdivision certificate, Council may accept bonding for outstanding asphaltic concrete work, foot paving and vehicle crossings/driveways or other minor work. Following a written request from the applicant, Council will determine the bond requirements.

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution

63. Maintenance Security Bond

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

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

64. Classification of Residential Lots (Development without dwelling construction)

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

65. Contaminated Land

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a N.A.T.A. registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

66. Splay Corners

The final plan of subdivision shall provide for the dedication of a 4m × 4m splay corner as road widening at all intersections of the new roads prior to the Principal Certifier issuing a subdivision certificate.

67. Final Inspection – Works as Executed Plans

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works* (as amended) and with the design requirements detailed in Council's *Engineering Design Guide for Development* (as amended) for the written approval of Council's Manager Land Use.

The applicant shall also submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type -	zip
File Format -	PDF and AutoCAD 2004 Drawing Format or later
Transmittal Options -	Include fonts,

Include textures from materials,
Include files from data links
Include photometric web files
Bind external references
The drawing is not to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will also be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

68. Public Utilities

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

69. House Numbers

Prior to the Principal Certifier issuing a subdivision certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

70. Line Marking / Sign Posting Documentation (subdivision)

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

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

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works prior to Linen release. The footage shall comply with the following requirements:

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

72. Road Safety Audit - Post Construction

Prior to the Principal Certifier issuing a subdivision certificate, a Road Safety Audit of the completed works is to be undertaken by a suitably qualified person to identify any potential safety risks for the users of roads and pedestrian facilities (day to day usage and maintenance activities).

The objective of the audit is to identify potential risks to the users of roads and pedestrian facilities and to ensure compliance with the approved plans and that the measures to eliminate or reduce identified risks as suggested in the report have been implemented prior to the release of the

subdivision certificate.

73. Service Authorities

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

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

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

74. Compliance Certificates

Compliance Certificates (or reports from a Company or individual professionally experienced and qualified to give that evidence and containing documented authoritative evidence of compliance with the specifications, drawings, and development conditions) shall be obtained for the following prior to issue of the Subdivision Certificate:

- Service Authority Clearance - prior to placement of final seal/vehicle crossing construction.
- Work As Executed Plans.
- Pavement materials compliance certificates, including AC and rubberised seals where provided.
- Drainage pipes, headwalls, GPT, etc.
- Geotechnical Testing and Reporting Requirements.
- Lodgement of Bonds.
- Letter addressing all Conditions of the Development Consent.
- Structural engineer's certification for all structural components of the development.
- Street lighting compliance certificate and work as executed plans.

Two collated copies of all the related plans, documents, reports, forms or other evidence along with electronic copies the above documents in PDF format shall be submitted to Council.

75. Works as Executed – Electrical Network

Prior to the Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council the following documents in relation to the private lighting network:

- a) A complete set of works as executed plans of the private lighting network in CAD files .DWG format
- b) Appropriate certificates, manufacturer's brochures and technical data of all materials used during construction of the private lighting network
- c) Warranty documentation for all street lighting assets (12 months minimum from the time of commissioning the network).
- d) Location of assets and the corresponding asset numbers provided by Council.

76. Asset Number Implementation

Prior to the Principal Certifier issuing a subdivision certificate, all asset delivered in the private lighting network are to be marked in accordance with the asset allocation numbers provided by Council.

77. Residue Lot Dedication

Prior to the Principal Certifier issuing a subdivision certificate, the applicant to submit evidence to, and obtain the written approval of, Council's Development Contributions Officer demonstrating the obligations of the VPA are being fulfilled, prior to the issue of a subdivision certificate and the dedication of the residue lot to Council.

78. Voluntary Planning Agreement

Prior to the Principal Certifier issuing a subdivision certificate, the applicant must submit evidence to, and obtain the written approval of, Council's Development Contributions Officer demonstrating the obligations of the VPA are being fulfilled, prior to the issue of a subdivision certificate.

79. Council Fees and Charges

Prior to the Principal Certifier issuing a subdivision certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a subdivision works certificate prior to the commencement of any works. Enquiries regarding the issue of a subdivision works certificate can be made to Council's Customer Service Centre on 4645 4000. A subdivision works certificate is not required for tree removal.
- 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.
- 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 relevant subdivision certificate.

Advice 4. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted for Council's assessment through the NSW Planning Portal:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed
- A copy of each required service authority certificate
- A draft plan administration sheet (including subdivision certificate)
- A draft deposited plan/ strata plan (if required) drawing
- A Section 88B instrument (where required), and
- A letter from the registered owner providing owners consent for subdivision application.

NSW Planning Portal <https://www.planningportal.nsw.gov.au/>

Upon Council's direction, the applicant must supply three final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the Surveying and Spatial Information Regulation 2017.

Advice 5. Salinity

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

Advice 6. Bonds and Bank Guarantees

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

Advice 7. Dial before you Dig

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

Advice 8. Telecommunications Act 1997 (Commonwealth)

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

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

Advice 9. Accredited Service Providers

An Accredited Service Provider (ASP) is defined as:

An individual or single entity accredited in accordance with part 10 of the *NSW Electricity Supply (General) Regulation 2001*. Level 1 is Network Constructor, Level 2 is Service Mains Constructor, Level 3 is Designer (refer Clause 1.3.4 - Pre-Qualification of Accredited Service Providers).

Note: In addition to accreditation from the NSW Office of Fair Trading, an ASP must hold authorisation from Endeavour Energy for work on or near its network.

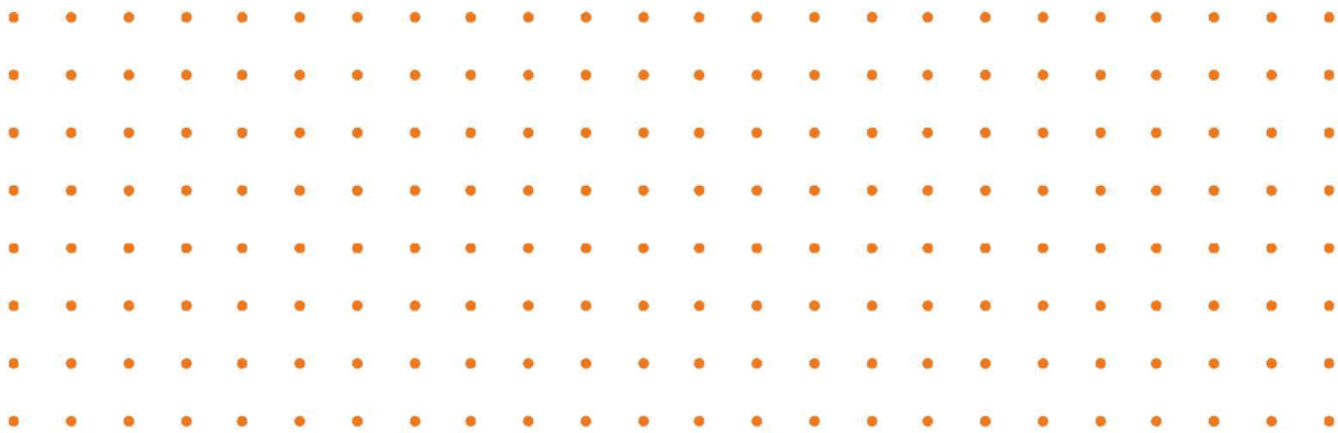
Advice 10. Electrical Turrets & Multiple Switch Boards

Turrets and Multiple Switch Boards must be installed with Campbelltown City Council E Key – E lock cylinders. Locking systems are to be purchased from Campbelltown City Council and installed at the developers cost. The information provided within the street lighting design plans will determine the number of locking devices required for the delivery of the private lighting network.

Advice 11. Small Market Connection Greenfield Form

The developer is required to complete a Small Market Connection Greenfield Form prior to the commissioning of the private lighting network. Contact Council's City Delivery Team to obtain the relevant form.

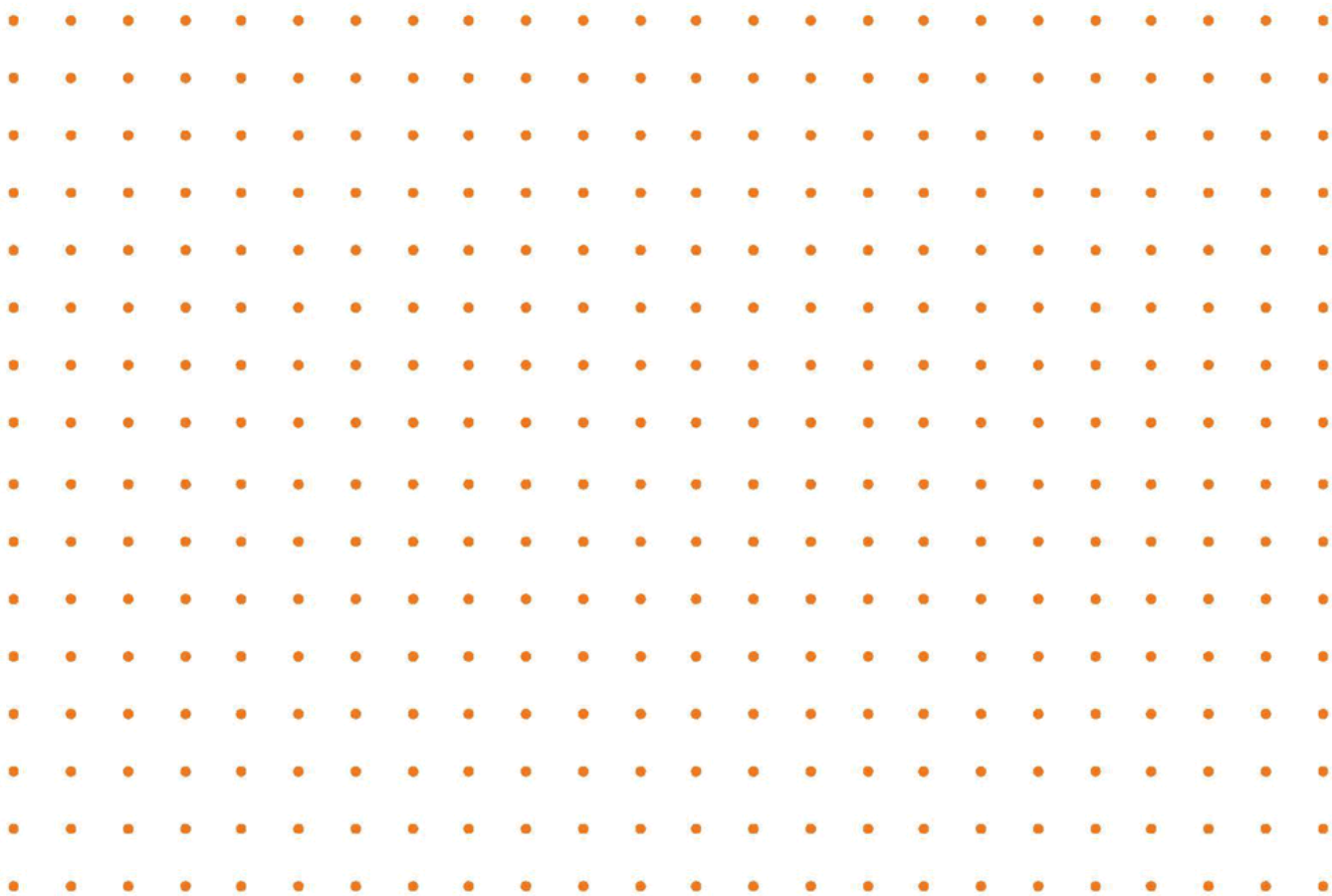
END OF CONDITIONS



CLAUSE 4.6 VARIATION TO RESIDENTIAL DENSITY DEVELOPMENT STANDARD

Lot 6189 DP 1238897, Bracken Drive, Denham Court

GLN 11451
28 May 2021

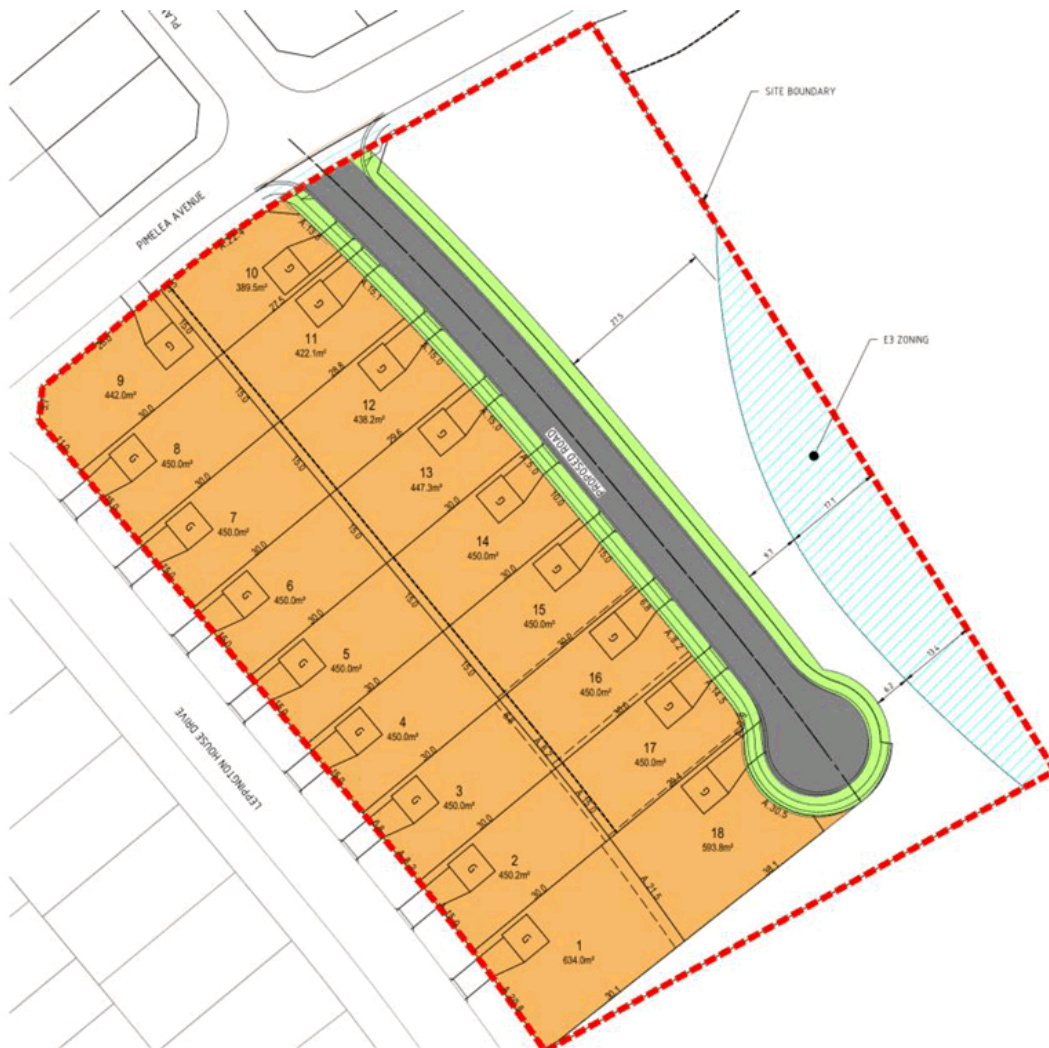


Property: Lot 6189 DP 1238897, Bracken Drive, Denham Court

Development: The Development Application seeks approval for residential subdivision of one existing allotment to create 18 Torrens Title lots for future residential development and associated works including the demolition of existing structures, removal of trees and vegetation, site remediation, bulk earthworks and civil works including the construction of new roads, stormwater drainage, temporary detention basin and installation of services.

Development Standard: Clause 4.1B Residential density of Appendix 10 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the **Growth Centre SEPP**)

Subject Plans Plan of Subdivision by Cardno dated 24 May 2021



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1. Background and Summary

Introduction and the Site

The development application (**DA**) seeks approval for residential subdivision of one existing allotment to create 18 Torrens title lots for future residential development and associated works over Lot 6189 DP 1238897, Bracken Drive, Denham Court.

The site is located within the East Leppington Precinct as prescribed under the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 (Growth Centres SEPP)*, which forms part of the NSW Government South West Growth Area. The precinct is undergoing significant transformation from historical rural and rural residential uses to urban purposes since its rezoning in 2013. Prior to rezoning, the Precinct was subject to extensive studies and consultation with the community, Campbelltown City Council (**Council**), stakeholders and agencies to inform the planning controls that guide the orderly delivery of development with the necessary infrastructure and services to accommodate the planned growth and change.

The site is situated in the suburb of Denham Court, within the Campbelltown Local Government Area (**LGA**) of the south west growth area. The area is intended to provide substantial land releases for homes and employment in Sydney's south-west. The site known as Precinct 13D forms part of the larger Precinct 13 to the south. Campbelltown Council granted development consent for Precinct 13 subdivision on 21 June 2019 under DA 395/2017/DA-SW for subdivision to create 188 residential allotments and 1 superlot and associated civil works. The site under this DA was identified as the superlot and is the last site within the Willowdale Estate to be subdivided.

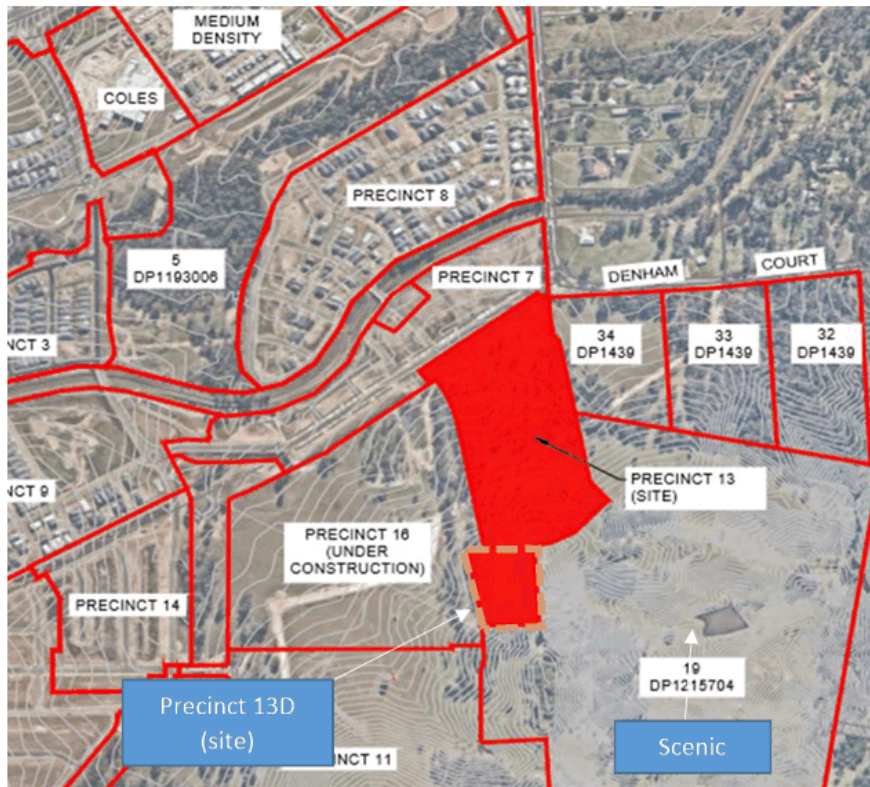
The site is bounded by Precinct 13C to the north and Precinct 16C to the southwest. The site does not join with any other residential zoned land in the estate but adjoins part of the Scenic Hills to the east.

The site is a visually sensitive area with steep parts of the site which are not developable. The site falls approximately 16m from the south eastern corner to the north western boundary.

The site is irregular in shape, has a total area of 1.43ha and has street frontages to both Leppington House Drive (140m) and Pimelea Avenue (110m). The property is currently vacant and predominately cleared with some scattered clusters of trees near the south and western boundary.

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Source: Cardno 2017 (adapted by GLN Planning)

Figure 1 Stage 13 Subdivision Plan



Source: Six Maps

Figure 2 Aerial of Site

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2. Authority to vary a development standard

The objectives of clause 4.6 seek to recognise that in particular circumstances, strict application of development standards may be unreasonable or unnecessary. The clause provides objectives and a means by which a variation to the standard can be achieved as outlined below.

4.6 Exceptions to development standards

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

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(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.*

(4) *Development consent must not be granted for development that contravenes a development standard unless—*

(a) *the consent authority is satisfied that—*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

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

(b) *the concurrence of the Director-General has been obtained.*

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

(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

(b) *the public benefit of maintaining the development standard, and*

(c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation, Zone RU6 Transition or Zone E3 Environmental Management if—*



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

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

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

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

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

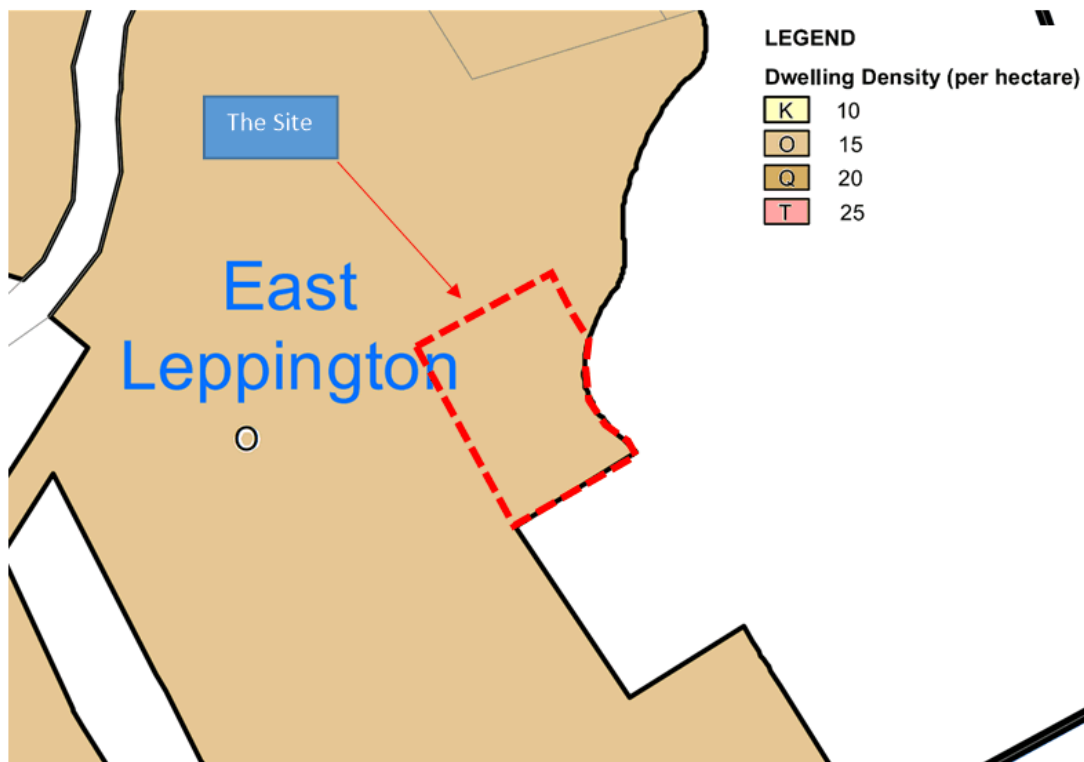
3. Development Standard to be Varied

A variation is requested to clause 4.1B which specifies the minimum residential density. This is a development standard as defined by S1.4 of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

The site is mapped with a minimum residential density of 15 dwelling per hectare. An extract of the Residential Density Map contained within the LEP is provided at **Figure 3**.

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Source: Legislation NSW (Adapted extract from GC SEPP – Residential Density Map Sheet 013)

Figure 3 Residential Density Map

Clause 4.1B 'Residential density (Appendix 10 of the Growth Centre SEPP), states:

- (1) *The objectives of this clause are—*
 - (a) *to establish minimum density requirements for residential development, and*
 - (b) *to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
 - (c) *to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.*
- (2) *This clause applies to residential development of the kind referred to in clause 4.1AB or 4.1AC(1) that—*
 - (a) *is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and*
 - (b) *requires development consent, and*
 - (c) *is carried out after the commencement of this Precinct Plan.*
- (3) *The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.*
- 4) *In this clause—*

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

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***net developable area** means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.*

Clause 4.1AB(3) and 4.1AC are also outlined below for completeness.

Clause 4.1AB 'Minimum lot size for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential' states:

(3) The minimum lot size for a dwelling house is 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 25.

Clause 4.1AC 'Minimum lot size for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density residential' states:

- (1) This clause applies to land in the following zones—*
 - (a) Zone R2 Low Density Residential,*
 - (b) Zone R3 Medium Density Residential.*
- (2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m².*
- (3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF.*
- (4) For the purposes of this clause, a reference to the area of a lot—*
 - (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and*
 - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and*
 - (c) does not include the area of that part of the land that is in any other zone.*

Density Calculation

The NDA for the site, considered as a whole is 14,300m² which is inclusive of:

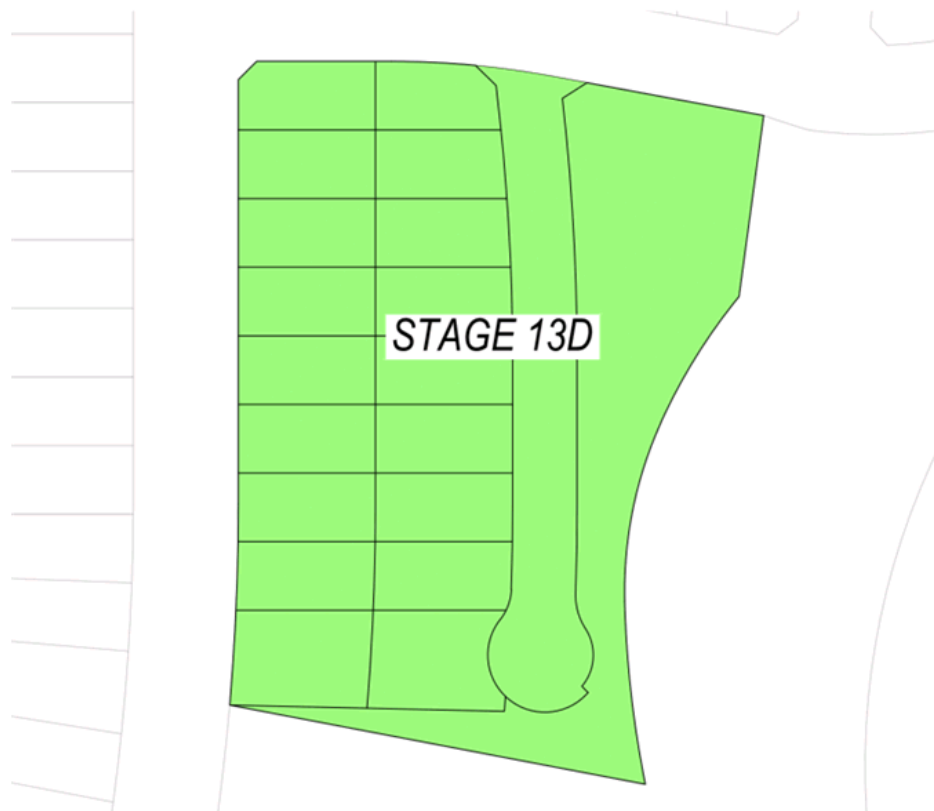
- The whole of the site the subject of the development including:
 - that part of the site proposing a public road which travels north to south,
 - all of the land zoned R2 including the steepest part of the site where no residential lots are proposed.

A detailed plan showing the NDA area is provided in **Figure 3** below.

The proposed density calculation is as follows:

Proposed lots = 18
 NDA = 1.43 hectares
 Residential density 18 / 1.43 = 12.5 dwgs/ha





Source: Cardno

Figure 4 Net Developable Area of the site

4. Extent of Variation

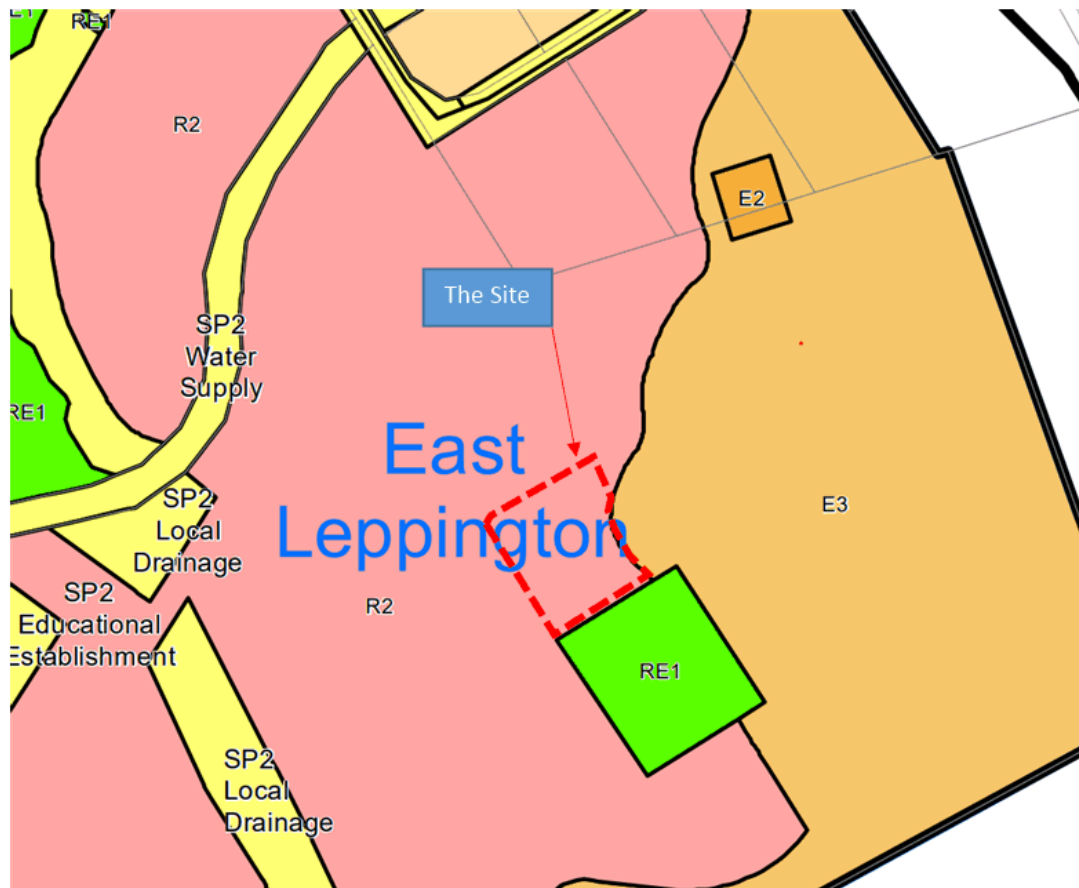
A NDA plan by Cardno dated 12 April 2021 provided with the DA demonstrates the area of the site is 1.43 hectares, which accords with the site area to be taken into account in calculating the residential density as required by clause 4.1B(4).

The Plan of Subdivision by Cardno dated 24 May 2021 provided with the DA illustrates 18 proposed residential allotments. The proposed 18 residential lot subdivision provides a density of 12.5dwgs/ha which does not achieve the minimum residential density applying to the site. The proposal represents a 17% variation from the standard. With a site area of 1.43ha, the proposal would require an extra 4 lots to comply with the minimum residential density.

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5. Zoning

The zoning of the site and surrounding area is illustrated on **Figure 4**.



Source: Legislation NSW (Adapted extract from Growth Centre SEPP – Land Use Zoning Map, Sheet 13)

Figure 4 Zoning map

6. Objectives of Clause 4.3

The objectives of the Residential Density clause are:

- (1) *The objectives of this clause are—*
- (a) *to establish minimum density requirements for residential development, and*
 - (b) *to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
 - (c) *to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.*

7. Assessment

The following sections discuss the grounds for the variation to clause 4.1B against the relevant provisions of clause 4.6.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (Clause 4.6(3)(a) Appendix 12 of the GC SEPP)

Clause 4.6(3)(a) requires the applicant to provide justification that strict compliance with the minimum density requirement is unreasonable or unnecessary in the circumstances of the case.

In *Wehbe v Pittwater Council (2007) NSWLEC 827*, Preston CJ established five potential ways for determining whether a development standard could be considered to be unreasonable or unnecessary. These include:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

We note that whilst *Wehbe* was a decision of the Court dealing with SEPP 1, it has been also found to be applicable in the consideration and assessment of Clause 4.6. Regard is also had to the Court's decision in *Four2Five Pty Limited v Ashfield Council [2015] NSWLEC 90* and *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7*, which elaborated on how these five ways ought to be applied, requiring justification beyond compliance with the objectives of the development standard and the zone.

In addition to the above, Preston CJ further clarified the appropriate tests for a consideration of a request to vary a development standard in accordance with clause 4.6 in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*. This decision clarifies a number of matters including that:

- the five ways to be satisfied about whether to invoke clause 4.6 as outlined in *Wehbe* are not exhaustive (merely the most commonly invoked ways);
- it may be sufficient to establish only one way;
- the written request must be "sufficient" to justify contravening the development standard; and
- it is not necessary for a non-compliant development to have a neutral or beneficial effect relative to a compliant development.

It is our opinion that the proposal satisfies at least two of the five ways established in *Wehbe* that demonstrate that the development standard is unreasonable and unnecessary in this instance, as set out below.



1st Way – The objectives of the standard are achieved notwithstanding non-compliance with the standard

The proposal would satisfy the objectives of the standard to the extent relevant to the current proposal, and compliance with the minimum residential standard in this circumstance is considered both unreasonable and unnecessary for the following reasons.

Objective (a) - To establish minimum density requirements for residential development,

This objective primarily has a descriptive administrative purpose as opposed to a required environmental outcome. Despite this, the proposed variation does not compromise the environmental outcome intended to be achieved for the standard as discussed below.

Objective (b) - To ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing,

To provide for the achievement of this objective, clause 4.1B sets out a methodology to calculate the density of certain types of housing that could be achieved with the development of residential zoned land. An underlying intent is to ensure that an adequate number of dwellings and population would be accommodated across different parts of the Precinct to make use of the infrastructure that will be provided to service these areas. This infrastructure comes at a cost and is delivered with a combination of public and developer funds. Accordingly, there is an implicit aim to ensure that enough housing is delivered to justify the cost of providing this infrastructure.

Clause 4.1B seeks to ensure a minimum number of dwellings and population would be accommodated across different parts of the Precinct so that the land is efficiently used. This allows for the planning of the Precinct with confidence that there will be adequate housing and population to use and support the facilities and services such as open space, drainage infrastructure, transport facilities and commercial and community facilities, that are to be delivered.

The clause seeks to apply a minimum residential density standard to a specific range of housing forms, which are at the lower end of the residential density spectrum, being dwelling houses on minimum 300m² lots and secondary dwellings. These forms of housing are permissible with consent in the R2 Low Density Residential zone. The proposal involves housing on lots in the range of 389m² to 634m².

The proposed lot sizes are a direct consequence of the topographical characteristics of the land. Any further reduction in lots sizes would require further earthworks, additional retaining wall structures and the need for split level designed housing on smaller constrained lots. This likely have visual consequences that would affect the acceptability of the development having regard to the character of the area and juxtaposition with the Scenic Hills. The current proposed subdivision for 18 lots provides an acceptable environmental outcome that balances and maximises the number of lots while addressing the site constrains.

The proposed development will contribute to the availability of new housing with 18 new dwelling houses on separate lots to be delivered across the site. A portion of the land to the middle and east is dedicated for public road and open space land as the adjoining property connects with the Ridgetop pathway. Due to the existing site contours, a sandstone feature retaining wall with landscaping and a staircase will be constructed to link the site to the Ridgetop parkland pathway.

The application of the minimum density standard on the site would require a minimum of 22 residential lots. While only 18 lots are provided this is primarily because 26% of the land is designed to be dedicated for open space land.

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As the site forms part of the Precinct 13, the subdivision as a whole including the site under this DA would comply with the minimum density required. The NDA of the whole of Precinct 13 (including Precinct 13D) is 10.5 hectares and with a total proposed lots of 206, this provides a residential density of 19.6 dwgs/ha. As such the minimum density is achieved when considered holistically across the whole of Precinct 13.

Adequate housing and population will be accommodated on the site, together with a desirable low density residential environment, consistent with the planning intent for the area and the capacity of the infrastructure being provided to service the area.

Objective (c) - To ensure that the scale of residential development is compatible with the character of the precinct and adjoining land,

The site is located on the eastern border of Willowdale Estate and East Leppington Precinct with R2 zone land to the north and west. The scale of the development reflects what is to be anticipated for land zoned in R2 Low Density. The character for the precinct focuses on small lots dwelling houses with a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings. The proposed development delivers dwelling houses on single allotments with potential to be developed with detached housing and dual occupancies products which is consistent with the planned suburban streetscape of the area. A s88B title restriction is proposed so all future dwelling designs include slip level dwellings that will ensure the dwellings are not visible from Denham Court Road.

The proposed development of the site will provide for housing at a density that is compatible with the planned character of the precinct and adjoining land.

Summary of Satisfaction of Objectives of the Standard

Preston CJ at paragraph 43 in *Wehbe v Pittwater Council* stated:

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)." (paragraph 43 of Wehbe v Pittwater Council).

Accordingly, the variation to the minimum residential standard will not compromise achievement of the objectives of the standard. Rather, this proposal offers an alternative means of achieving the objective.

2nd Way - The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

As outlined above, the minimum density is achieved when considered holistically across the whole of Precinct 13. The process whereby separate stages of the precinct are lodged with separate development applications artificially distorts the calculation of residential densities as administratively prescribed by clause 4.1B. For this reason the underlying objective or purpose of the standard is not relevant to the development when considered in isolation.

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3rd Way - The underlying objective or purpose of the standard would be defeated or thwarted if compliance was required.

This consideration is not relevant in this case.

4th Way - The development standard has been virtually abandoned or destroyed by the Council's own decisions

This consideration is not relevant in this case.

5th Way - The zoning of the site is unreasonable or inappropriate and consequently so is the development standard.

This consideration is not relevant in this case.

Are there sufficient environmental planning grounds to justify contravening the development standard? (Clause 4.6(3)(b))

The environmental planning grounds which support the contravention to the residential density standard relate to:

- 26% of the site is designed to be dedicated for open space land which prevents the achievement of the required minimum density of 15 dwellings.
- Due to the site condition and steepness to the east, the proposed subdivision lot sizes are appropriately marginally larger than the minimum lots size standard to enable future landowners to building dwelling houses that can be accommodated on the steep land while remaining compatible with the character of the area.
- If the residential density is calculated across the whole of Precinct 13 the minimum residential density would be achieved in any case.

The proposed development otherwise complies with all other provisions of the Growth Centre SEPP and the prescriptive or required performance outcome of provisions of the DCP. The development is considered to achieve a suitable outcome for the site which continues the low density residential dwellings to the north and west and transitions to the E3 zone land to the east. This is done by providing larger lots where the land gradually gets steeper.

The objectives of the R2 Low Density Residential 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 allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposed development would satisfy these objectives to the extent relevant having regard to:

- The proposed development provides a mix of lot sizes which will contribute to meeting the need of the community within a low density residential environment (first objective).

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- The second, third and fourth objectives of the R2 zone are no relevant to the subject development.

The applicant is an experienced developer within the south west Growth Centre who is in the final stages of completing the Willowdale Estate. The applicant has provided a balanced distribution of densities across the estate in an orderly and economic use of land. The proposal is consistent with the zone objectives and given the site constrains the subdivision layout design provides a practical design. It is considered that adequate housing and population is achieved across the site with a desirable low density residential environment, consistent with the planning intent for the area and the capacity of the infrastructure being provided to service the area.

Consequently, the proposal would be consistent with the following objects of the EP&A Act at s.1.3:

- (c) to promote the orderly and economic use and development of land, and*
- (g) to promote good design and amenity of the built environment.*

In addition to the above, there is an absence of material negative impacts resulting from the proposed variation to the residential density development standard.

Is the proposed development in the public interest? (Clause 4.6(4)(a)(ii))

Initial Action v Woollahra provides that the consent authority must be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the zone in which the development is to be carried out.

The proposed development is in the public interest because it facilitates a development that is consistent with the objectives of the standard and the objectives of the R2 zoning under Growth Centre SEPP despite the noncompliance with the development standard. While the number of dwellings required by the development standard might not be met in respect of the subject development application, the proposal is considered consistent the objectives of the standard and zoning of the land.

The manner by which the proposed development achieves the objectives of the standard is discussed above, and it therefore follows that the development is consistent with those objectives.

Consideration of concurrence by Director-General (Clause 4.6(4)(b) & (5))

Concurrence to the proposed variation is not required by the Secretary pursuant to clause 4.6(4)(b), as we understand that the relevant consent authority has the necessary delegation as set out in the Assumed Concurrence Notice issued by the Secretary of the Department of Planning and Environment dated 21 February 2018 (attached to DPE Planning Circular PS 20-002 dated 5 May 2020).

Despite this, the proposed variation to the residential density standard is not considered to be detrimental to any matters of significance for state or regional environmental planning.

In the circumstances of the application, there is no public benefit in maintaining the development standard. To the contrary, and consistent with the objectives of clause 4.6, allowing the variation will facilitate a development that achieves better and appropriate outcomes and represents an appropriate degree of

11451 Clause 4.6
28 May 2021





flexibility in applying a development standard.

In relation to clause 4.6(5)(c), we note that no other matters have been nominated by the Secretary for consideration.

Conclusion

A variation to the strict application of residential density under the Growth Centre SEPP is considered appropriate for the proposed development at Bracken Road, Denham Court (Lot 6189 DP 1238897).

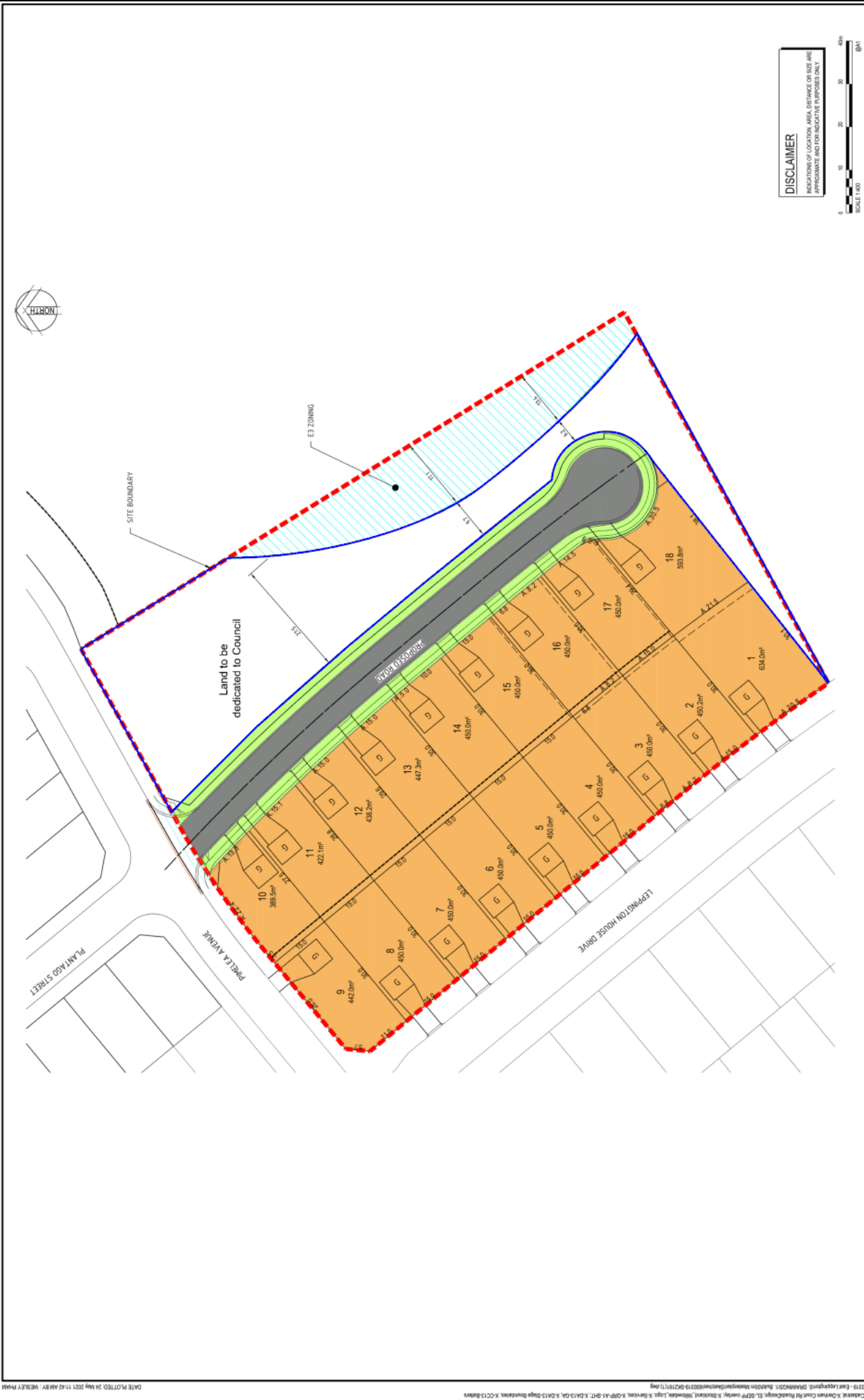
The proposed variation to the residential density under this application is considered acceptable in this instance as:

- It facilitates a development that is consistent with the objectives of the standard and the intent of the R2 zoning under Growth Centre SEPP.
- Will provide for additional housing choice and contributions towards local and state infrastructure.
- Provides for a scale and form of development that is compatible with the character of surrounding future development.

The proposal meets the intent of the residential density standard and in accordance with clause 4.6 of the Growth Centre SEPP, demonstrates that the development standard is unreasonable and unnecessary in this case and that the variation is justified.

11451 Clause 4.6
28 May 2021





<p>DISCLAIMER INDICATORS OF LOCATION, AREA, DISTANCE OR SIZE ARE APPROXIMATE AND FOR INDICATIVE PURPOSES ONLY.</p> <p>SCALE: 1:500</p> <p>0 10 20 30 40m</p>		<p>FOR INFORMATION ONLY</p> <p>Site No: 600319-SK2161</p> <p>Issue: 1</p>	
<p>Stockland Development</p> <p>Camden Valley Way, Denham Court Road</p> <p>Willowdale</p> <p>Precinct 13D</p> <p>Subdivision Plan</p>	<p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p>	<p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p>	<p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p> <p>24-05-2021</p>
<p>Cardno Shaping the Future</p> <p>Cardno Infrastructure Pty Ltd ABN 65 001 962 035 Level 6, The Square, 203 Pacific Highway Tel: 02 9488 7700 Fax: 02 9439 8170 Web: www.cardno.com.au</p>		<p>Stockland</p> <p>WILLOWDALE</p>	
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<p>DATE PLOTTED: 24 May 2021 11:42 AM BY: WESLEY PHAM</p>			



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STOCKLAND WILLOWDALE PRECINCT 13D - CIVIL SUBDIVISION DEVELOPMENT APPLICATION



SCHEDULE OF DRAWINGS

DRAWING No.	DESCRIPTION
600319DA05-001	PROPOSED DRAWING SCHEDULE
600319DA05-001	GENERAL NOTES AND LEGENDS
600319DA05-010	GENERAL ARRANGEMENT PLAN
600319DA05-100	SITE GRADING PLAN
600319DA05-101	EROSION AND SEDIMENT CONTROL PLAN
600319DA05-103	WATERWAY PROTECTION PLAN
600319DA05-104	WATERWAY PROTECTION DETAILS
600319DA05-1200	ROAD AND FOOTPATH PLAN
600319DA05-020	ROAD LONGITUDINAL SECTIONS
600319DA05-030	TYPICAL CROSS SECTIONS - SHEET 1
600319DA05-030	TYPICAL CROSS SECTIONS - SHEET 2



LOCALITY PLAN
N.T.S.



DRAWING No.	DATE	REVISED FOR		DRAWN BY	CHECKED BY	SCALE	STATUS	REVISION
		DATE	DESCRIPTION					
600319DA05-001	11.03.2021	11.03.2021	11.03.2021	11.03.2021	11.03.2021	N.T.S.	PRELIMINARY	NOT TO BE USED FOR CONSTRUCTION PURPOSES
	11.03.2021	11.03.2021	11.03.2021	11.03.2021	11.03.2021	N.T.S.	PRELIMINARY	

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Rev	Date	Description
1	11.03.2021	PRELIMINARY DEVELOPMENT APPLICATION
2	11.03.2021	REVISION FOR CLIENT REVIEW
3	11.03.2021	REVISION FOR CLIENT REVIEW

GENERAL NOTES

- THE INFORMATION CONTAINED ON THESE DRAWINGS IS FOR CONCEPTUAL PURPOSES ONLY. ANY DISCREPANCIES WITH OTHERS SHALL BE REFERRED TO THE DESIGNER.
- CONCEPTUAL CONSTRUCTION DETAILS SHOULD BE REFERRED TO THE DESIGNER.
- ALL WORK IS SUBJECT TO OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.
- ALL WORK IS SUBJECT TO THE REQUIREMENTS OF THE LOCAL AUTHORITY AND THE DESIGNER.
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SITeworks NOTES

- URBAN LEVELS - REFER SURVEY NOTES.
- CONTRACTOR MUST VERIFY ALL UNDERGROUND AND EXISTING LEVELS ON THE SITE PRIOR TO CONSTRUCTION.
- ALL WORK IS SUBJECT TO THE REQUIREMENTS OF THE LOCAL AUTHORITY AND THE DESIGNER.
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EXISTING UNDERGROUND SERVICES NOTES

THE LOCATION OF UNDERGROUND SERVICES SHOWN IN THIS SET OF DRAWINGS IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND SERVICES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UNDERGROUND SERVICES. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES.

TELSTRA - DUTY OF CARE NOTE

TELSTRA IS AN ESSENTIAL SERVICE PROVIDER. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES. THE CONTRACTOR SHALL TAKE THE CARE WHEN EXCAVATING BRITISH TELEPHONE AND CABLES.

SURVEY NOTES

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BULK EARTHWORKS NOTES

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EXISTING WORKS LEGEND

- EXISTING OVERHEADS & OVERHEAD TRANSFORMERS
- EXISTING GAS
- EXISTING WATER
- EXISTING TELECOM
- EXISTING SEWER
- EXISTING MEN
- EXISTING STORMWATER DRAINAGE
- EXISTING STORMWATER PITS
- EXISTING ELECTRICAL SUBSTATION
- EXISTING LIGHT POLE
- EXISTING TREES

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PROPOSED WORKS LEGEND

- PROPOSED OUTFLOW
- STAKE PRIMARY
- SITE BOUNDARY
- LIMIT OF WORKS
- PROPOSED RETAINING WALL
- PROPOSED PILES/RETAINING WALL
- PROPOSED BLOCK RETAINING WALL
- SEGMENT FENCE
- A.T.P FENCE
- STORM DRAINAGE/CHANNEL
- INDICATIVE GRADE/CHANNEL LOCATION
- STORMWATER PIPELINE
- STORMWATER DRAINAGE PITS
- BATTERS
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- ELECTRICAL SUBSTATION
- SPLIT LOT
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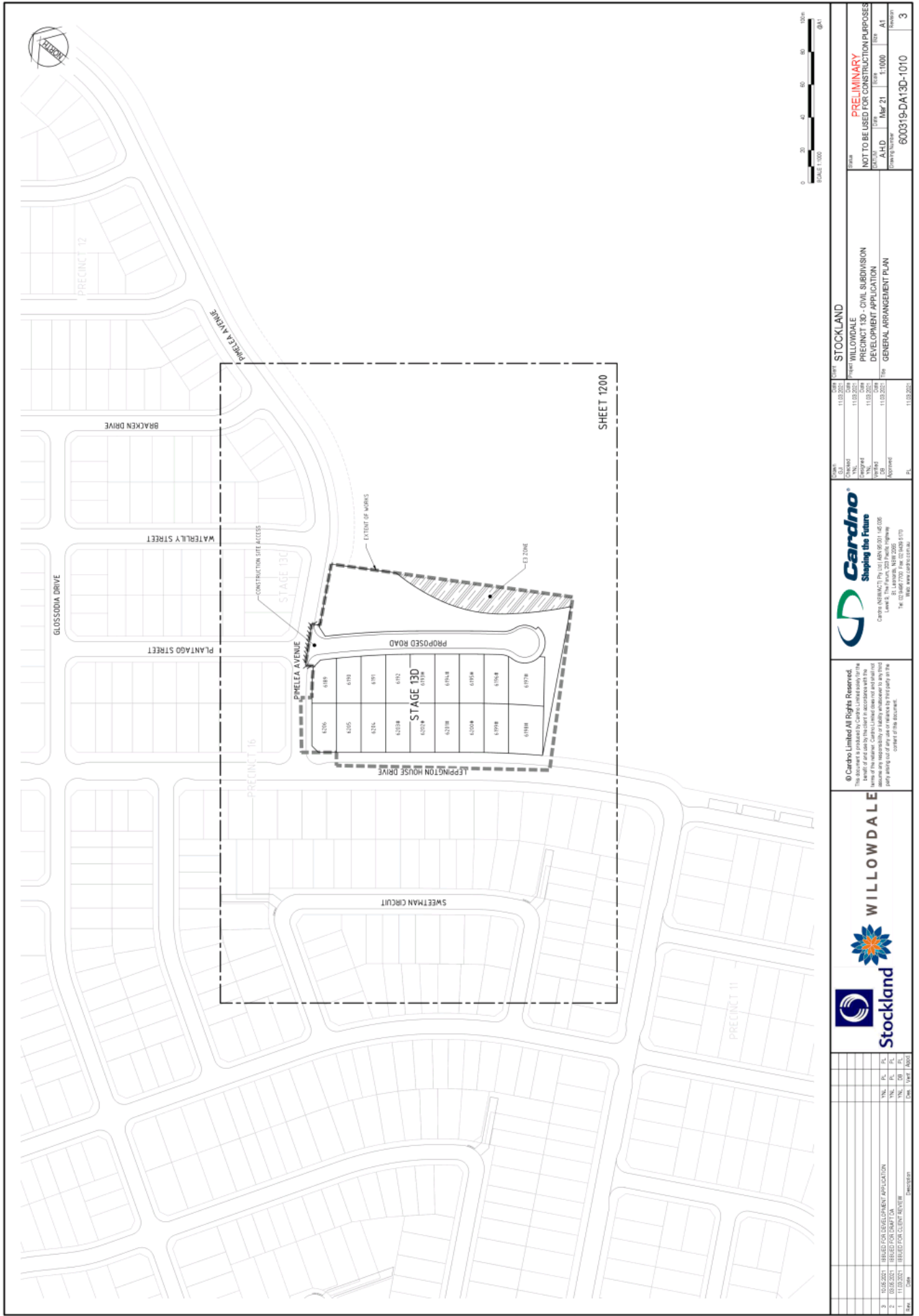
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Project	WILLOWDALE PRECINCT 130 - CIVIL SUBDIVISION DEVELOPMENT APPLICATION
Drawn	11.03.2022
Checked	11.03.2022
Approved	11.03.2022
Scale	N.T.S.
Sheet	1 of 1
Drawn By	AL
Checked By	AL
Approved By	AL
Drawn	600319-DA13D-1001
Sheet	3
Client	STOCKLAND
Project	WILLOWDALE PRECINCT 130 - CIVIL SUBDIVISION DEVELOPMENT APPLICATION
Drawn	11.03.2022
Checked	11.03.2022
Approved	11.03.2022
Scale	N.T.S.
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Checked By	AL
Approved By	AL
Drawn	600319-DA13D-1001
Sheet	3

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Sydney NSW 1500 Australia
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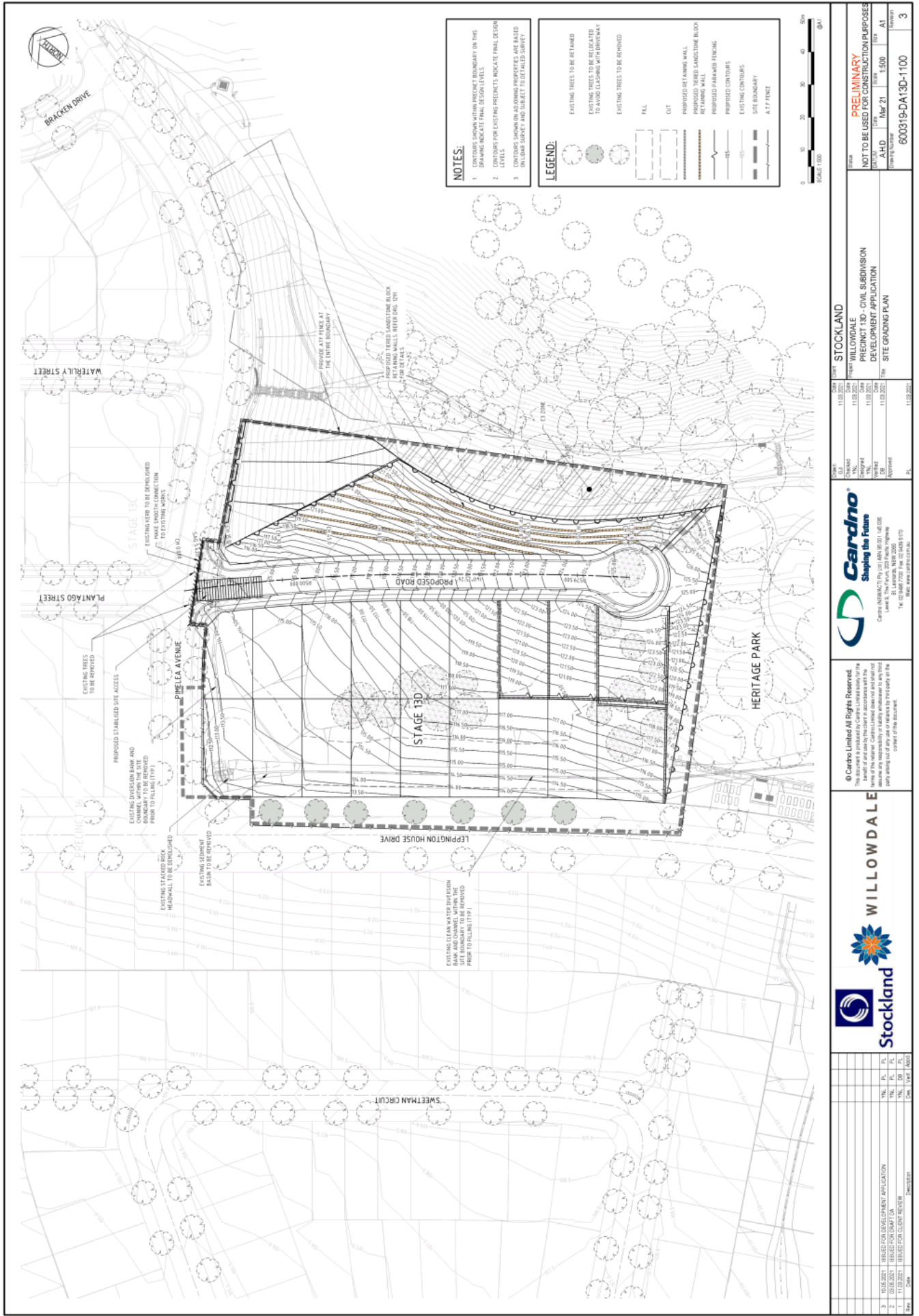
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STOCKLAND
WILLOWDALE

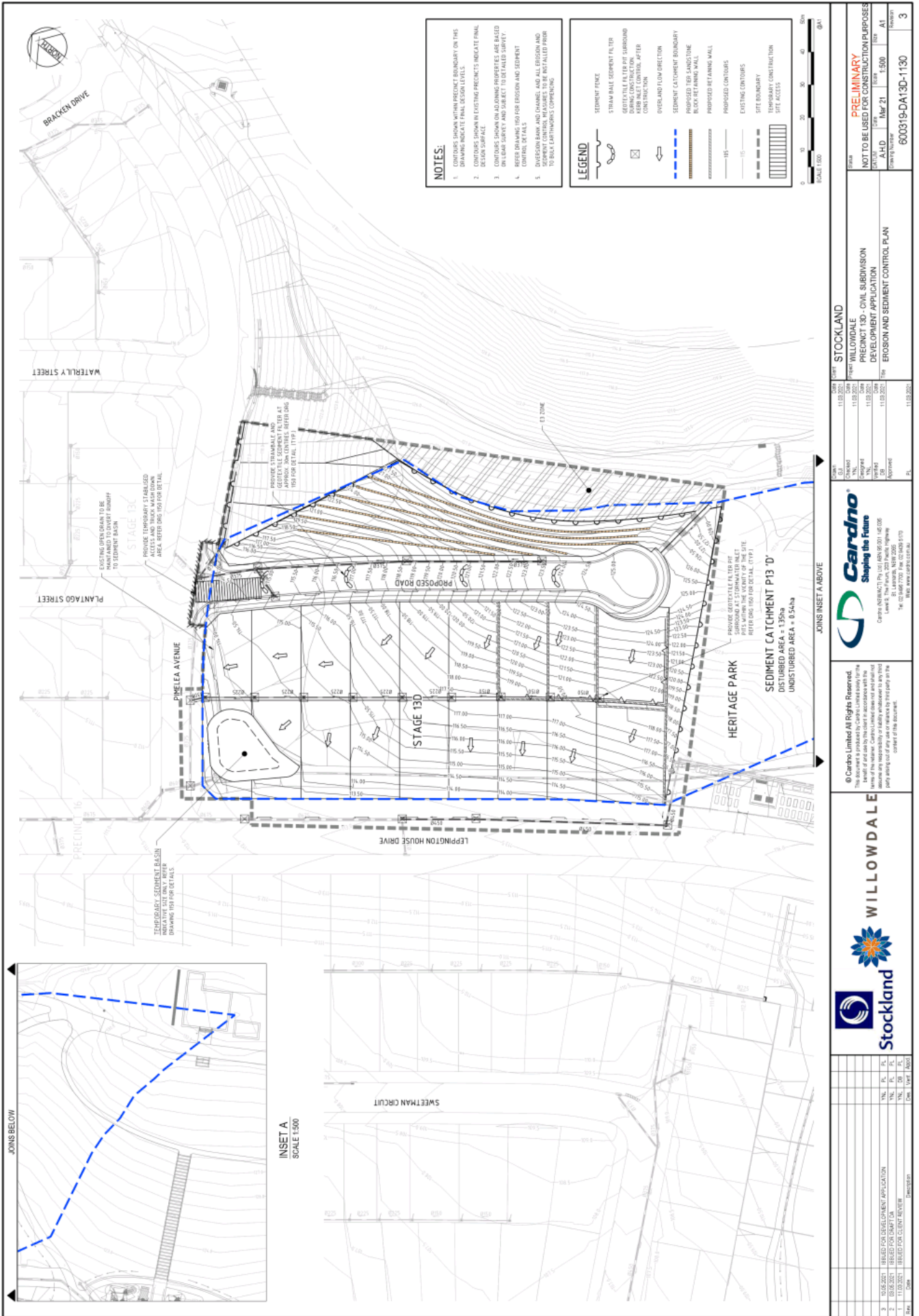
No.	Date	Description
1	11.03.2022	PRELIMINARY DEVELOPMENT APPLICATION
2	11.03.2022	PRELIMINARY DEVELOPMENT APPLICATION
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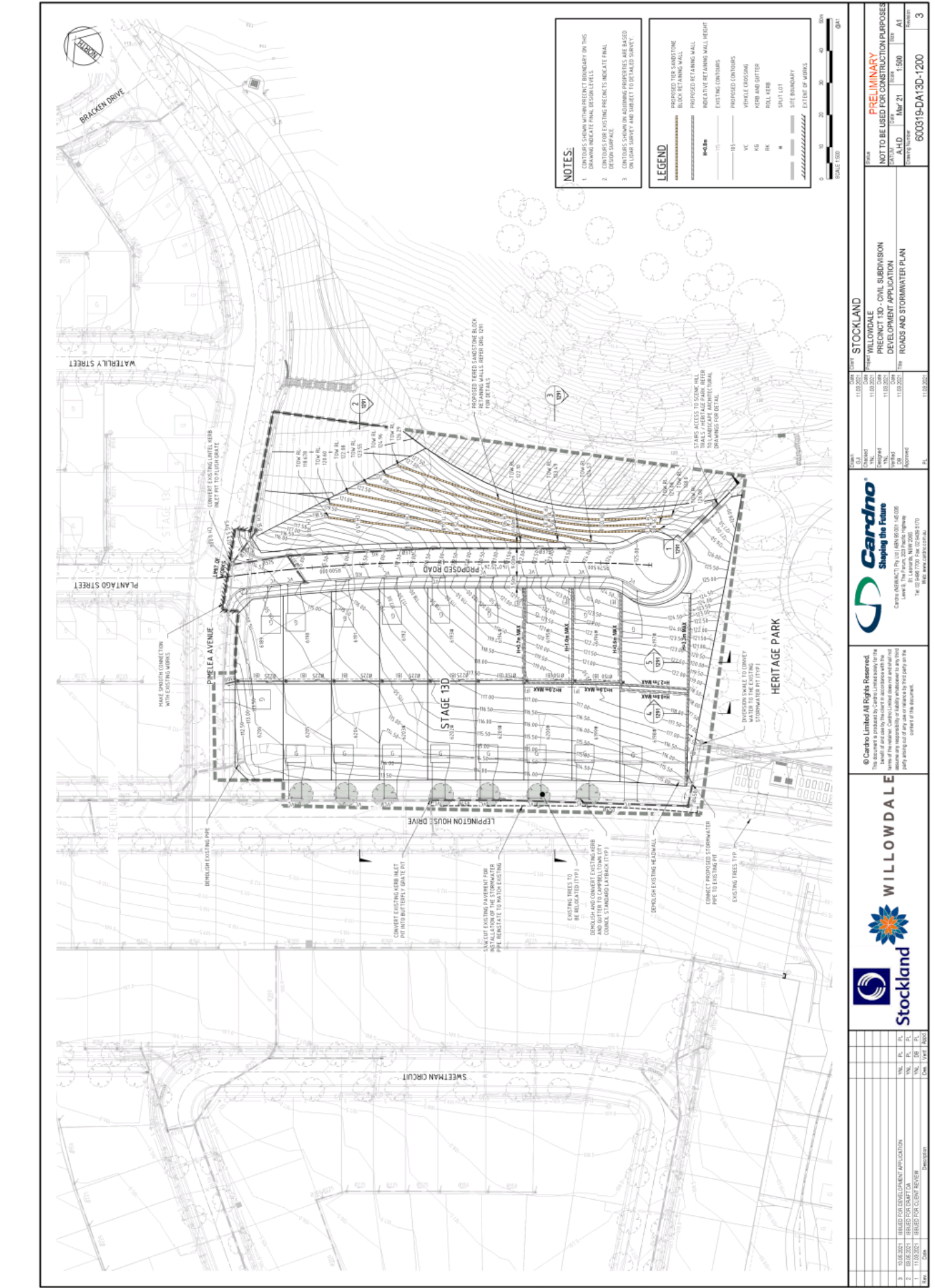
 WILLOWDALE		 Cardno Shaping the Future Cardno (NZ) Limited Level 8, The Point, 202 Pacific Highway Auckland, New Zealand Tel: 02 3448 7700 Fax: 02 3448 5170 Web: www.cardno.co.nz	
DATE POSTED: 20/03/2022 BY: 17 AM BY: CAI/HEMI/ELING	DATE: 11/03/2022 DRAWN: [Name] CHECKED: [Name] APPROVED: [Name]	PROJECT: STOCKLAND PROJECT: WILLOWDALE PROJECT: PRECINCT 13D - CIVIL SUBDIVISION PROJECT: DEVELOPMENT APPLICATION PROJECT: GENERAL ARRANGEMENT PLAN	SHEET: 600319-DA13D-1010 OF: 3
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<p>STOCKLAND</p> <p>WILLOWDALE</p> <p>PRECINCT 130 - CIVIL SUBDIVISION DEVELOPMENT APPLICATION</p> <p>EROSION AND SEDIMENT CONTROL PLAN</p>	<p>DATE: 11.03.2022</p> <p>PROJECT: 600319-DA13D-1130</p> <p>PREPARED BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>APPROVED BY: [Name]</p>																								
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Client	STOCKLAND
Project	WILLOWDALE
Drawn	11.03.2021
Checked	11.03.2021
Approved	11.03.2021
Scale	1:500
Sheet	AT
Drawn by	600319-DA13D-1200
Checked by	
Approved by	
Project No	3

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION PURPOSES

STOCKLAND
WILLOWDALE
PRECINCT 130 - CIVIL SUBDIVISION
DEVELOPMENT APPLICATION
ROADS AND STORMWATER PLAN

Cardno
Shaping the Future
Cardno Infrastructure Pty Ltd (ABN 62 001 142 006)
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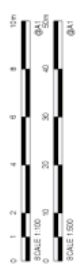
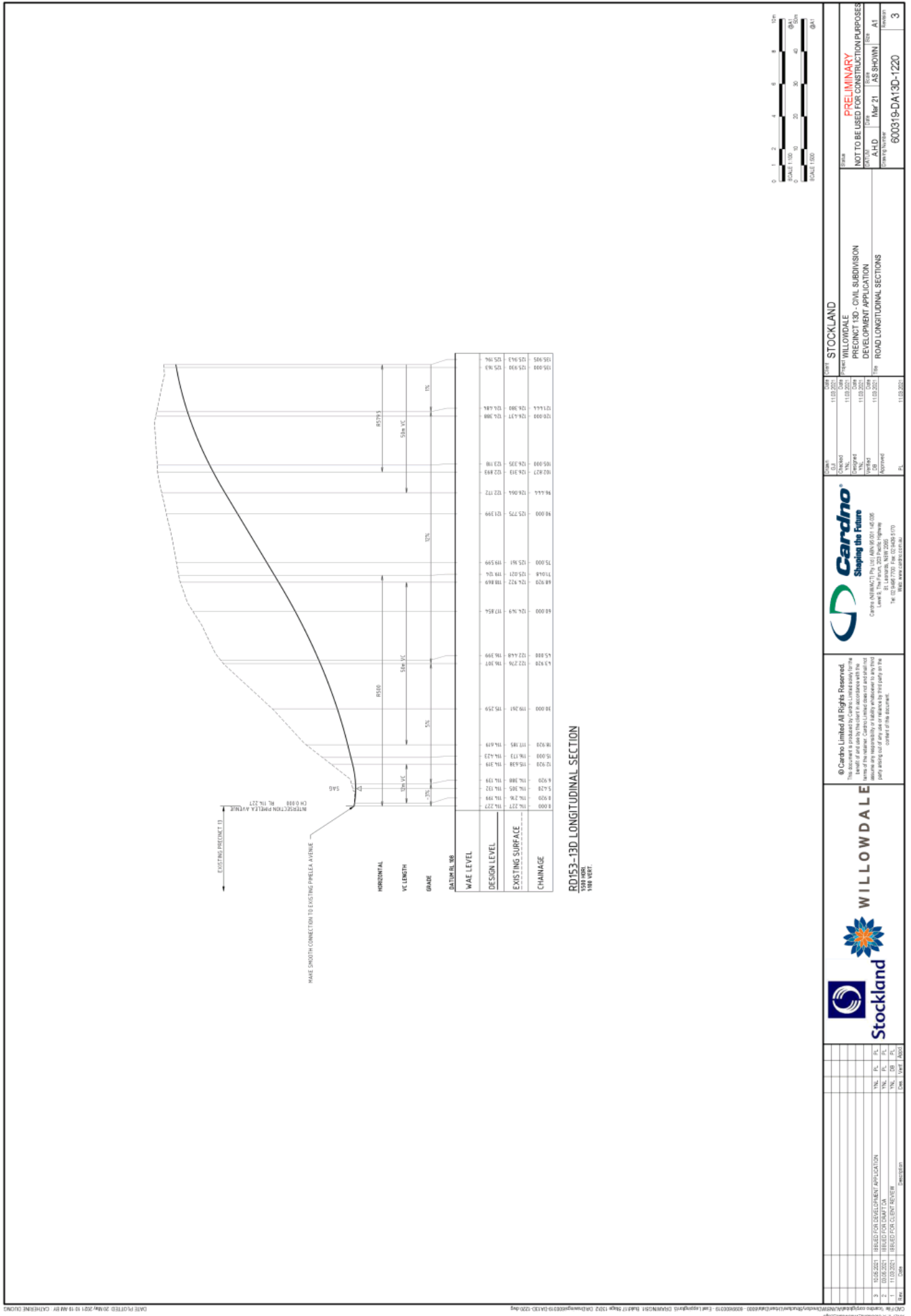
WILLOWDALE

Stockland

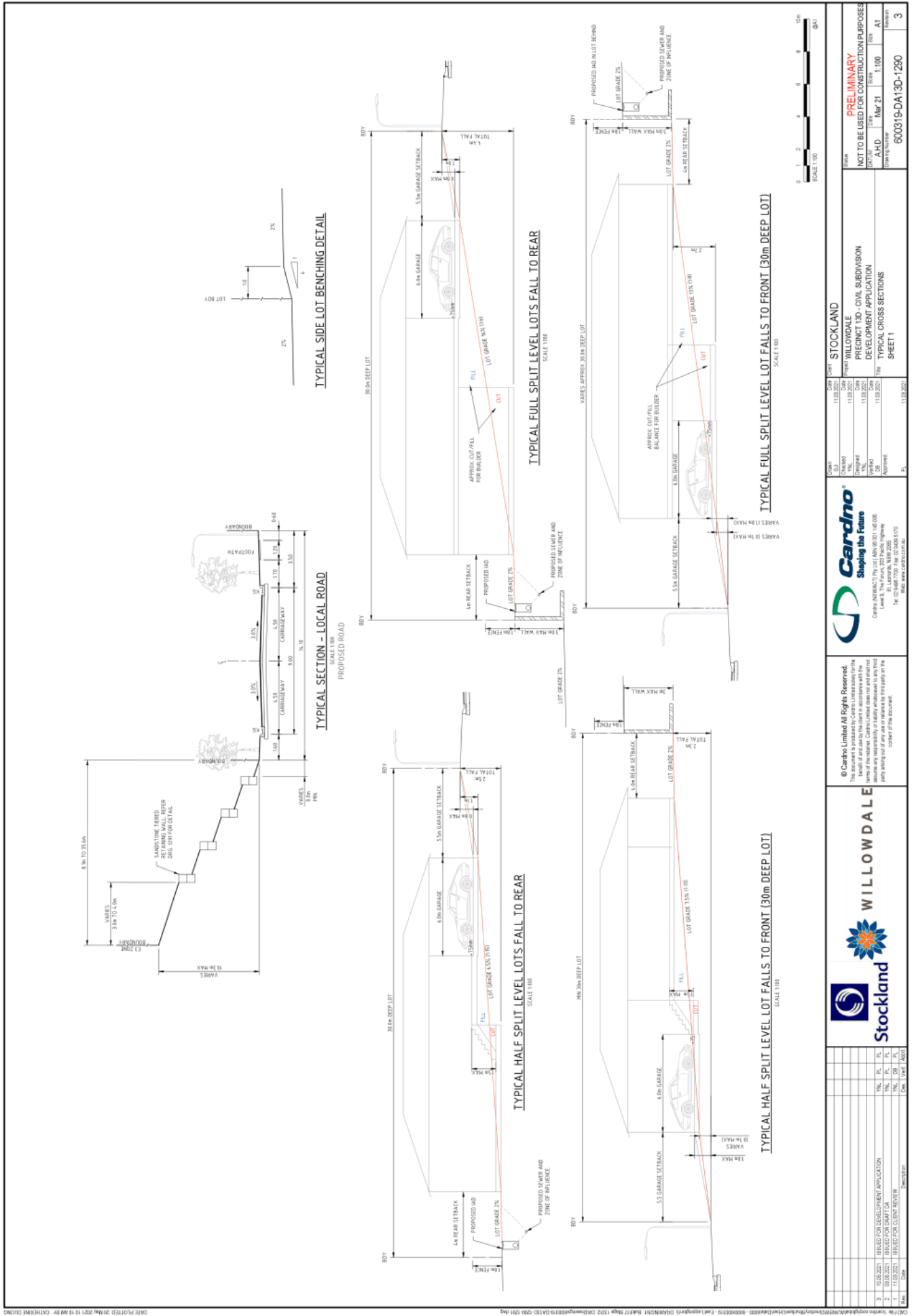
Stockland

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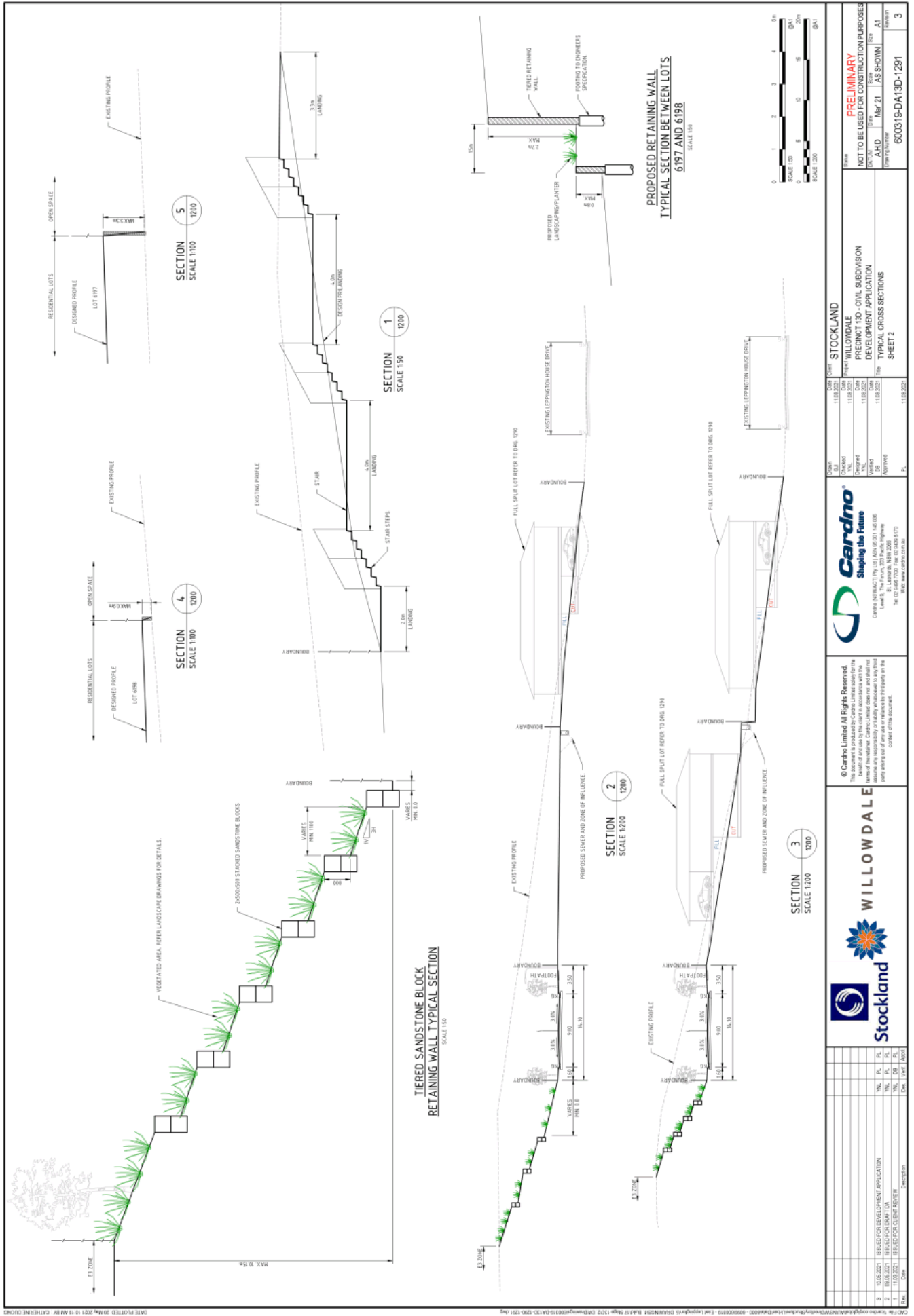
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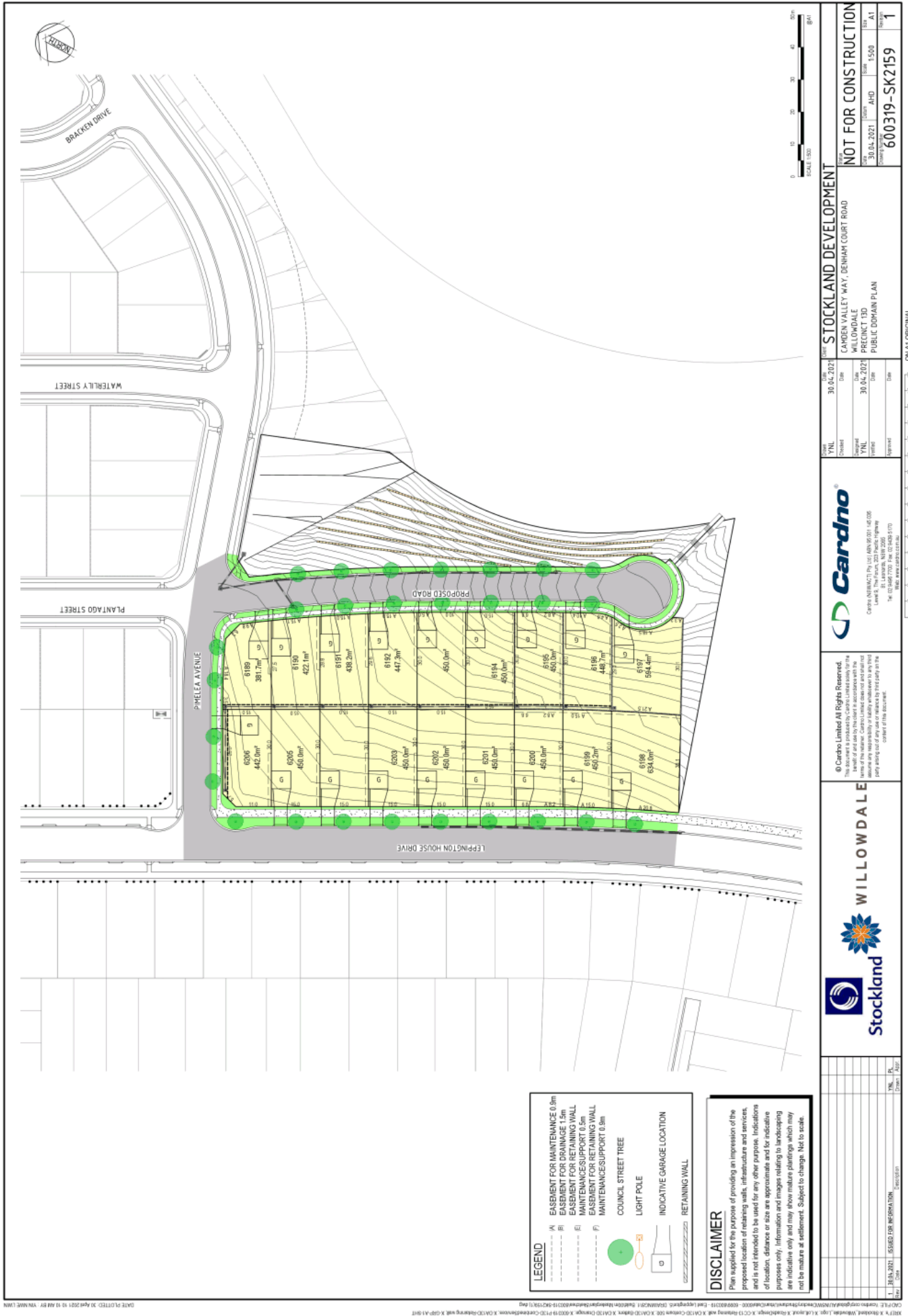


<p>WILLOWDALE</p>	<p>Cardno Shaping the Future</p>	SHEET: STOCKLAND PROJECT: WILLOWDALE	
		PRELIMINARY NOT TO BE USED FOR CONSTRUCTION PURPOSES	
ROAD LONGITUDINAL SECTIONS		DATE: 11/03/2022 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	DATE: 11/03/2022 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]
11/03/2022 11/03/2022 11/03/2022 11/03/2022	11/03/2022 11/03/2022 11/03/2022 11/03/2022	600319-DA13D-1220	



WILLOWDALE		STOCKLAND	
PROJECT: WILLOWDALE PRECINCT 130 - CIVIL SUBDIVISION DEVELOPMENT APPLICATION		SHEET: TYPICAL CROSS SECTIONS SHEET 1	
DATE: 11.03.2021 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]		SCALE: 1:100 DATE: 11.03.2021 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	
NOT TO BE USED FOR CONSTRUCTION PURPOSES PRELIMINARY		600319-DA13D-1290	







NSW RURAL FIRE SERVICE

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Your reference: 1676/2021/DA-SW (CNR-23399)
Our reference: DA20210620002488-Original-1

ATTENTION: Campbelltown Council

Date: Tuesday 27 July 2021

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Subdivision
Bracken Drive Denham Court NSW 2565, 6189//DP1238897

I refer to your correspondence dated 07/06/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- leaves and vegetation debris should be removed

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
 - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions must apply:

4. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;



- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice - Consent Authority to Note

- This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the *National Construction Code of Australia* may be subject to separate application under section 4.14 of the *EP & A Act* and address the requirements of *Planning for Bush Fire Protection 2019*.
- The scheme that has been assessed is the proposed residential subdivision plan as prepared by Cardno Pty Ltd, Precinct 13D Subdivision Plan, Dwg No: 600319-SK2161, Revision 1, Drawn: WP and dated 24/05/21

For any queries regarding this correspondence, please contact Craig Casey on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision - Subdivision
Bracken Drive Denham Court NSW 2565, 6189//DP1238897
RFS Reference: DA20210620002488-Original-1
Your Reference: 1676/2021/DA-SW (CNR-23399)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Tuesday 27 July 2021

PO Box 57, Campbelltown NSW 2560

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