



**CAMPBELLTOWN**  
CITY COUNCIL

# **LOCAL PLANNING PANEL**

13 DECEMBER 2023

## MEETING NOTICE

### Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held via Teams on  
**Wednesday, 13 December 2023 at 3.00pm.**

## MEETING AGENDA

### 1. ACKNOWLEDGEMENT OF COUNTRY

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

### 2. APOLOGIES

### 3. DECLARATIONS OF INTEREST

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4.1 Development Application - Construction of retaining walls - 25 Roald Place,  
Leumeah

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5.1 Planning Proposal Request - Campbelltown

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## **General Information**

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

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

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

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

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 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 report is referred to the Local Planning Panel for its consideration and recommendation.

Lindy Deitz  
General Manager

## 4. REPORTS

### 4.1 Development Application - Construction of retaining walls - 25 Roald Place, Leumeah

#### Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

#### Delivery Program

Principal Activity
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options

#### Referral Criteria

This matter is reported to the Campbelltown Local Planning Panel in accordance with Schedule 1, item 1(e) of the Local Planning Panels Direction – Development Applications, issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment, Act 1979* (EP&A Act) on 6 September 2023 as the land subject to this application is owned by the son and daughter-in-law of Meg Oates who is a Councillor of Campbelltown City Council (the Council), resulting in a conflict of interest.

As such, this development application is required to be determined by the Campbelltown Local Planning Panel.

#### Executive Summary

- Council has received a development application for construction of retaining walls at 25 Roald Place, Leumeah.
- The subject site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The development application was not notified as this was not required by the Campbelltown Community Participation Plan.
- It is recommended that the application be approved, subject to conditions.

#### Officer's Recommendation

That development application 4152/2023/DA-0 for construction of retaining walls at 25 Roald Place, Leumeah be approved subject to the conditions listed in attachment 1.

## Purpose

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

<b>Property Description</b>	Lot 413 DP 1267282; 25 Roald Place, Leumeah
<b>Application No</b>	4152/2023/DA-0
<b>Applicant</b>	Ecodesign Pty Ltd
<b>Owner</b>	Mrs Tracey Oates and Mr Ross Oates
<b>Provisions</b>	<i>Environmental Planning and Assessment Act 1979</i> Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	14 November 2023

## The Site

The subject land is known as 25 Roald Place, Leumeah and legally defined as Lot 413 DP 1267282. The land is regular in shape with a total area of 500.1 m<sup>2</sup>.

The site is zoned – R2 Low Density Residential under the CLEP 2015 and the surrounding development on Roald Place comprises single and double storey dwelling houses. The land to the east of the subject property is zoned R5 Large Lot Residential.



Figure 1 – Subject Site – 25 Roald Place, Leumeah

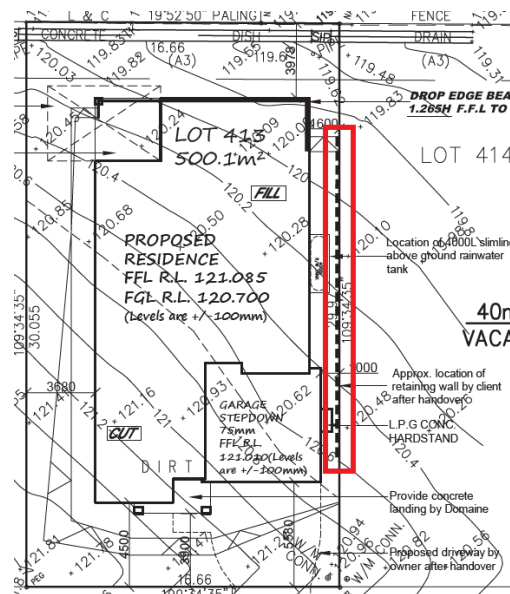
The subject land falls 2.3m from the north-western corner of the allotment to the south-eastern corner. An easement for drainage is located at the rear of the property.

## History

The dwellings of 23, 25 and 27 Roald Place were all approved in May 2023 by Complying Development Certificates under the State Environmental Planning Policy (Exempt and

Complying Development) Codes 2009 (Codes SEPP). The Codes SEPP permits retaining walls of 1m cut and 600 mm fill within 1m of the property boundaries. All 3 approvals indicated retaining wall/s to be constructed adjacent to the side property boundaries, however the current proposal seeks marginally higher retaining wall at 700 mm to retain fill.

The dwellings on the adjacent properties of 23 and 27 Roald Place are currently under construction. The dwelling on the subject property has recently completed construction with the occupation certificate for the whole of the building issued on 31 October 2023, although the retaining wall indicated on the approved plan shown below has not been constructed.



**Figure 2 – Approved plans for dwelling on subject site**

Retaining walls are required between 23 and 25 Roald Place and between 25 and 27 Roald Place to retain the soil supporting slabs for air conditioning, rainwater tanks and to cover stormwater pipes. Photographs of the current site conditions between the dwelling are shown below.



**Figure 3 – Site condition between 23 and 25 Roald Place, Leumeah on 20 November 2023**

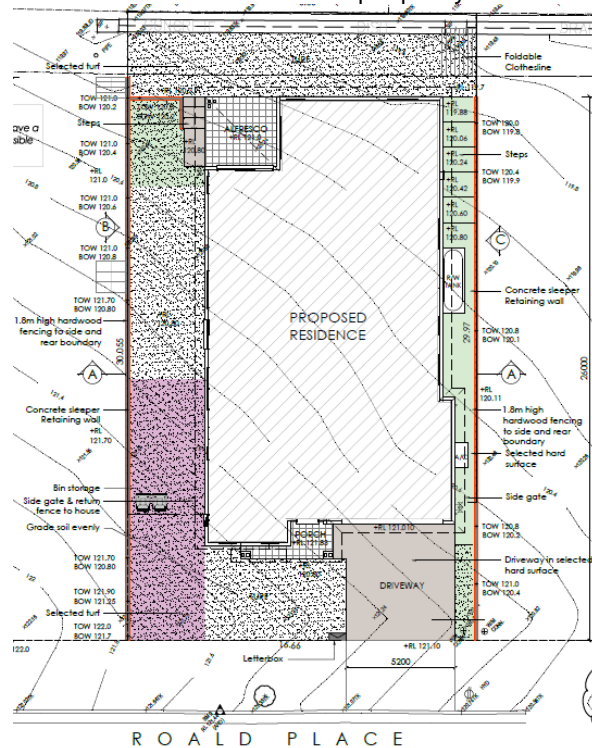




**Figure 3 – Site condition between 25 and 27 Roald Place, Leumeah on 20 November 2023**

**Proposal**

The proposed development includes the installation of retaining walls to the northern and southern property boundaries of the subject lot and associated cut and fill. No retaining walls are proposed within the easement at the rear of the property.



**Figure 4 – location of the development with proposed retaining walls indicated in red**



## Report

### 1. Vision

Campbelltown 2032 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2032 addresses 5 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: Community and belonging
- Outcome 2: Places for people
- Outcome 3: Enriched natural environment
- Outcome 4: Economic Prosperity
- Outcome 5: Strong leadership

The proposal is consistent with objective 2, focus area of 2.3.1 of this plan as the development contributes to safe, secure, and affordable housing in the Campbelltown Local Government area.

### 2. Planning Assessment

#### 2.1 Section 4.14(1) bushfire prone land

The subject site is identified as bushfire prone land. As the proposed development is for a non-combustible retaining wall, the proposal complies with the provisions of Planning for Bushfire Protection 2019. A condition is recommended to ensure compliance.

#### 2.2 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

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

##### 2.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) applies to the application. At the time of determination of the original development application, Chapter 11 Georges River Catchment applied. This chapter has since been repealed and the provisions of Chapter 6 of this SEPP now replace Chapter 11.

The proposed development does not conflict with any of the relevant provisions of the Biodiversity and Conservation SEPP or impact any of the matters with which the consent authority must be satisfied under Chapter 6. The application is therefore considered acceptable in this regard.

##### 2.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH 2021) required the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Chapter 4, Clause 4.6 of the SEPP RH 2021 is provided below.

<b>Clause 4.6 Contamination and remediation to be considered in determining development application</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<p>1) A consent authority must not consent to the carrying out of any development on land unless-</p> <p>(a) A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.</p> <p>(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</p> <p>(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.</p>	<p>The subject site was created as part of a residential subdivision.</p> <p>No evidence of contamination was identified during site inspection and investigation of Council records did not reveal any history of potentially contaminating land uses on the site.</p> <p>The consent authority can therefore be satisfied that the development site is suitable for the proposed telecommunications facility.</p>	Yes

### **2.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021**

In accordance with Section 2.48 the proposed development does not involve:

- the penetration of ground within 2 m of an underground electricity power line or an electricity distribution pole or within 10 m of any part of an electricity tower,

The development proposed is not:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- immediately adjacent to an electricity substation, or
- within 5 m of an exposed overhead electricity power line,

The proposed development does not involve the installation of a swimming pool.

The proposed development is not a development involving or requiring the placement of power lines underground.

### **2.2.4 State Environmental Planning Policy (Resources and Energy) 2021**

In consideration of Section 2.19 the application is not on land that is:

- a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or
- b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the

Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or

- c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.

### 2.2.5 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 Low Density Residential under the provisions of the CLEP 2015.

The application proposes retaining walls that are ancillary to existing dwelling house. A dwelling house is defined under the CLEP 2015 as follows:

**Dwelling house** means a building containing only one dwelling.

The proposal is consistent with the land use definition of a dwelling house under the CLEP 2015.

The objectives of the R2 Low Density Residential zone under the CLEP 2015 are as follows:

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

The proposal will uphold the objectives of the land use zone, specifically the first objective.

The development complies with the applicable clauses of the CLEP 2015.

## 2.3 Section 4.15(1)(a)(iii) The provisions of any development control plan

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

Part 2 of the SCDCP aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

Part	Requirement	Proposed	Compliance
2.5 Landscaping	Landscape design shall enhance the visual character of the development and compliment the design/use within and adjacent to the	The design and materials of the retaining walls will enhance the streetscape.	Yes

Part	Requirement	Proposed	Compliance
	site.		
	Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	No existing vegetation is impacted by the proposed development.	
2.7 Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	A satisfactory erosion and sediment control plan has been submitted in support of this application.	Yes
2.8.1 Cut and Fill	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A satisfactory cut and fill management plan has been submitted in support of this application.	Yes
	For any dwellings within residential zones, the maximum level of cut shall not exceed 1m below the ground level (existing) and the maximum level of fill shall not exceed 1m above ground level (existing), when measured at any corner of the building platform.	Maximum cut of 900 mm proposed and max fill of 700 mm proposed.	
2.12 Retaining Walls	a) Any retaining wall that is not complying or exempt development as specified in the Exempt and Complying Development Code shall be designed by a suitably qualified person.	A concept design by a engineer has been submitted. A condition is recommended to ensure compliance.	Complies by condition.
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) No filling shall be permitted within 2 m of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater	The proposed fill will not decrease visual privacy, increase overshadowing or negatively impact stormwater management.	

Part	Requirement	Proposed	Compliance
	management and access issues have been addressed to Council's satisfaction.		
	<p>c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:</p> <p>i) The retaining wall shall be setback a minimum of 450 mm from the rear and side boundary of the lot containing the cut.</p> <p>Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has been obtained and submitted as part of the DA. This must include consent for the creation of a 900 mm maintenance easement over the neighbouring property.</p>	<p>The retaining walls are proposed to be over the property boundary. The application was made for 25 Roald Street only and does not include 23 or 27 Roald Street on the application.</p> <p>Adjoining owners' consent has been provided for lodgement of the application, however, this consent does not mention the creation of a 900 mm maintenance easement.</p>	
	Any retaining wall shall not adversely alter surface flows to adjoining private land.	The retaining walls will improve surface flows	
	Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	Retaining walls are shown wholly within the boundaries.	
	Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	Condition recommended to ensure compliance.	
	Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining	Owners consent from adjoining properties provided.	

Part	Requirement	Proposed	Compliance
	owner/s.		
	Retaining walls higher than 900 mm shall be designed by a structural engineer and made from appropriate material.	N/A	
2.14.1 Contaminated Land	The requirements of Managing Land Contamination Planning Guidelines, SEPP 55 - Remediation of Land (EPA, DUAP, 1998) shall be satisfied on sites known to have, or may give Council reason to suspect, a potential for previous contamination.	SEPP resilience and Hazards has been considered. There is no evidence to suggest that the site is contaminated.	Yes
2.14.4 Subsidence	Any development on a site located within South Campbelltown Mine Subsidence District, or Appin Mine Subsidence District may be at risk of the effects of subsidence from past and/or future underground mining. An appropriate engineering outcome shall be achieved.	The subject site is not located within an area of Mine Subsidence.	N/A
2.15.1 Waste Management	A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1.	A satisfactory WMP has been submitted in support of this application detailing how construction waste will be managed.	Yes

As the table above shows, the proposal is (subject to conditions) fully compliant with Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP).



### Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures

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

Part	Requirement	Proposed	Compliance
<b>3.4 General Requirements for Low and Medium Density Residential Development – Zones R2, R3, R4 and R5</b>			
3.4.1.1 Streetscape	Building design (including façade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods.	Proposed retaining wall design complements the scale of development, and the desired future character of the residential neighbourhoods.	Yes

As the table above shows, the proposal is fully compliant with Part 3 of the SCDCP.

#### 2.4 Section 4.15(1)(a)(iia) The provisions of any Planning Agreement

No Planning Agreement has been proposed as part of this application.

#### 2.5 Section 4.15(1)(a)(iv) The provisions of the Regulations

Applicable Regulation considerations including demolition, compliance with the Building Code of Australia, compliance with the *Home Building Act*, PC appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by recommended consent conditions.

#### 2.6 Section 4.15(1)(b) The Likely Impacts of the Development

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

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

##### (a) Natural Environment

Impacts on the natural environment have been assessed as part of the development application. It was found that the proposal will not result in a significant detrimental impact on the natural environment. The application does not propose removal of any trees or vegetation, and stormwater will be managed appropriately.

**(b) Built Environment**

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole.

The proposal will facilitate residential development consistent with the desired future built character of the locality.

**(c) Social Impacts and Economic Impacts**

The proposed development is unlikely to generate any unreasonable social impacts and will provide positive economic impacts through the generation of employment during construction.

**2.7 Section 4.15(1)(c) The suitability of the development**

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

It is considered the proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape and relationship to adjoining buildings and land uses.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

**2.8 Section 4.15(1)(d) Any Submissions**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions, in accordance with the Campbelltown Community Participation Plan the application was not required to be notified.

No submissions have been received in response to the proposal.

**2.9 Section 4.15(1)(e) Public Interest**

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the R2 Low Density Residential zone. The proposed development has demonstrated that the site is suitable for the proposed development.

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone.

**Conclusion**

The subject development application (4152/2023/DA-0) proposing retaining walls at 25 Roald Place, Leumeah has been assessed under the heads of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Having regard to the matters mentioned in this report, it is considered that the application is consistent with the relevant planning legislation.

**Attachments**

- 4.1.1 Notice of Determination (contained within this report)
- 4.1.2 Elevations and Sections (contained within this report)
- 4.1.3 Excavation and or Fill Plan (contained within this report)

**Reporting Officer**

Coordinator Building Certification

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

<b>1</b>	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>2</b>	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—             <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3. The sign must be—</li> </ol>

	<ul style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ul> <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> <li>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ul>
	<p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p><b>Notification of Home Building Act 1989 requirements</b></p> <ul style="list-style-type: none"> <li>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</li> <li>2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—             <ul style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed—                 <ul style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ul> </li> <li>b. for work to be carried out by an owner-builder—                 <ul style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</li> </ul> </li> </ul> </li> <li>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</li> <li>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ul>
	<p><b>Condition reason:</b> Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p><b>Shoring and adequacy of adjoining property</b></p> <ul style="list-style-type: none"> <li>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</li> <li>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—             <ul style="list-style-type: none"> <li>a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</li> <li>b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</li> </ul> </li> <li>3. This section does not apply if—</li> </ul>

	<p>a. the person having the benefit of the development consent owns the adjoining land, or</p> <p>b. the owner of the adjoining land gives written consent to the condition not applying.</p>												
	<p><b>Condition reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>												
5	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1"> <thead> <tr> <th>Plan Detail</th> <th>Job Number</th> <th>Prepared by</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Retaining Wall Landscape Plan</td> <td>Sheet L-O1 Rev A</td> <td>Ecodesign Outdoor Living Environments</td> <td>19.10.23</td> </tr> <tr> <td>Retaining Wall Section - Elevation</td> <td>Sheet L-O2 Rev A</td> <td>Ecodesign Outdoor Living Environments</td> <td>19.10.23</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Detail	Job Number	Prepared by	Date	Retaining Wall Landscape Plan	Sheet L-O1 Rev A	Ecodesign Outdoor Living Environments	19.10.23	Retaining Wall Section - Elevation	Sheet L-O2 Rev A	Ecodesign Outdoor Living Environments	19.10.23
Plan Detail	Job Number	Prepared by	Date										
Retaining Wall Landscape Plan	Sheet L-O1 Rev A	Ecodesign Outdoor Living Environments	19.10.23										
Retaining Wall Section - Elevation	Sheet L-O2 Rev A	Ecodesign Outdoor Living Environments	19.10.23										
6	<p><b>Stormwater Drainage</b></p> <p>The proposed development and stormwater drainage system shall be designed to ensure no adverse impacts on adjoining properties by the diversion, damming or concentration of stormwater flows.</p> <p><b>Condition reason:</b> Condition reason: To ensure that water is captured and disposed of lawfully and in accordance with engineering standards.</p>												
7	<p><b>Bush Fire Prone Land</b></p> <p>The site is identified as bushfire prone land pursuant to section 10.3 of the Environmental Planning and Assessment Act 1979.</p> <p>The retaining walls shall be constructed of non-combustible materials or bushfire resisting materials in accordance with AS3959-Construction of Buildings in Bushfire Prone Areas 2018 (Appendix F).</p> <p><b>Condition reason:</b> To ensure that the wall's structural elements are resistant to fire.</p>												
8	<p><b>Location of retaining walls</b></p> <p>The retaining walls shall be located wholly within the property boundaries of the subject site.</p> <p><b>Condition reason:</b> To ensure that the walls have been constructed in accordance with the approved plans and wholly within the subject property.</p>												

**Building Work**



**Before issue of a construction certificate**

<b>9</b>	<p><b>Utilities and services</b></p> <p>Before the issue of a construction certificate, written evidence of the following service provider requirements must be provided to the certifier:</p> <ol style="list-style-type: none"> <li>1. the approved plans must be submitted to Sydney Water via the Sydney Water TapIn 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.</li> </ol> <p>An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the certifier prior to issue of a construction certificate.</p> <p>The Sydney Water Tap In service can be accessed at <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a></p> <p><b>Condition reason:</b> To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
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**Before building work commences**

<b>10</b>	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
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**During building work**

<b>11</b>	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <table style="width: 100%; border: none;"> <tr> <td style="padding: 5px;">Monday to Friday</td> <td style="padding: 5px;">7.00 am to 6.00 pm</td> </tr> <tr> <td style="padding: 5px;">Saturday</td> <td style="padding: 5px;">8.00 am to 5.00 pm</td> </tr> <tr> <td style="padding: 5px;">Sunday and public holidays</td> <td style="padding: 5px;">No Work</td> </tr> </table> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>	Monday to Friday	7.00 am to 6.00 pm	Saturday	8.00 am to 5.00 pm	Sunday and public holidays	No Work
Monday to Friday	7.00 am to 6.00 pm						
Saturday	8.00 am to 5.00 pm						
Sunday and public holidays	No Work						

	<b>Condition reason:</b> To protect the amenity of the surrounding area.
12	<b>Erosion and sediment control</b>
	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 plan and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.
	<b>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.</b>
	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

**Before issue of an occupation certificate**

13	<b>Removal of waste upon completion</b>
	Before the issue of an occupation certificate all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of.
	<b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.

**Occupation and ongoing use**

No additional conditions have been applied to this stage of development.

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the

conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means CAMPBELLTOWN CITY COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Campbelltown Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

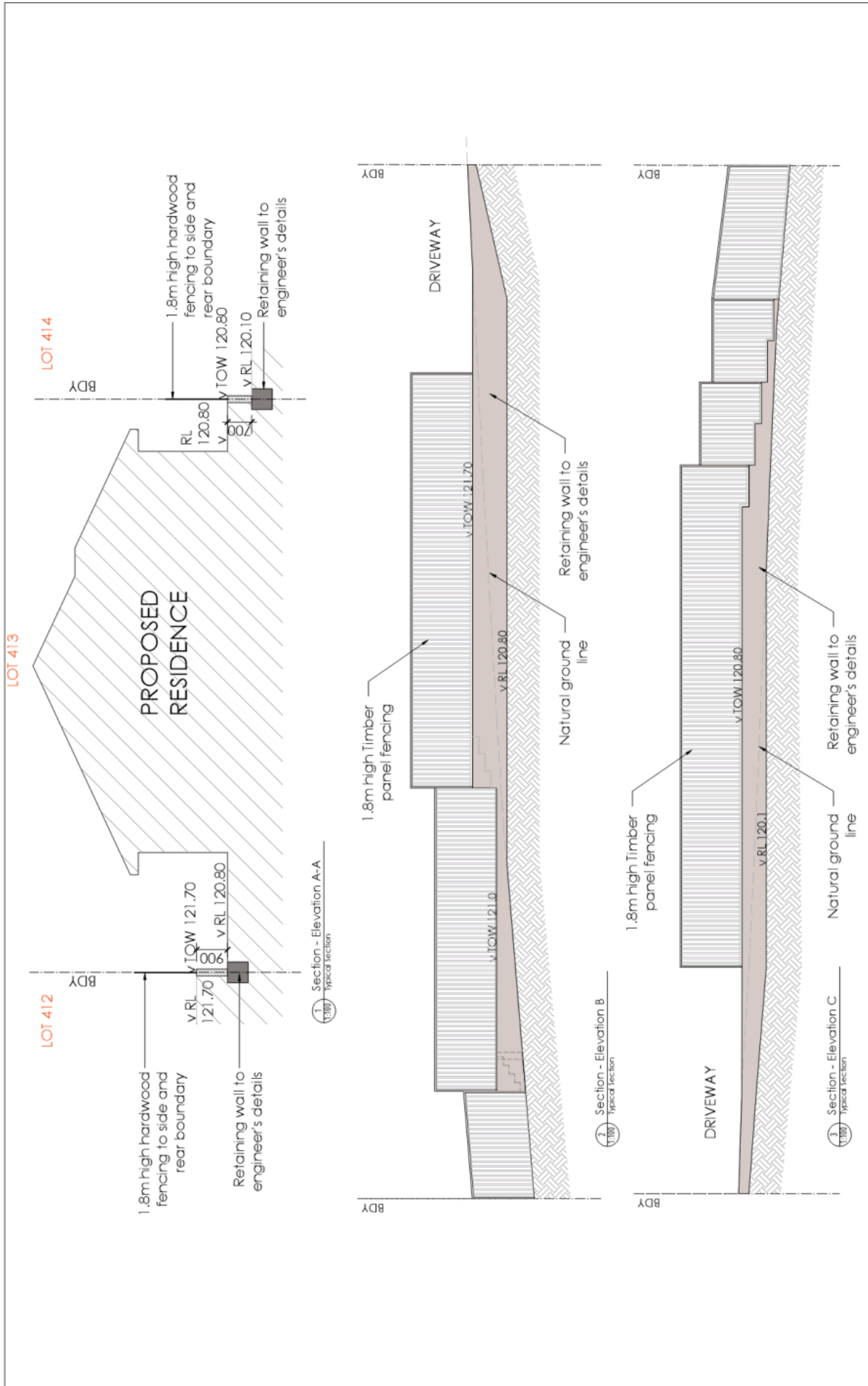
**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Sydney Western City Planning Panel.



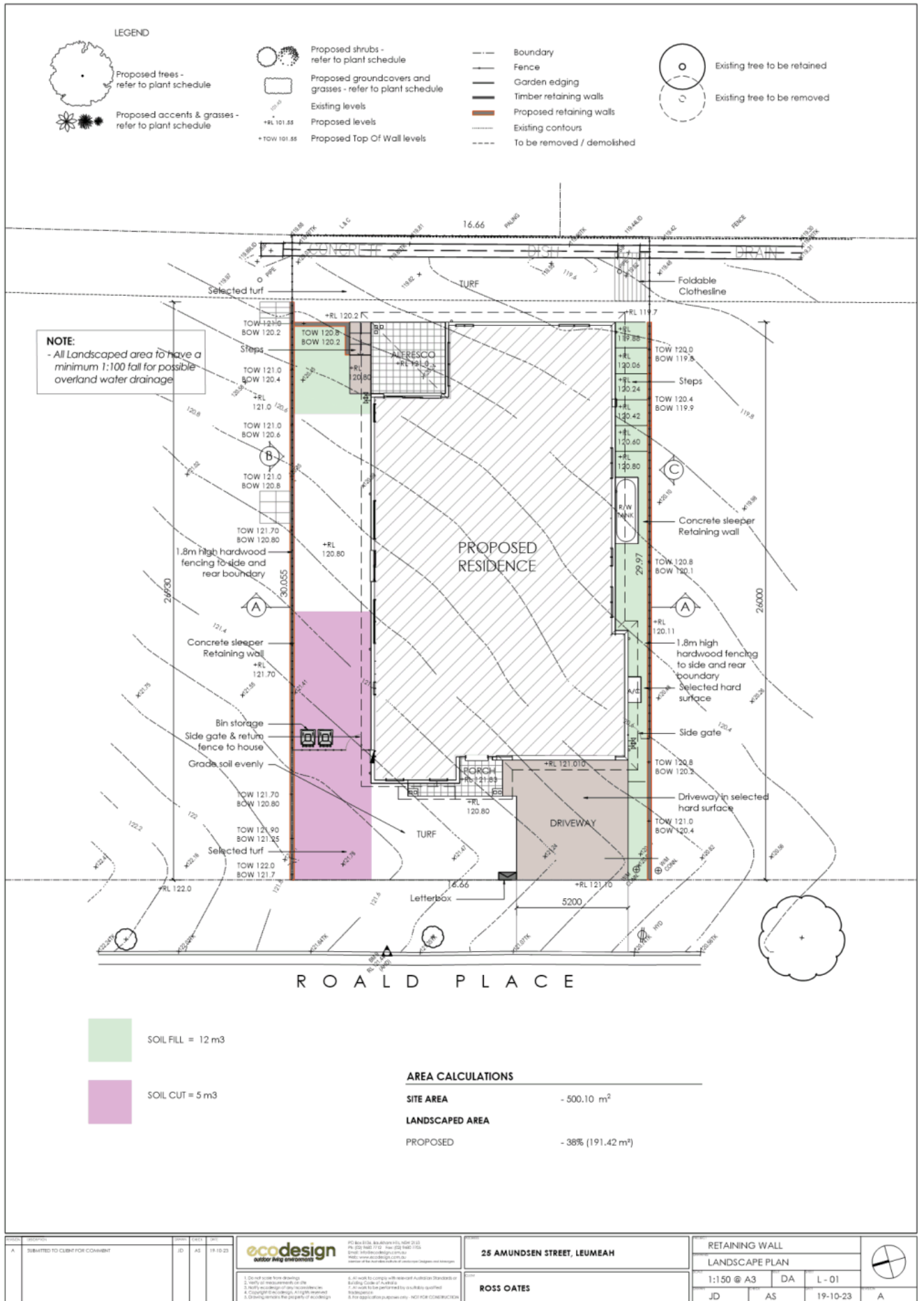
REGION <b>A</b>	DESCRIPTION SUBMITTED TO CLIENT FOR COMMENT	DRAWN JD	CHECKED AS	DATE 19-10-23
		PROJECT <b>25 AMUNDSEN STREET, LEUMEAH</b>		
		CLIENT <b>ROSS OATES</b>		
		PROJECT RETAINING WALL SECTION - ELEVATION SCALE 1:100 @ A3 DATE L - 02 DRAWN JD CHECKED AS DATE 19-10-23		

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## **5. CONFIDENTIAL ITEMS**

### **5.1 Planning Proposal Request - Campbelltown**

#### **Reason for Confidentiality**

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

-

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

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