



**CAMPBELLTOWN  
CITY COUNCIL**

# **LOCAL PLANNING PANEL**

**27 SEPTEMBER 2023**

## 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, 27 September 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

### 4. REPORTS

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- 4.1 Development Application for Demolition of existing structures and 3 storey boarding house at 109 Oxford Road, Ingleburn

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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 for Demolition of existing structures and 3 storey boarding house at 109 Oxford Road, Ingleburn

#### 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
2.1.1.3 Deliver effective land use planning to ensure community needs are met

#### Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the Minister's for Planning and Public Spaces Local Planning Panels Direction, this application is to be determined by the Campbelltown Local Planning Panel (the Panel) as it proposes the contravention of a development standard imposed by an environmental planning instrument by more than 10 per cent.

#### Executive Summary

- The proposed development fails to comply with Clause 24(2)(c) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), which sets non-discretionary landscaping standards for boarding houses.
- Clause 24(2)(c) of the Housing SEPP requires boarding houses on land in Zone R3 Medium Density Residential to comply with the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument. The proposed boarding house fails to comply with one of these requirements (impervious area forward of the building line) by a margin exceeding 10 per cent, and the Panel is therefore the consent authority.
- The proposed building exceeds the site's maximum building height by 1.5 per cent. A Clause 4.6 objection has been submitted in support of this non-compliance. Given that the magnitude of the proposed variation is less than 10 per cent, this is not a reason why the application has been referred to the Panel and the variation could have (but for the impervious area non-compliance) been determined under delegation at Council officer level.
- Apart from the proposed variations to impervious area and maximum building height, the proposed development is fully compliant with the provisions of the Housing SEPP, State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards

SEPP), Campbelltown Local Environmental Plan 2015 (CLEP 2015), and is generally compliant with the Campbelltown Sustainable City DCP 2015 (SCDCP).

- The application was publicly exhibited and notified to nearby and adjoining residents for a period of 28 days. Four submissions were received, which are addressed later in this report. The submissions raise important matters however do not prevent the approval of the application.
- Based on an assessment of the application against section 4.15 of the EP&A Act, the application has been found to be satisfactory and is recommended for approval.

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### Officer's Recommendation

That 784/2022/DA-BH proposing the demolition of existing structures and construction of a three storey boarding house with basement car parking at 109 Oxford Road Ingleburn be approved subject to the attached recommended conditions of consent.

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### Purpose

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

<b>Property Description</b>	Lot 15 DP 27456, 109 Oxford Road, Ingleburn
<b>Application No</b>	784/2022/DA-BH
<b>Applicant</b>	Ghazi Al Ali Architects Pty Ltd
<b>Owner</b>	Guided Investments Pty Ltd
<b>Provisions</b>	State Environmental Planning Policy (Hazards and Resilience) 2021 State Environmental Planning Policy (Precincts - Western Parkland City) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015 Campbelltown Sustainable City Development Control Plan 2015
<b>Date Received</b>	2 March 2022

## The Site and Surrounds

The site is identified as Lot 15 in DP 27456, known as 109 Oxford Road, Ingleburn. The site is rectangular in shape with a north-east (front) boundary measuring 14.91 m, south-east (side) boundary measuring 48.77 m and south-west (rear) boundary measuring 14.955 m and north-west (side) boundary measuring 48.77 m. The site has an area of 728.2 m<sup>2</sup> and is generally flat with a slight fall from the rear to the front of the site.

The site is occupied by a detached single storey dwelling with vehicular access provided from Oxford Road to a detached garage located at the rear of the site. The site is located on a corner lot with a secondary street frontage to Acres Lane, the site does not currently have a splayed corner.

The subject site is adjoined by a detached 2 storey dwelling. The locality is characterised by a variety of residential developments including single and 2 storey detached dwellings, and multi dwelling developments.

The property is not listed as an item of Environmental Heritage, and is not located within a heritage conservation area.

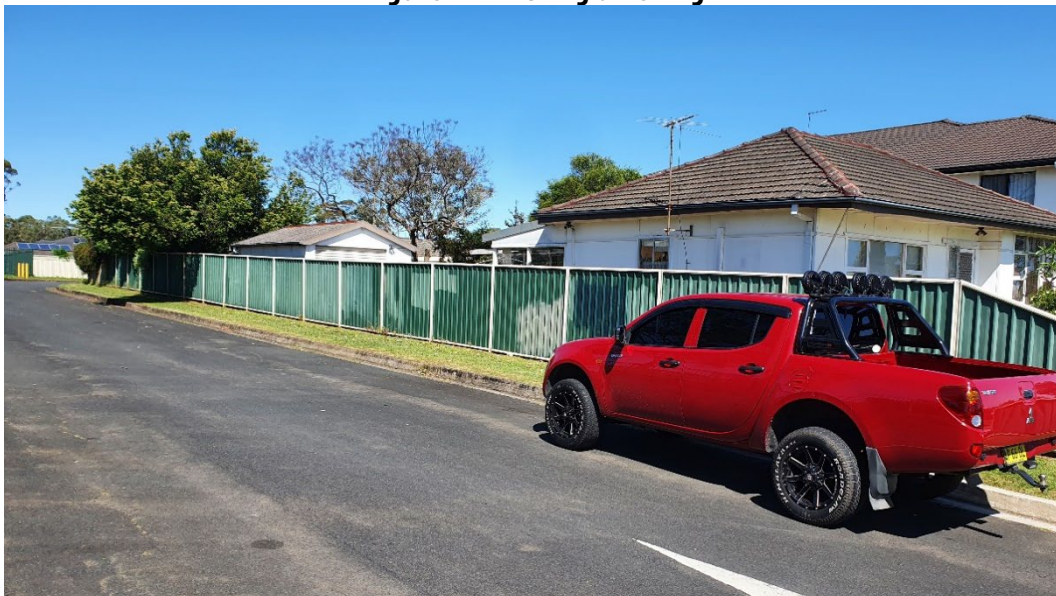


Figure 1: Locality map.





**Figure 2: Existing dwelling**



**Figure 3: Secondary Street frontage**

## **Proposed**

The proposed boarding house would be configured as follows:

### **Basement**

- 5 car parking spaces (including one accessible space)
- 20 bicycle parking spaces
- 4 motorbike parking spaces
- Pump room
- Bin room
- Bulk storage

**Ground Floor**

- Communal room (58.20 m<sup>2</sup> in size)
- 4 single rooms
- one double room
- Communal open space area

**First Floor**

- 7 single rooms
- one double room

**Second Floor**

- 7 single rooms

The proposed boarding house would accommodate a total of 22 residents.

The proposal also includes landscaping and fencing to the site.

**Report****1. Vision**

Campbelltown 2032 is the Community Strategic Plan (CSP) for the City of Campbelltown. The CSP 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 generally consistent with the long term vision for Campbelltown, and is of particular relevance to Outcome 2, Strategy 2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing.

**2. Planning Provisions**

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

## **2.1 Section 4.15(1)(a)(i) – The Provisions of any Environmental Planning Instrument**

### **State Environmental Planning Policy (Housing) 2021**

The application for a boarding house has been made in accordance with the requirements of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021), the principles of which are outlined as follows:

- (a) Enabling the development of diverse housing types, including purpose-built rental housing,
- (b) Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
- (c) Ensuring new housing development provides residents with a reasonable level of amenity,
- (d) Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- (e) Minimising adverse climate and environmental impacts of new housing development,
- (f) Reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) Mitigating the loss of existing affordable rental housing.

The proposed development is considered to be consistent with the principles of the SEPP.

### **23 Boarding houses permitted with consent**

- (1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.
- (2) Development for the purposes of a boarding house must not be carried out on land in Zone R2 Low Density Residential or an equivalent land use zone unless—
  - (a) for land in the Greater Sydney region—the land is within an accessible area, or
  - (b) otherwise—all or part of the boarding house is within 400 m walking distance of land in Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.

Boarding houses are permissible within the R3 Medium Density Residential Zone with consent.

An assessment against the development standards are detailed below:

<b>Standard</b>	<b>Proposal</b>	<b>Compliance</b>
<b>24 Non-Discretionary Development Standards</b>		
<b>24(b) Maximum FSR</b> 0.75:1 (546.15 m <sup>2</sup> )	The proposed development has a FSR of 0.75:1 (543 m <sup>2</sup> )	Yes
<b>24(c) Minimum landscaping</b>		
<ul style="list-style-type: none"> <li>a minimum of 20% of the total site area shall be available for deep soil planting; and</li> <li>no more than 30% of the area forward of any building line shall be surfaced with impervious materials.</li> </ul>	Required 145.64 m <sup>2</sup> Proposed 157.16 m <sup>2</sup> 74% of the area forward of the building line (63 m <sup>2</sup> ) would be impervious.	Yes  No (Clause 4.6 objection submitted)
<b>24(e) Solar Access to communal living</b>	The proposal complies.	Yes
At least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least one communal living area.		
<b>24(g) Communal living area</b>	58 m <sup>2</sup> communal room required	Yes
(i) 30 m <sup>2</sup> plus 2 m <sup>2</sup> for each room over 6 rooms.	The proposed communal room is 58.20 m <sup>2</sup> and exceeds a width of 3 m in all directions.	
(ii) 3 m minimum dimensions		
<b>24(h) communal open space</b>		
(i) Total area min 20% of site	145.64 m <sup>2</sup> is required. 146 m <sup>2</sup> is proposed.	Yes
(ii) Minimum 3 m dimensions	Minimum 3 m width is achieved.	Yes
<b>24(i) Parking</b>		
0.2 spaces per room in an accessible area.	Four parking spaces required; 5 are proposed.	Yes
<b>Clause 25 Standards for boarding houses</b>		
25 (1)(a) No boarding room will have a gross floor area (excluding kitchen and bathroom) of more than 25 m <sup>2</sup>	The boarding rooms comply.	Yes
25 (1)(b) No more than 2 lodgers per room	Maximum 2 lodgers	Yes

25(1)(c) Adequate bathroom and kitchen facilities	Bathroom and kitchen facilities are provided to each room.	Yes
25(1) (f) At least one communal living room	One communal living room is provided.	Yes
25(1)(g)(ii) the minimum lot size requirements for multi dwelling housing under a relevant planning instrument,	No minimum lot size	N/A
25(1)(h)		
(i) Single room 12 m <sup>2</sup>	All proposed rooms would comply with these minimum sizes.	Yes
(ii) Other 16 m <sup>2</sup>		
25(1)(i) the boarding house will include adequate bicycle and motorcycle parking spaces.	Adequate bicycle and motorcycle parking spaces are proposed.	Yes
25(2)(a) Design compatible with	The proposed development would be compatible with the desired future character of the area, noting the area is under transition from a low density to a medium density environment, and its 9 m height limit allows for the construction of 3 storey buildings.	Yes
(i) Character of the local area or		
(ii) Desired future character of precincts under transition		
25(b) front side and rear setbacks	<b>Required</b> 4 m Front	Yes
(i) Minimum setback for multi dwellings in R3 zone	2 m secondary Street 900 mm side 3 m rear 6 m rear first floor	
	<b>Proposed</b> 6 m front 2.2 m secondary Street 3 m side 6 m rear setback to both levels	
25(c) if at least three storeys, comply with the minimum building separation distances in the Apartment Design Guide	The proposed building is 3 storeys. It would have 6 m setbacks to boundaries from habitable rooms, and at least 3 m setbacks to boundaries from non-habitable rooms, which complies with the minimum ADG building separation distances.	Yes

### Clause 26 - Must be used for affordable housing in perpetuity

- (1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—
- (a) the boarding house will be used for affordable housing, and
  - (b) the boarding house will be managed by a registered community housing provider.

Comment: A recommended condition of consent requires the proposed boarding house to be used for affordable housing and be managed by a registered community housing provider in perpetuity.



**Clause 27 - No Subdivision of Boarding Houses**

This clause states that the consent authority is not to grant consent to the strata subdivision or Torrens title subdivision of a boarding house.

Comment: The subject boarding house is not proposed to be subdivided.

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

A BASIX Certificate for the development (No. 1259964M\_03) was submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable pursuant to State Environmental Planning Policy (Building Sustainability Index - BASIX) 2004.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of the Hazards and Resilience SEPP (SEPP RH) aims to provide a state-wide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

The SEPP RH requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 4.6 of SEPP RH is provided in table below.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

<b>Requirement</b>	<b>Action</b>	<b>Response</b>
<b>Clause 4.6(1)</b> 1. Is the development for a <b>change of use</b> to a sensitive land use or for residential subdivision?  <b>Sensitive land use</b> include residential, educational, recreational, child care purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	No change of residential use proposed; a boarding house is proposed.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	The subject site was subdivided prior to 1998 and has been used as a dwelling house for many years.
<b>Clause 4.6(1)</b> 2. Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination	A search of planning certificates

**State Environmental Planning Policy (Resilience and Hazards) 2021**

<b>Requirement</b>	<b>Action</b>	<b>Response</b>
	information and planning certificates linked to the property.	linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.
<b>Clause 4.6(1)</b> 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.
<b>Clause 4.6(1)</b> 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.  NB: if the proposal is industrial then you should answer no to this question.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 2 (b)—Residential B which did not allow for potentially contaminating uses.
<b>Clause 4.6(1)</b> 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	No evidence of potentially contaminated signs were present on site when the site was inspected.

A preliminary site investigation was submitted with the application by a qualified environmental engineer, which concluded that the site is suitable for the proposed development, subject to recommendations relating to a pre-demolition HAZMAT survey, classification of soils, and unexpected finds protocol. These recommendations have been included within the recommended conditions of consent.

Based on the above assessment, the provisions of Clause 4.6 of SEPP RH have been considered and the contaminated land planning guidelines and the site is considered suitable for the proposed development.

**State Environmental Planning Policy (Precincts –Western Parkland City) 2021**

The subject site is located within the boundaries of the Greater Macarthur Growth Area, and is therefore subject to the provisions of the WPC SEPP. Clause 3.21 of the SEPP is relevant to the application and is discussed below.

### **3.21 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land**

Until provisions have been specified in a Precinct Plan or in section 3.11 with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—

- (a) Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,
- (b) Whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,
- (c) Whether the proposed development will result in further fragmentation of land holdings,
- (d) Whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in section 3.11,
- (e) Whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,
- (f) Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,
- (g) In the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

The WPC SEPP does not include a precinct plan for the Greater Macarthur Growth Area, and therefore the above clause of the WPC SEPP is to be considered. In this regard, the Ingleburn Precinct Plan released under the Glenfield to Macarthur Urban Renewal Corridor Strategy (which is not a Precinct Plan for the purposes of the WPC SEPP but is rather a structure plan) indicates that the subject site would be “Low Rise Residential”. This implies that a future land use zoning of R3 would be likely to continue to apply. As the proposed development is for a boarding house, the proposed development would be consistent with the relevant precinct planning strategy. The proposed development is considered to be satisfactory with regard to each of the subclauses of Clause 3.21 of the WPC SEPP.

### **Campbelltown Local Environmental Plan 2015**

The site is zoned **R3 Medium Density Residential** under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). In accordance with the provisions of the CLEP 2015, unless the consent authority has had regard to the zone objectives, and the use is permissible within the zone.

The zone objectives for **R3 Medium Density Residential** are:

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

The proposed development is consistent with these objectives.

The proposed development is defined as boarding house which is defined as:

**Boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,
- (f) but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Boarding houses are permissible with Council's development consent within the **R3 Medium Density Residential** zone.

#### **Clause 4.3 Height of Buildings**

Clause 4.3 of the CLEP 2015 sets out the maximum building height in accordance with the Height of Buildings map. The subject site has a height limit of 9 m. The proposed boarding house would have a maximum height of 9.14 m. The proposed development exceeds the maximum building height by 140 mm (1.5%), consisting entirely of a portion of the lift overrun. The applicant has submitted a Clause 4.6 variation in this regard, which is discussed later in this report.

**Clause 4.4 Floor Space Ratio**

Clause 4.4 of the CLEP 2015 sets out the floor space ratio requirements for all developments in accordance with Clause 4.4(2). Clause 4.4 (2) provides for a FSR of 0.75:1 for multi dwellings in the R3 zone. The proposed development has a maximum floor area of 543 m<sup>2</sup> or an FSR of 0.75:1 and therefore complies with this standard.

**Clause 4.6 Exceptions to Development Standards**

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the EP&A Act. The proposed development includes two Clause 4.6 objections, which are discussed below:

**1. Proposed variation to impervious area forward of the building line**

Clause 4.6 of the CLEP 2015 states that development consent may be granted for development even though the development would contravene a development standard imposed by the CLEP or any other environmental planning instrument.

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.

A written request from the applicant that seeks to justify the proposed contravention of the landscaping standards prescribed for boarding houses under clause 24(2)(c) of the Housing SEPP was submitted with the application, and is attached to this report.

Clause 24(2)(c) of the Housing SEPP states:

The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—

- (c) For development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument”

In this regard, the “minimum landscaping requirements for multi dwelling housing under a relevant planning instrument” (noting that the definition of “relevant planning instrument” under the SEPP includes a Development Control Plan applying to the land) are found under clause 3.7.2.9 of the Campbelltown Sustainable City Development Control Plan 2015, and are outlined below:

"Multi dwelling housing shall satisfy the following requirements relating to landscaping:

- i) a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and
- ii) a minimum of 20 per cent of the total site area shall be available for deep soil planting; and
- iii) No more than 30 per cent of the area forward of any building line shall be surfaced with impervious materials."

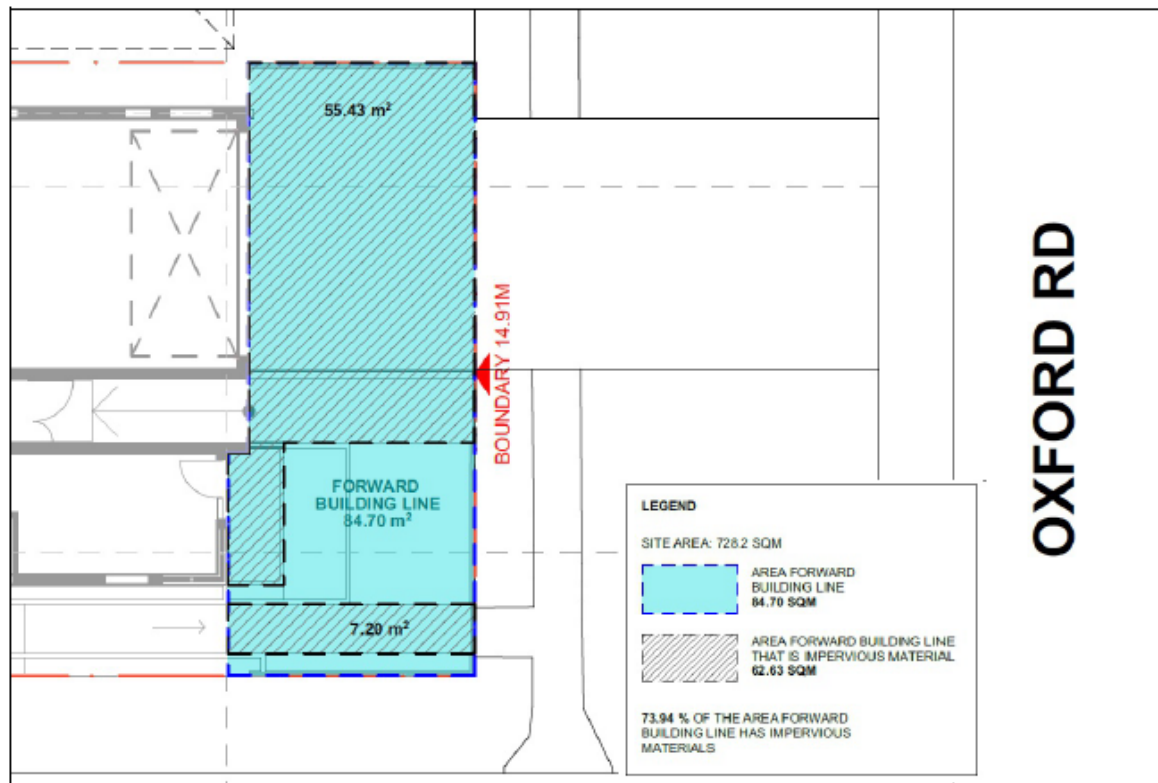
Clause 24(2)(c) of the Housing SEPP essentially elevates the landscaping standards within Council's development control plan to the status of a development standard. The application is compliant with points (i) and (ii) above, but fails to comply with point (iii), as the area forward of the site's front building line (facing Oxford Road) would have 74 per cent impervious materials.

The applicant's written request argues that compliance with the maximum building height standard would be unreasonable or unnecessary in the circumstances of the case, because of the following reasons:

- The non-compliance with the landscaping development standard and a result the site being a corner site and one which requires access to the basement car parking for the proposed development which cannot be provided from Acres Lane.
- The proposal is consistent with the scale of development envisaged for the site under the current planning controls in LEP 2015 and those of State Environmental Planning Policy (Housing) 2021. The proposed development provides for a significant increase in affordable housing and a better planning outcome than would otherwise be the case.
- Maintaining the standard would result in a reduction in the amount of affordable rental housing.
- On balance, maintaining the 30 per cent impervious area development standard in this case would result in a significantly reduced number of affordable housing rooms. It is, therefore, unreasonable and unnecessary to require strict compliance with the standard in this case and there are sufficient environmental planning reasons identified to justify contravening the development standard.
- Maintaining and enforcing the development standard in this case would unreasonably prevent the orderly and economic development of the site and would unnecessarily encumber the various community benefits this development brings which include:
  - A development which is compatible with existing and the desired future character of the locality.
  - A development of high quality design which results in improvement to the streetscape of Oxford Road.
  - The ability to provide affordable residential development in the form of a new generation boarding house close to development such as Ingleburn High School.

- It is a better planning outcome to promote and co-ordinate the orderly and economic use and development of the site through facilitating a development with a breach of the landscaping development standard than proposing a smaller development form which would not lead to the optimum sustainable capacity of development envisaged by LEP 2015 and State Environmental Planning Policy (Housing) 2021.

Below is an extract from the Clause 4.6 variation document which clearly indicates the extent of the proposed variation to the impervious area standard.



**Figure 2:** Plan showing the amount of landscaping forward of the Oxford Road building line.

The applicant's written request argues that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, the applicant makes the following contentions in support of this argument:

- The proposed development is within the R3 Medium Density Residential zone and would be consistent with the objectives of the zone in that it would:
  - provide for the affordable housing needs of the community,
  - assist in the provision of a variety of housing with access to services and facilities,
  - enhance the amenity of the neighbourhood, and
  - ensure that a high level of residential amenity is achieved and maintained.
- A suitable development is proposed for the site notwithstanding the non-compliance with the 30 per cent maximum impervious area in the front setback standard.

- In the circumstance of this development application, the objection to the development standard is well-founded and should be supported as it has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of CLEP 2015.
- The development would be in the public interest because it would provide a planning outcome consistent with the objectives of the development standard, the objectives of the R3 Medium Density Residential zone and State Environmental Planning Policy (Housing) 2021 which seeks, among other things:
  - (a) To provide a consistent planning regime for the provision of affordable rental housing,
  - (b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and nondiscretionary development standards,
- To limit the development to one which did not have basement car parking and, hence, complied with the 30 per cent maximum impervious material in the front setback would significantly limit the potential of the site and, as such, would not reach the capacity for medium density residential development of the area as envisaged by the relevant planning instruments.
- The proposed development would facilitate the establishment of quality boarding house development in the vicinity of development such as Ingleburn High School.

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

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

With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's written request does correctly identify that the subject development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the R3 Medium Density Residential zone. In terms of the objectives of the objectives of the particular standard, neither the Housing SEPP nor Council's DCP stipulate a specific objective



relevant to the landscaping standard in question. However, the DCP outlines the following general objectives for the multi-dwelling housing section of the DCP that contains the standard.

- Ensure that multi dwelling housing is designed to enhance the streetscape character of established residential neighbourhoods.
- Ensure that multi dwelling housing offers a high standard of internal and external amenity for its occupants and maintains the amenity of other residents in the locality.
- Encourage innovative designs and layout to produce a medium density style development with contemporary buildings that utilise facade modulation and incorporate shade elements, such as pergolas, verandahs and the like.

The proposed development is considered to be consistent with these objectives despite the numerical non-compliance (and the objectives of the R3 Medium Density Residential zone), and is therefore considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary 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 Secretary before granting concurrence.

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Planning Secretary's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by a Council where a development contravenes a numerical development standard by greater than 10 per cent (which is the case in this situation). However, this restriction does not apply to applications determined by a local planning panel, so a referral to the Planning Secretary is not required in this case and the concurrence of the Planning Secretary can be assumed.

In terms of consideration of subclauses (a) and (b) above, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the additional building height would facilitate the positive planning outcome of the provision of two-way vehicular access into the proposed basement and a pedestrian path from the front door of the boarding house to the footpath.

## 2. Proposed variation to maximum building height

Clause 4.6 of the CLEP 2015 states that development consent may be granted for development even though the development would contravene a development standard imposed by the CLEP or any other environmental planning instrument.

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.

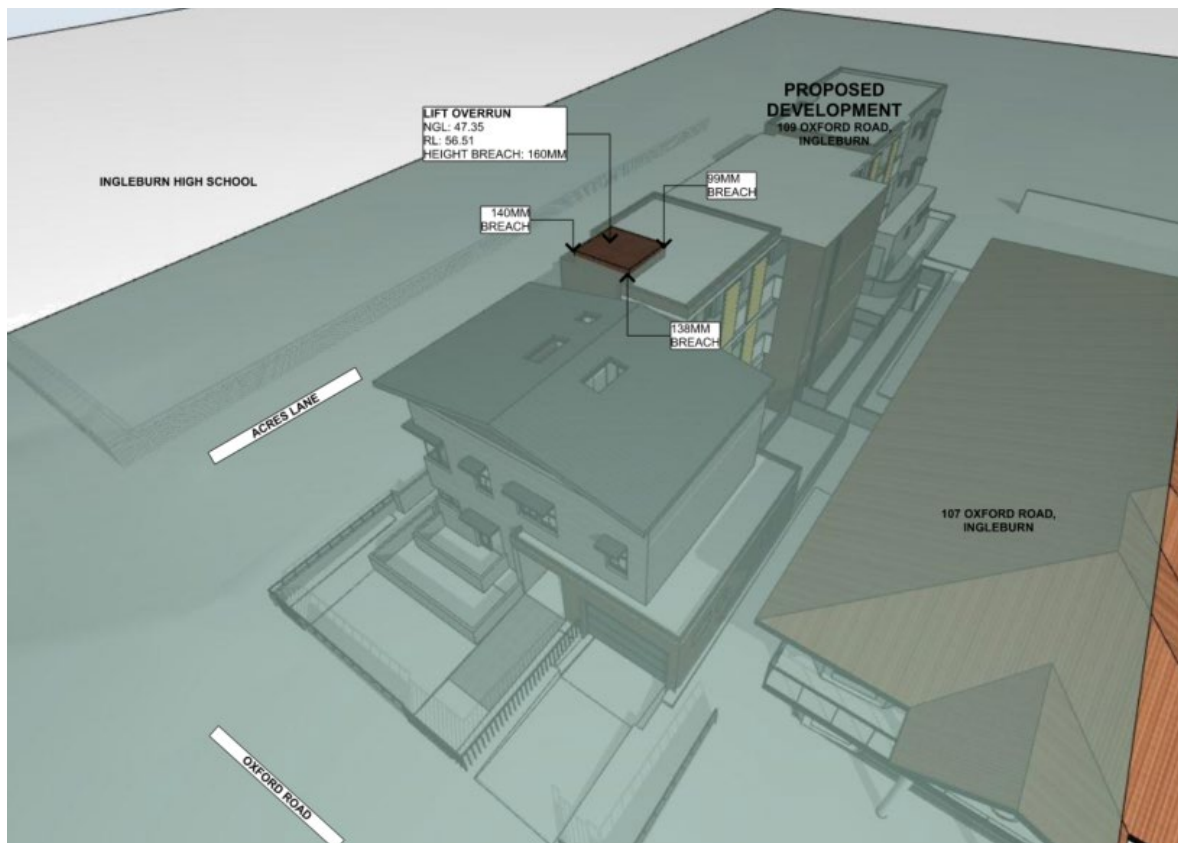
A written request from the applicant that seeks to justify the contravention of the maximum building height standard was provided with the application, which is attached to this report.

The applicant's written request argues that compliance with the maximum building height standard would be unreasonable or unnecessary in the circumstances of the case, because of the following reasons:

- The non-compliance with the height of buildings development standard is confined to a very small section of the lift overrun of the development which breaches the development standard. The degree of non-compliance is variable ranging from 99 mm to 149 mm.
- The proposal is consistent with the scale of development envisaged for the site under the current planning controls in CLEP 2015 and those of State Environmental Planning Policy (Housing) 2021. The proposed development provides for a significant increase in affordable housing and a better planning outcome than would otherwise be the case if one level was removed.
- Maintaining the standard would result in an inferior outcome for all residents, with commensurate reduction in the amount of affordable rental housing.
- The element of the building above the height limit has a small footprint and is significantly setback from the property boundaries and, therefore, will not be perceived from Oxford Road or adjoining development.
- On balance, maintaining the 9 m Height of Buildings development standard in this case would result in a significantly reduced number of affordable housing rooms. It is, therefore, unreasonable and unnecessary to require strict compliance with the standard in this case and there are sufficient environmental planning reasons identified to justify contravening the development standard.
- Maintaining and enforcing the development standard in this case would unreasonably prevent the orderly and economic development of the Site and would unnecessarily encumber the various community benefits this development brings which include:

- A development which is compatible with existing and the desired future character of the locality.
- A development of high quality design which results in improvement to the streetscape of Oxford Road.
- The ability to provide affordable residential development in the form of a new generation boarding house close to development such as Ingleburn High School.
- It is a better planning outcome to promote and co-ordinate the orderly and economic use and development of the site through facilitating a development with a minor breach of the height of buildings development standard than proposing a smaller development form which would not lead to the optimum sustainable capacity of development envisaged by CLEP 2015 and State Environmental Planning Policy (Housing) 2021.

Below is an extract from the Clause 4.6 variation document which clearly indicates the area of the proposed building that would be above the maximum height limit.



**Figure 6: 3D Height Plane**



Figure 7: Section A-A

The applicant’s written request argues that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, the applicant makes the following contentions in support of this argument:

- The proposed development is within the R3 Medium Density Residential zone and would be consistent with the objectives of the zone in that it would:
  - provide for the affordable housing needs of the community,
  - assist in the provision of a variety of housing with access to services and facilities,
  - enhance the amenity of the neighbourhood, and
  - ensure that a high level of residential amenity is achieved and maintained.
- A suitable development is proposed for the site notwithstanding the minor non-compliance with 9 m height of buildings development standard.
- In the circumstance of this development application, the objection to the development standard is well-founded and should be supported as it has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of CLEP 2015.
- The development would be in the public interest because it would provide a planning outcome consistent with the objectives of the development standard, the objectives of the R3 Medium Density Residential zone and State Environmental Planning Policy (Housing) 2021 which seeks, among other things:
  - (a) To provide a consistent planning regime for the provision of affordable rental housing,
  - (b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and nondiscretionary development standards,
- To limit the development to the 9 m height of buildings development standard would limit the potential of the Site and, as such, would not reach the capacity for medium density residential development of the area as envisaged by the relevant planning instruments.
- The proposed development would facilitate the establishment of quality boarding house development in the vicinity of development such as Ingleburn High School.

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

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

With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's written request does correctly identify that the subject development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the maximum building height standard and the objectives of the R3 Medium Density Residential zone, and is therefore considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary 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 Secretary before granting concurrence.

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Planning Secretary's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by a Council where a development contravenes a numerical development standard by greater than 10 per cent (which is not the case in this situation).

In terms of consideration of subclauses (a) and (b) above, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the additional building height would facilitate the positive planning outcome of the provision of lift access to the proposed building.

### **Clause 5.6 Architectural Roof Features**

The objectives of this clause are to permit variations to the maximum height standards only where roof features contribute to the building design and to ensure that the majority of the roof is contained within the maximum building height. The proposed roof height is contained within the 9 m height limit and as such this clause does apply to the proposal. In this regard, it is the lift overrun that breaches the 9 m height limit, not the roof.

### **Clause 5.21 Flood Planning**

This clause aims to minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, avoid adverse or cumulative impacts on flood behaviour and the environment and enable the safe occupation and efficient evacuation of people in the event of a flood. The proposed development has been designed to not have any adverse impacts on flood hazards and as such is considered to be satisfactory.

### **Clause 7.1 Earthworks**

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are required for the proposed development however it is considered that the proposed excavation would not adversely impact on environmental functions and processes, subject to standard conditions of consent being applied in regards to sediment control.

### **Clause 7.4 Salinity**

Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- a. is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development has been designed to minimise the disturbance of the existing ground levels, where possible. Additionally, a condition has been recommended that the design and construction of any structures within the ground shall be in accordance with any geotechnical provisions.

#### **Clause 7.10 Essential Services**

This clause ensures that development consent is not granted to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services and the supply of natural gas are available. All required essential services are already in place for the existing dwelling and available for the proposed development.

#### **Clause 7.13 Design Excellence**

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

- a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

The proposed development has incorporated a wide variety of façade treatments and materials which are consistent with what one would expect from this type of development.

- b. whether the form and external appearance of the development will improve the quality and amenity of the public domain,

The external façade is of a contemporary design that is appropriate within the streetscape and public domain.

- c. whether the development detrimentally impacts on view corridors,

The proposed development would not impact any significant view corridors.

- d. how the development addresses the following matters—

- (i) the suitability of the land for development,

The site is suitable for residential development.

- (ii) existing and proposed uses,

The proposed development is consistent with existing and proposed uses and is permissible within the zone.

- (iii) heritage issues and streetscape constraints,

There are no heritage items within the proximity of the site.

- (iv) bulk, massing and modulation of buildings,

The design of the building is consistent with the future expectations for the area. The building design and presentation is what is expected from medium density residential development.

(v) street frontage heights,

The proposed development is generally consistent with height requirements detailed on the Height of Buildings Map and has been discussed previously in this report. Only the lift overrun would breach the height limit.

(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

The proposed development has given due consideration the environmental impacts; the submitted shadow diagrams indicate that the proposed development would allow the neighbouring allotments sufficient solar access. The proposed scale and materials would not cause wind or reflectivity issues, beyond what would be expected by medium density development.

(vii) the achievement of the principles of ecologically sustainable development,

The proposed development has been designed with consideration to ecologically sustainable development particularly in the use of windows and balconies to take advantage of passive heating and cooling. Additionally the proposed development would need to comply with the Building Code of Australia which further encourages ecologically sustainable development.

(viii) pedestrian, cycle, vehicular and service access, circulation and requirements

The proposed development would not adversely impact on the existing pedestrian networks surrounding the site. The proposed development provides car parking that is sufficient to the development requirements.

(ix) the impact on, and any proposed improvements to, the public domain,

The proposed development and associated landscaping would assist to complete the streetscape setting and associated public domain of the land which is evolving as land is developed.

(x) the interface with the public domain,

The proposed development addresses the public domain to create visual interest through architectural features, changes in building materials and landscaping.

(xi) the quality and integration of landscape design

The proposed landscaping enhances the streetscape and integrates well to compliment the built form.

The application was reported to the Campbelltown Design Excellence Panel on 11 August 2022. The Panel was of the view that the application exhibits Design Excellence. Only minor



matters were raised by the Panel in relation to landscaping and additional openings for solar access, and these changes were made to the application.

## 2.2 Section 4.15(1)(a)(iii) – The Provisions of any Development Control Plan

### 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.

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>2.3 Views and Vistas</b>	a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	The proposed development would not be visible to, within or from Campbelltown's important views and vistas.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The proposed development would not be visible within significant view corridors.	Yes
<b>2.4.1 Rain Water Tanks</b>	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	A recommended condition of consent requires the provision of a rainwater tank.	Yes
<b>2.4.2 Natural Ventilation</b>	a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	The proposed building would provide sufficient opportunities for cross flow ventilation.	Yes
<b>2.4.3 BASIX</b>	A BASIX certificate is to be submitted with residential development in accordance with the SEPP (Building Sustainability Index) 2004.	A BASIX certificate has been provided with the application.	Yes
<b>2.5 Landscaping – Design Requirements</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape design of the proposed development would enhance the visual character of the development.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a	The proposed development would retain 3 existing trees on the site, and provide	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	site wherever possible.	compensatory planting for trees to be removed.	
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposed landscaping would significantly improve the streetscape.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application for boarding houses.	A Landscape Concept Plan has been submitted with the development application.	Yes
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan includes all of this information.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The proposed landscape design includes numerous locally indigenous species.	Yes
<b>2.7 Erosion and Sediment Control – Design Requirements</b>	a) 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.	An erosion and sediment control plan has been provided.	Yes
<b>2.10.3 Stormwater Drainage – Design requirements</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater Drainage Concept Plan was submitted with the application, which proposes to drain the development to the road via gravity. Council's Development Engineer reviewed the proposed development and advised that the application is satisfactory from a stormwater drainage perspective.	Yes
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits;	The stormwater concept plan includes all of this information.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.		
<b>2.13 Security - Design requirements</b>	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead ends and other possible entrapment areas; iii) clearly identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space.	The proposed development would achieve compliance with these security design requirements.	Yes
	b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	A recommended condition of consent has been included, requiring that lighting that achieves compliance with these standards be installed.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.	The proposed development has appropriately located fencing and landscaping that would assist with crime prevention.	Yes
	e) Development applications for boarding houses, shall be accompanied by a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.	A CPTED assessment was instead undertaken by the NSW Police, who made several recommendations that have been included as recommended conditions of consent.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.15.1 Waste Management Plan – Design requirements</b>	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A Waste Management Plan has been submitted with the application.	Yes
<b>2.15.9 Bin Storage Areas</b>	b) Sufficient areas/space shall be made available within the property boundary to store the range of bins for the quantity of waste, recycling and organics (and other materials where appropriate) likely to be generated between collections	Council's Waste Officer has advised that the capacity of the proposed basement waste storage room would be sufficient to accommodate the required volume of bins.	Yes
	c) Residents shall not be required to walk more than a maximum distance of 30 m to access the bin storage area.	Residents would not have to walk more than 30 m to access the bin storage area.	Yes
<b>2.21 Acoustic Privacy</b>	<p>a) Development shall comply with any relevant provisions in the following documents. The event of an inconsistency between the noise related controls in this plan and the documents below, the documents below prevail to the extent of the inconsistency.</p> <p>i) The NSW Noise Policy for Industry (NPfI)</p> <p>ii) The NSW Road Noise Policy</p> <p>iii) The NSW Development Near Rail Corridors and Busy Roads - Interim Guideline</p> <p>iv) Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment</p>	<p>The Noise Assessment Report outlines the potential acoustic issues associated with the proposed residential boarding house development would be due to:</p> <ul style="list-style-type: none"> <li>environmental noise from mechanical plant (such as car-park exhaust fan and air-conditioning equipment) and the use of the premises, potentially impacting on the neighbouring residences;</li> <li>acoustic privacy between the sole-occupancies and between the sole-occupancies and other spaces; and</li> <li>short-term noise and vibration impact during construction.</li> </ul> <p>The report makes several recommendations, which have been incorporated into the recommended conditions of consent.</p>	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	<p>b) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant will be required in cases where the consent authority is not satisfied that a development will:</p> <p>i) Achieve a satisfactory level of acoustic amenity for occupants within the existing noise environment; and</p> <p>ii) Produce noise only at levels that will not exceed the relevant noise criteria.</p>	An acoustic report has been submitted with the application, which was reviewed by Council's Environment Officer. The report makes numerous recommendations, which have been included as recommended conditions of consent.	Yes

As the table above shows, the proposal is fully compliant with Part 2 of the 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.

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures</b>			
<b>3.3 Desired Future Character for Medium Density Residential Neighbourhoods</b>	<p>The medium density residential neighbourhoods shall be characterised by:</p> <ul style="list-style-type: none"> <li>• medium density housing comprising 2 storey attached dwellings and multi dwelling housing in a landscaped setting with additional habitable areas provided within the roof space;</li> <li>• development footprints that are sited to achieve setbacks to boundaries and provide for landscaping and private open space;</li> <li>• articulated front facades where garages and car parking spaces are setback and do not dominate the streetscapes;</li> <li>• active residential facades with</li> </ul>	The proposed development would achieve consistency with the desired future character of the locality as outlined by the provisions of this clause.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	balconies; <ul style="list-style-type: none"> <li>• soft landscaping along communal driveways and the front boundary;</li> <li>• a high standard of architectural merit and urban design quality buildings; and</li> <li>• development that incorporates a mix of dwelling sizes to provide housing choice.</li> </ul>		
<b>3.5.1 Fencing Access - Design requirements</b>	a) Bonded sheet metal fencing shall not be constructed at any location other than alongside and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	A recommended condition of consent requires compliance with this provision. Fencing along the site's south-eastern boundary will not be permitted to be bonded sheet metal.	Yes
	b) Residential fencing along the rear and side boundaries shall be: <ul style="list-style-type: none"> <li>i) located behind the primary street building line;</li> <li>ii) a maximum 2.1m in height (excluding retaining walls); and</li> <li>iii) a maximum 1.8 m in height, if adjoining a secondary street.</li> </ul>	Proposed side and rear boundary fencing (and fencing facing the site's secondary boundary) would be 1.8 metres in height.	Yes
	c) Front residential fencing shall be a maximum of 1.2 m in height and complement the design of the development.	The proposed front fencing would be 1.2 m in height and would complement the development's design.	Yes
	d) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	A recommended condition of consent requires the dedication of a 4 m x 4 m splay corner and for all fencing to be outside this splay corner area.	Yes
	e) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The proposed fencing would not obstruct these utilities or easements.	Yes
	f) Details for fencing shall be	Details of proposed fencing	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	submitted with the development application.	have been submitted.	

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

### **Part 17 – Boarding Houses**

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 17 Boarding Houses</b>			
	c) Boarding houses shall not be erected on battle-axe allotment.	The site is not a battle-axe allotment.	Yes
	d) Boarding houses shall only be permitted on a site where no part of the allotment is within 50 m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	No part of the allotment is within 50 m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	Yes
	e) Boarding houses shall only be allowed on streets that provide for on street parking.	Oxford Road does contain on-street parking.	Yes
<b>17.2.2 Streetscape</b>	a) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of the surrounding development, and the desired character of the locality.	The design of the proposed building would complement the desired scale of the surrounding development, and the desired future character of the locality.	Yes
	b) New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	The proposed building incorporates façade treatments that address both of the site's street frontages and achieves positive articulation in building design.	Yes
	c) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public	Clotheslines would not be visible from public areas. A recommended condition of consent prevents air-conditioning units to be	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	area.	visible.	
<b>17.2.3 Setbacks - Low and medium density Residential Areas</b>	a) A boarding house development shall be set back a minimum of:		
	i) 5.5 m from the primary street boundary;	5.5 m	Yes
	ii) 3 m from the secondary street boundary;	Mostly 3 m but partly 2.2 m to improve articulation.	Satisfactory
	iii) 0.9 m from any side boundary at the ground level;	one metre	Yes
	iv) 1.5 m from any side boundary for all levels above the ground level;	3.047 m	Yes
	v) 5 m from the rear boundary at the ground level; and	6 m	Yes
	vii) 6.5 m from the rear boundary for all levels above ground level within land zoned R3 under the CLEP 2015.	6.012 m, however it complies with the setback provisions of the ADG, which apply to boarding houses of 3 storeys and above.	Satisfactory
	b) Notwithstanding 17.2.3 a)(i) and (ii), any garage shall be setback a minimum of 6 m from any street boundary.	The proposed garage setback is 5.7m however this non-compliance would be visually imperceptible and does not detract from the overall high quality design.	Satisfactory
<b>17.2.8 Indoor Communal living areas</b>	a) Indoor communal living areas shall be provided with a minimum dimension of 3 m and a minimum total area of 20 m <sup>2</sup> or 1.2 m <sup>2</sup> /resident, whichever is greater.	1.2 m <sup>2</sup> per resident equates to 26.4 m <sup>2</sup> . However, the Housing SEPP requires 58 m <sup>2</sup> , which has been provided.	Yes
<b>17.2.9 Solar Access</b>	a) Dwellings on adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9:00 am and 3:00 pm on 21 June.	All adjoining dwellings would continue to receive a compliant amount of solar access to their habitable rooms and private open space areas.	Yes
<b>17.2.10 Site Services Boarding</b>	a) The location, design and construction of utility services shall satisfy requirements of the	A condition requiring the approval of relevant utility authorities has been included	Yes



		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Houses</b>	relevant servicing authority and Council.	within the recommended conditions of consent.	
	b) Adequate provision shall be made available for all essential services (i.e. water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	A condition requiring the approval of relevant utility authorities has been included within the recommended conditions of consent.	Yes
	c) All site services shall be placed underground.	All new services would be placed underground.	Yes
	d) All communication dishes, antennae and the like shall be located to minimise visual prominence.	A condition preventing these types of structures being visible from public places has been included within the recommended conditions of consent.	Yes
<b>17.2.11 Visual Privacy</b>	a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 m of the proposed window or balcony unless appropriately screened.	No proposed windows or habitable rooms would directly face adjoining windows, balconies or open space areas with less than 6 metres of separation.	Yes
	b) Notwithstanding Clause 3.4.3.2 a) any window of a living room located on an upper level shall: <ul style="list-style-type: none"> <li>i) be offset by 2 m to limit views between windows and balconies; or</li> <li>ii) have a sill height 1.7 m above the floor level; or</li> <li>iii) be splayed to avoid direct views between windows; or</li> <li>iv) have fixed translucent glazing in any part of the window within 1.7 m of the floor level.</li> </ul>	Rooms 107, 108, 206 and 207 require one of these forms of visual privacy treatments, and a recommended condition of consent requires amendments in this regard to be made to the plans.	Yes
	c) Notwithstanding 17.2.11 a), a balcony will only be considered where the private open space area of any adjacent dwelling is	Only Juliet balconies are proposed (facing the secondary street frontage), and these do not overlook any	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	screened from view.	other dwellings.	
<b>17.2.12 Signage</b>	a) Signage shall be limited to a maximum of one sign per building, detailing only the name and address of the premises and contact details of the managing agent.	No signage is proposed.	N/A
	b) Signage must be affixed to the front elevation and not to the fence.	No signage is proposed.	N/A
	c) The sign shall have a maximum area of 0.25 m <sup>2</sup> and a maximum height of 0.5 m.	No signage is proposed.	N/A
	d) Signage shall be non-illuminated.	No signage is proposed.	N/A
<b>17.2.12 Private Open Space</b>	a) A minimum of one private open space area of 20 m <sup>2</sup> with a minimum dimension of 3 m shall to be provided for use by lodgers.	The proposed private open space area has an area of 146 m <sup>2</sup> and a width of at least 3 m throughout.	Yes
	b) Where the boarding house is not within walking distance (400 m) to a park it should provide 30 m <sup>2</sup> of communal private open space.	The site is within 400 m walking distance of Koala Walk Reserve and Matthews Square Park. Notwithstanding this, 146 m <sup>2</sup> of communal private open space is proposed.	Yes
	c) The area of the communal private open space shall be directly adjacent to, and accessible from, the main indoor communal living area.	The proposed communal private open space is directly adjacent to, and accessible from, the main indoor communal living area.	Yes
<b>17.3.1 Car Parking</b>	a) Car parking areas shall be setback a minimum of 3 m from the front boundary and any secondary boundary.	Basement parking is proposed.	Yes
	b) Off street parking and loading shall be designed in accordance with Australian Standards 2890 (as amended), except as otherwise	The proposed parking design is in compliance with AS2890.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	provided by this Plan.		
	c) No required car parking space shall be designed in a stacked configuration.	No stacked parking is proposed.	Yes
	d) A boarding house shall have a maximum of one ingress and one egress driveway.	One driveway is proposed.	Yes
	e) The minimum width of a driveway serving a boarding house shall be 3 m.	The proposed driveway is 6 m wide.	Yes
	f) Driveways shall : i) be located a minimum distance of 6 m from the tangent point of any unsignalled intersection; and ii) be sealed.	The proposed driveway is located greater than 6 m from the nearby intersection tangent point, and would be sealed.	Yes
	g) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.	No vehicle would be required to make more than a three-point turn to exit the site in a forward direction.	Yes
	h) All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	Parking will be line-marked.	Yes
<b>17.3.2 Access for People with Disabilities</b>	a) Boarding houses shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	An access report was provided with the application.	Yes
<b>17.4 Landscaping</b>	a) Landscaping shall be provided to a minimum of a:  i) 3 m wide strip along the primary and secondary street frontage (other than vehicle driveways); and	A 3 m wide landscaping area is provided along the front street frontage, wherever driveways and walkways are not. A 3 m wide landscaping area is provided along the secondary street frontage (except where prevented by	Satisfactory

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	ii) 1.5 m wide strip along the full width of the rear setbacks.	building indentations). This is compensated for by numerous street trees.  The proposed development is compliant with this standard.	Yes
	b) Native mature trees on site shall be retained.	The proposed development would retain three existing trees on the site, and provide compensatory planting for trees to be removed.	Yes
	d) Development applications for boarding houses shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:  i) species, location and mature height of proposed planting;  ii) driveway areas; and  iii) fencing height and materials.	A landscape plan that includes all of this information has been submitted with the application.	Yes
<b>17.5.1 Boarding Housing and Waste Management</b>	a) Boarding houses shall make provision for waste storage, allocated behind the primary and secondary setbacks and out of public view.	A waste storage room is proposed to be located within the basement level of the building.	Yes
	b) Provision shall be made for the following rates of waste generation: i) Garbage: 1 x 240-litre bin for every 3 boarding rooms per week if bins are to be used on a shared basis, or 1 x 140-litre bin for every boarding room per week if bins are to be allocated to individual boarding rooms ii) Recyclables: 1 x 240-litre bin for every 3 boarding rooms per fortnight if bins are to be used on a shared basis, or 1 x 240-litre bin for every boarding room per fortnight if bins are to be allocated to individual boarding rooms.	Council's Waste Officer has advised that the capacity of the proposed waste storage room would be sufficient to accommodate the required number of bins determined by these rates.	Yes
	b) All boarding house developments shall make provision for an appropriately sized waste/recycling bin storage facility	A waste storage room is proposed to be located within the basement level of the building.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	that is centrally located and provides convenient access for occupants and collection contractors. Such storage shall:		
	i) provide for storage of a sufficient number of bins, as outlined under Section 17.5.1 a) above;	Council's Waste Officer has confirmed that the room's capacity is sufficient.	Yes
	ii) be no more than 30 m from the street;	The waste storage room is less than 30 m from the street.	Yes
	iii) be covered;	The waste storage room is within the basement.	Yes
	iv) contain a hose connection;	A condition will enforce compliance in this regard.	Yes
	v) have an impervious floor that is connected to the sewer; and	A condition will enforce compliance in this regard.	Yes
	vi) incorporate design and construction (including colours, materials and finishes) that complement the development.	The waste storage room is within the basement and would not be visible.	Yes
	c) The bin storage facility shall have sufficient capacity to allow for:		Yes
	i) Access, manoeuvring, cleaning and maintaining all bins by providing an extra 30% of the footprint of each waste container to the overall size of the storage area;	Council's Waste Officer has advised that the capacity of the proposed waste storage room would be sufficient to accommodate these requirements within the waste storage room.	
	ii) Spacing of at least 50 cm between all bins allocated for the development;		
	iii) All bins to be arranged side by side within the bin storage room (no stacking);		
	iv) A minimum 1.5 m aisle between rows of bins to minimise potential obstructions; and		
	v) Future modifications of services, bin sizes and/or configurations by minimising the		

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	installation of fixed structures within bin storage areas.		
	d) The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house to reach the collection point.	Bins would be wheeled up the driveway; not taken through the lift.	Yes
	e) All bins located within waste/recycling bin storage facility shall be presented to the kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.	A recommended condition of consent requires compliance with this requirement.	Yes
	f) Any development containing 20 or more bedrooms, and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, the development shall be designed to accommodate forward- 17.5 in, forward-out, drive-on vehicular collection for on-site servicing by a heavy rigid vehicle. For the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 m which allows for a 300 mm separation distance either side of each bin	For the proposed development, the number of bins proposed cannot be accommodated within 50% of the development's frontage width (excluding the driveway) on collection day. However, the site is also too narrow to accommodate on-site collection by Council's waste vehicle. In addition, Council's waste vehicle would not be able to collect bins from Acres Lane due to the narrowness of this lane and its one-way traffic direction (the vehicle only collects bins on its left side). Accordingly, waste will need to be serviced privately for the proposed development, twice weekly in order to avoid proliferation of bins.	Satisfactory
	g) Developments must make provision for the storage of bulky waste (kerbside clean-up) materials, ensuring that:	A bulky waste storage area is proposed for the basement level of the building.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	i) a minimum area of 10 m <sup>2</sup> per building is provided;	The bulky waste storage area would be 11 m <sup>2</sup> in size.	Yes
	ii) the area is secure and caged for visibility into the enclosure;	A condition requiring compliance is recommended.	Yes
	iii) the area is accessible to all residents and has a minimum doorway width of 1.5 m; and	The area is accessible and has a doorway width of 1.5 metres.	Yes
	iv) the area is not more than 10 m from the waste collection point.	The area's location within the basement prevents compliance in this regard, however the distance from the street is not unreasonable.	Yes
<b>17.6 Management Plan</b>	a) A management plan shall be prepared and lodged with the Development Application for any proposed boarding house.	A Boarding House Management Plan was submitted with the application.	Yes
	b) The management plan shall provide the following information: i) 24 hour contact details of the manager/caretaker (including phone number and mobile phone number); ii) proposed staffing arrangements during the daytime and at night-time; iii) proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality; iv) proposed safety and security measures to be employed within the boarding house including prominent display boards within the building containing emergency telephone numbers and other essential telephone numbers; v) proposed management practices to prevent the use of outdoor common open space areas between 10.00 pm and 7.00 am.;	The management plan submitted with the application includes all of this information. Compliance with the management plan will be conditioned.	Yes

		<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>	
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	and vi) professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.		
<b>17.2.7 Shared facilities</b>	iii) one fixed clothesline of at least 30 m for every 10 occupants or part thereof.	A recommended condition of consent requires the provision of fixed clotheslines at the prescribed rate.	Yes

As the table above shows, the proposal is generally compliant with Part 17 of the SCDCP.

### **2.3 Section 4.15(1)(a)(iii) – The Provisions of any Planning Agreement**

The proposed development is not subject to the provisions of a planning agreement pursuant to Section 7.4 of the EP&A Act.

### **2.4 Section 4.15 (1)(a)(iv) The Likely Impacts of the Regulations**

The proposal does not contravene the Environmental Planning and Assessment Regulations.

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

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

In this regard, the proposed development would provide a positive social and economic impact in the form of affordable housing, and appropriate measures would be implemented to limit and address any potential negative impacts.

The proposed building's high quality design would have a positive impact on the built environment, and the significant number of trees proposed would have a positive impact on the natural environment.

The proposed development is therefore satisfactory with regard to section 4.15(1)(b) of the EP&A Act.



## **2.6 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, topography and relationship to adjoining dwellings.

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

## **2.7 Section 4.15(1)(d) Any Submissions**

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions, the application was required to be publicly exhibited and notified for a period of 28 days in accordance with the Campbelltown Community Participation Plan.

Public exhibition and notification of the development occurred from 17 May 2022 to 17 June 2022 and 4 submissions were received (3 objections and one letter of support).

Amended plans received following the assessment of the application include the ground floor communal living area shifting by 1 m toward the northwestern boundary and a minor expansion of the seating area associated with the outdoor communal area at the expense of grassed area. The Campbelltown Community Participation Plan requires that Council consider how significant amendments to an application are and whether re-exhibition and re-notification should take place. In this regard, these modifications are not considered to be substantial enough to warrant the re-exhibition and re-notification of the application.

The matters raised within the 4 submissions received are discussed below:

### **Issue**

Boarding houses residents should not be discriminated against. Boarding houses can be helpful when people are in need of lower-cost accommodation during various phases of life. Newer boarding houses are more modern and have more living space than prior generations of boarding houses, and tend to be well-located near public transport. It is requested that the proposed boarding house include bike racks.

### **Comment**

These points of support are noted. In addition, the proposed boarding house would accommodate space for the parking of 20 bicycles.

### **Issue**

The plans show a lack of privacy screening for the neighbouring residents. The windows and sliding doors provide a direct line of sight into adjoining back yards from various places in the building. People on the second and third floors of the building will have a direct line of sight into many backyards. The occupants of these buildings will lose their privacy if the proposed building is constructed.

**Comment**

Based on the most recent set of plans submitted with the application, windows to four of the boarding rooms on the second and third storeys of the south-western end of the building would overlook adjoining properties to the northwest and southwest of the site. Accordingly, a recommended condition of consent requires the windows of these rooms to either have their sill heights increased to 1.7 m above floor level or have fixed translucent glazing in any part of the window within 1.7 m of the floor level. This will ensure that there would be no overlooking of adjoining properties from rooms within the proposed boarding house.

**Issue**

During school hours the area is highly congested due to the presence nearby schools. 18-20 additional vehicles in the area during this time would increase road traffic and the possibility of accidents. Further, pedestrians may not be able to see vehicles coming out of the proposed basement car park. This would create danger for road users, especially pedestrians, which will be mostly school children.

**Comment**

Given the nature of the proposed development, it is very unlikely that up to 18-20 boarding house residents would rely on private vehicles, and most residents are likely to either cycle, motorcycle or use public transport. In relation to the few private vehicle movements that the proposed boarding house would generate, these are unlikely to coincide with school drop-off and pick-up times and would instead likely coincide with working hours. Further, the front fencing includes 2 splayed sections so that pedestrians walking along the Oxford Road footpath would be better able to see vehicles coming out of the basement, and drivers exiting the basement would be better able to see pedestrians. In this regard, the safety of both drivers and pedestrians using Oxford Road is not likely to be affected by the proposed development.

**Issue**

The proposed boarding house includes 18 single boarding rooms and 2 double rooms however only proposes 5 car parking spaces plus 4 motorcycle spaces and 20 bicycle parking spaces. The number of parking spaces provided for cars is not sufficient. Even assuming that 70 per cent of the occupants own cars, there would not be enough on-site and on-street parking. Parking for 20 bicycles seems excessive unless it is assumed that the majority of residents will be children.

**Comment**

The provisions of the Housing SEPP only require that a boarding house located within an accessible area provides car parking at a rate of 0.2 parking spaces for each boarding room. The subject site is located within an accessible area because of its proximity to a nearby bus stop on Oxford Road. Accordingly, as the application proposes 20 boarding rooms, only four car parking spaces are required to be provided. The proposed boarding house would provide five car parking spaces and therefore complies with this requirement. Council is unable to enforce a higher car parking rate than that outlined within the Housing SEPP. Given the nature of the proposed development, it is very unlikely that as many as 70 per cent of the building's

occupants would rely on private vehicles, and most are likely to either cycle, motorcycle or use public transport. Accordingly, the proposed car and bicycle parking provision is considered to be acceptable.

**Issue**

Another boarding house is being built at 103 Oxford Road. Why is another boarding house needed at this location?

**Comment**

Much of the surrounding locality is zoned R3 Medium Density Residential, within which boarding houses are permissible. The applicable legislation does not require an assessment of the need for a boarding house in a particular location. Rather, a boarding house is permitted to be located on a particular property if it is permissible in the land use zone, has a certain minimum allotment size, and meets several other requirements.

**Issue**

Surrounding properties will be devalued due to the presence of the proposed boarding house and another boarding house nearby.

**Comment**

No evidence has been submitted to substantiate the claim that the construction of boarding houses within the area would devalue surrounding properties.

**Issue**

Boarding houses should not be located in residential streets that cannot cope with the immense population growth these types of development bring. Multi-storey commercial buildings have no place in a residential area.

**Comment**

The subject site is zoned R3 Medium Density Residential, within which boarding houses are permissible. In addition, the site has a maximum building height of 9 m, which generally allows for the construction of 3-storey buildings. It should be noted that the R3 Medium Density Residential zone permits other types of buildings that can be operated for commercial gain and could be multi-storey in scale, including childcare centres, medical centres and seniors housing.

**Issue**

The proposed development will attract a different demographic to this family-friendly area. Nobody can guarantee the people who will stay in short-term motel-style accommodation will possess family-friendly attributes, as they will be mainly transient people of varied life experiences, some of a conflicted nature. The area is currently largely populated by middle-class working families, and tenants under an affordable housing scheme are not likely to fit in with them. There is no information to indicate how the residents of the proposed building will

be selected. A manager living on the property also indicates probable difficulties with the future residents.

The proposed development will increase crime rates in the area because people of various backgrounds reside in boarding houses, for example criminals, troubled teenagers/young adults, former prisoners or mentally unstable people.

The current residents in the area (mainly families) would have no use for the proposed boarding house, and another family home or multi-dwelling housing would better suit the typical family living in the area.

### **Comment**

There is no evidence to suggest that the presence of a boarding house in a street increases the crime risk in the surrounding area, and no evidence to suggest that boarding houses would criminals or troubled and unstable people. Modern purpose-built boarding houses (such as the proposed boarding house) contain rooms with their own kitchen, bathroom and laundry facilities, and are somewhat comparable to small studio apartments. It is unlikely that this form of accommodation would experience or generate greater crime or social problems than that of a multi-dwelling housing or residential flat building.

The proposed development will not have, and does not require, the presence of an on-site manager. Rather, the proposed boarding house would be required to be managed by a registered community housing provider. According to the Plan of Management for the proposed boarding house, all prospective tenants would be screened through the National Tenancy Database, a criminal record check, and employment and reference checks.

### **Issue**

The proposed development will create noise issues.

### **Comment**

A Noise Assessment Report submitted with the application outlines that the potential acoustic issues associated with the proposed boarding house development would be due to:

- Environmental noise from mechanical plant (such as car-park exhaust fan and air-conditioning equipment) and the use of the premises, potentially impacting on the neighbouring residences;
- Acoustic privacy between the sole-occupancies, and between the sole-occupancies and other spaces; and
- Short-term noise and vibration impacts during construction.

The report makes numerous recommendations in relation to building materials and operational procedures, and these have been included as recommended conditions of consent.

In addition, a management plan for the proposed boarding house was submitted with the application, which would set stringent operating procedures in relation to matters such as hours of use of communal areas, visitation policy, and alcohol consumption. It should also be noted that tenants are able to be evicted for unruly behaviour.

In consideration of the measures outlined above, the proposed boarding house is unlikely to create adverse noise issues.

### **Issue**

The area surrounding the site is mostly populated by single family homes and medium density development. A building intended to accommodate in excess of 20 people will not fit in with the surroundings. It will significantly alter the streetscape and character of the neighbourhood. The proposed building therefore does not meet the character of the local area requirement of the Housing SEPP.

### **Comment**

Clause 25(2)(a)(ii) of the Housing SEPP requires that the design of a boarding house be compatible with the desired future character of precincts undergoing transition. In this regard, the character of the precinct is clearly undergoing transition, whereby single detached dwellings are gradually being replaced with various forms of medium density housing, as is envisaged by the site's R3 Medium Density Residential zoning. The desired future character of the precinct is primarily established by the prevailing land use zoning and planning controls. These controls are likely to result in additional developments of the type and scale proposed under this application, and in this regard the proposed development would not be incompatible with the character of the surrounding precinct as it evolves consistent with the prevailing planning framework. Therefore, the proposed development would be compatible with the desired future character of the area, noting the area is under transition from a low density to a medium density environment.

### **2.8 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 zone. The proposed development has demonstrated that the site is suitable for the proposed development.

In address the above, Council is satisfied that the proposal is in the interest of the public.

### **3.0 Developer Contributions**

Development contributions do not apply to this application, as the proposed development is exempt under clause 2.7(5) of the Campbelltown Local Infrastructure Contributions Plan 2018, since the proposed boarding house is to be managed by a Community Housing provider.

### **Conclusion**

The subject development application (784/2022/DA-BH) proposing the demolition of existing structures and construction of a 3 storey boarding house with basement car parking at 109 Oxford Road Ingleburn has been assessed under the heads of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to these matters, it is considered that the application is consistent with the relevant planning legislation.

## **Attachments**

- 4.1.1 Recommended Conditions of Consent (contained within this report)
- 4.1.2 Landscape Plans (contained within this report)
- 4.1.3 Clause 4.6 Variation Request - Landscaping (contained within this report)
- 4.1.4 Clause 4.6 Variation Request - Height of Buildings (contained within this report)
- 4.1.5 Acoustic Report (contained within this report)
- 4.1.6 Plan of Management (contained within this report)
- 4.1.7 Architectural Plans (contained within this report)
- 4.1.8 Floor Plans (due to confidentiality) (distributed under separate cover)

## **Reporting Officer**

Manager Development Assessment

**ATTACHMENT 1**  
**784/2022/DA-BH**  
**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	Job Number	Prepared by	Date
A-1201 - Basement 01 plan Revision D	P21-017	Ghazi Al Ali Architect	21 June 2023
A-1202 – Ground floor plan Revision D	P21-017	Ghazi Al Ali Architect	21 June 2023
A-1203 - Level 01 plan Revision D	P21-017	Ghazi Al Ali Architect	21 June 2023
A-1204 - Level 02 plan Revision D	P21-017	Ghazi Al Ali Architect	21 June 2023
A-1301 – Elevations 01 Revision C	P21-017	Ghazi Al Ali Architect	21 June 2023
A-1302 – Elevations 02 Revision D	P21-017	Ghazi Al Ali Architect	21 June 2023
A-2201 – Materials Schedule Revision B	P21-017	Ghazi Al Ali Architect	21 June 2023
Sheet 1 - Landscape Title Page Revision E	LPDA 22-147	Conzept Landscape Architects	5 September 2022
Sheet 2 – Landscape Plan Revision E	LPDA 22-147	Conzept Landscape Architects	5 September 2022
Sheet 3 – Details & Specification Revision E	LPDA 22-147	Conzept Landscape Architects	5 September 2022
A21240 – Cover – General Notes	Revision G	Alpha Engineering and Development	22 February 2022
A21240 – SW01 – Sediment and Erosion Control Plan	Revision G	Alpha Engineering and Development	22 February 2022
A21240 – SW02 – Basement Drainage Plan	Revision G	Alpha Engineering and Development	22 February 2022
A21240 – SW03 – Ground Floor Drainage Plan	Revision G	Alpha Engineering and Development	22 February 2022
A21240 – SW04 – Level 1, Level 2 & Roof Drainage Plan	Revision G	Alpha Engineering and Development	22 February 2022
A21240 – SW05 – Drains Model Results, OSD and Stormwater Sections and Details	Revision G	Alpha Engineering and Development	22 February 2022
Plan of Management	B3408	Nexus Environmental Planning Pty Ltd	1 September 2022

Noise Assessment Report	211271-01L-DD Revision 01	Acoustic Consulting Engineers	6 September 2022
BASIX Certificate	1259964M_03	Sustainable Thermal Solutions	18 February 2022
Operational Waste Management Plan	Revision B	EF Consulting	17 February 2022
Arboricultural Impact Assessment	AIA –GII 02/22	NSW Trees	18 February 2022
Preliminary Site Investigation	22204	Reditus	7 September 2022

## 2. Amended Plans

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

- a. The architectural, landscape and stormwater plans shall all be modified to make provision for the dedication of a 4m x 4m splay corner to Council at the corner of Oxford Road and Acres Lane. All structures, paths, fences, landscaping or any other aspect of the development shall be relocated out of the required 4m x 4m splay corner area.
- b. The architectural and stormwater plans shall include the provision of a 5,000 litre rainwater tank within the basement.
- c. The architectural and landscape plans shall be amended to include the provision of clotheslines within the area on the plans marked 'Outdoor clothes drying area'. A minimum of 60 lineal metres of clothesline space shall be provided.
- d. The bulk waste storage area within the basement shall have caged walls to allow for visibility into the enclosure.
- e. The north-west and south-west facing windows of rooms 107, 108, 206 and 207 shall either have a sill height 1.7 metres above the floor level, or have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.
- f. The kerbside waste collection area within Acres Lane shall be deleted from the plans.
- g. The Waste Management Plan for the development shall be amended in accordance with the provisions of condition 22 of this consent.
- h. The Plan of Management for the development shall be amended as follows to incorporate the recommendations of the Noise Assessment Report:
  - i. The use for the outdoor communal space shall be limited to between 8:00am and 9:00pm;
  - ii. Other than a television typical of domestic application, there shall be no music/loudspeaker(s) in the indoor or outdoor communal spaces; and
- i. The configuration of the development on the landscape plan shall be amended so as to be consistent with the approved site and floor plans.
- j. The following amendments shall be made to the landscape plan:
  - i. The Illawarra Flame Tree at the front of the property shall be replaced with *Elaeocarpus reticulatus* (Blueberry Ash).



- ii. The *Murraya Paniculata* screening shrub along the north-western boundary shall be replaced with the native *Westringia Naringa* (Hybrid).
- iii. All trees on land adjoining the subject site are to be retained. No consent is granted for the removal of trees on adjoining land.

### 3. Building Code of Australia

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

### 4. Landscaping

Landscaping for the development shall comply with the following requirements:

- The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.
- Any new landscaping shall be designed so that it does not provide concealment or entrapment areas, and shall be maintained regularly.
- Obstacles and rubbish shall be removed from property boundaries, footpaths, driveways, car parks and buildings to restrict concealment of offenders.

### 5. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

### 6. Garbage Room

The garbage storage room identified on the approved plans shall:

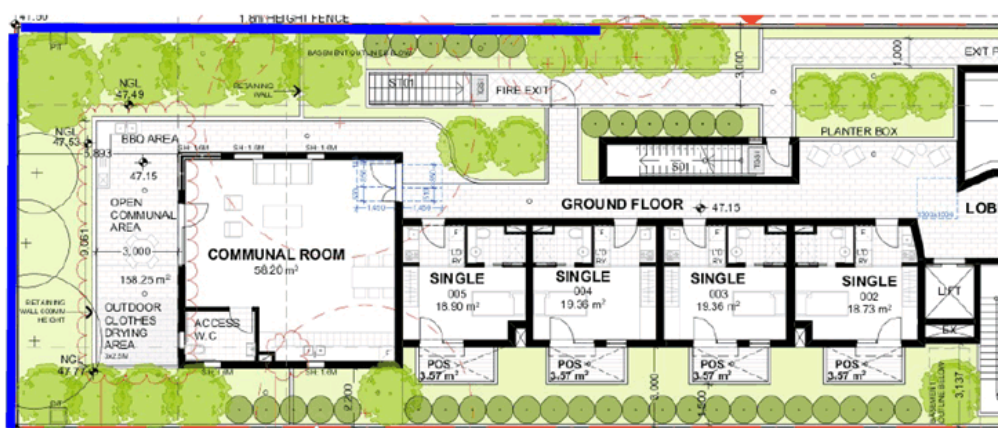
- Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- A hose cock shall be provided within the room.
- Garbage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

### 7. Fencing

Fencing shall be installed in accordance with the following requirements:

- a. A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer.
- b. Bonded sheet metal fencing is not permitted along the site's boundary with Acres Lane. Fencing along this boundary shall be of either high-quality masonry construction with indentations/pylons every 2 metres, or lapped and capped timber.
- c. 1.8 metre high acoustic fences shall be constructed along the north-western and south-western site boundaries in the locations identified in the diagram below. The fences may be constructed of lapped and capped timber (surface density of not less than 10kg/m<sup>2</sup>), brick or

masonry. Any gap between the construction elements shall be adequately overlapped and appropriately detailed. Any gap between the bottom of the fences/ barriers shall be backfilled or appropriately detailed.



— 1.8m High Acoustic Barrier/Fence

### 8. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

### 9. Driveway

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

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

### 10. Lighting

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

Lighting at the site shall satisfy the requirements below:

- Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- Adequate lighting shall be used when operating CCTV cameras during times of low light and darkness.
- External lighting shall be designed to:
  - i) encourage the use of safe areas;
  - ii) define safe corridors for movement of people; and
  - iii) allow facial recognition of approaching pedestrians at 15 metres.

**11. Graffiti Removal**

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

A graffiti management shall be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.

**12. 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.

**13. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan.

**14. Car Parking Spaces**

Five car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

**15. 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.

**16. Rain Water Tank(s)**

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

**17. Construction Certificate**

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

- a. the applicant shall appoint a Principal Certifier;
- b. the applicant shall obtain a construction 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.

#### **18. Boarding House Management Plan**

The operator of the boarding house shall ensure that the approved Boarding House Management Plan is complied with at all times. The Boarding House Management Plan shall not be varied without the consent of Council.

A copy of the Boarding House Management Plan must be kept by the owner, the Managing Agent and Council.

#### **19. Boarding House Manager**

The 24 hour contact details of the Boarding House Manager (including phone number and mobile phone number) must be displayed externally at the front entrance of the boarding house and internally within the communal living area.

The Managing Agent must notify Council in writing if there is any change to the management arrangements or contact details for the manager of the boarding house within 24 hours of becoming aware of the change.

#### **20. Boarding House Conditions**

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the Boarding Houses Act 2012, Public Health Act 2010, Regulations, Local Government Act 1993 and associated technical standards.

##### Registration

Prior to the use of the premises, the boarding house must be registered with The Office of Fair Trading and Campbelltown City Council.

##### Notices

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

##### Cleanliness

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

### Pest and Vermin

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

### Lighting and Ventilation

Adequate light and ventilation must be maintained in the premises.

### Long term residences

If persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

### Neighbourhood Amenity

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products. In addition the approved Boarding House Management Plan must be implemented and complied with at all times.

## **21. Noise Mitigation Measures**

The following boarding house management restrictions must be adhered to at all times:

- a. Outdoor common area is not used after 9pm or before 7:30am.
- b. Doors and windows to the indoor communal area are to be kept closed after 10pm and before 7am.
- c. No music to be played in outdoor areas.
- d. Radios or similar are permitted in the common area when the windows to the common area are kept closed.

## **22. Waste Management**

The waste storage room identified on the approved plans must:

- i. include 240 litre general waste bins and 240 litre recycle bins.
- ii. be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor.
- iii. be provided with a floor that is graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- iv. be provided with a hose connector with hot and cold water to adequately clean the room.
- v. be vented to the external air by natural or artificial means.

Waste Management for the development shall adhere to the following requirements:

- i. The bins shall be stored within the waste storage room at all times other than for collection. Waste bins must not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.
- ii. All bins shall be presented to the street and returned to the waste storage room by a building manager. Bins shall be transported via the basement ramp and shall not be transported via the lift. Bins shall at no time enter the habitable part of the building.

- iii. All waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.
- iv. Waste shall be collected from the premises by a private waste contractor. Council is unable to provide a waste collection service for the subject site.
- v. Waste shall be collected twice weekly from the subject site in order to avoid the proliferation of bins along the street. A maximum of six bins shall be presented to the site's Oxford Street frontage at any time.

### 23. Lighting

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

### 24. Act and Regulations

The boarding house must comply with the following Acts and Regulations:

*Public Health Act 2010*  
 Public Health Regulation 2012  
*Boarding Houses Act 2012*  
*Local Government Act 1993*  
 Local Government (General) Regulation 2005  
 Protection of the Environment (Noise Control) Regulation 2008

### 25. Maximum Number of Lodgers per Room

The building is to contain a maximum of 22 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
<b>Ground Level</b>	
001	2
002	1
003	1
004	1
005	1
<b>Level 1</b>	
101	2
102	1
103	1
104	1
105	1
106	1
107	1
108	1
<b>Level 2</b>	
201	1
202	1
203	1
204	1
205	1
206	1
207	1

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

## **26. Pollution Management Conditions**

The following conditions have been applied to ensure that all activities involving the operation of the facility are carried out in a manner which will prevent undue air, land, water pollution, and noise pollution management practices in accordance with the Protection of the Environment Operations Act 1997 Protection of the Environment Operations (Noise) Regulation 2017, Local Government Act 1993, Local Government Regulation 2005 and associated technical standards:

**AMENITY OF THE NEIGHBOURHOOD** – The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

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

## **27. Affordable Housing**

From the date of the issue of the occupation certificate and continuing in perpetuity—

- (a) The boarding house shall be used for affordable housing, and
- (b) The boarding house shall be managed by a registered community housing provider.

## **28. Surveillance**

Surveillance equipment shall be installed to enhance the physical security of the premises and assist in the identification of people involved in anti-social or criminal behaviour.

- Cameras shall be installed both within and around the premises to maximise surveillance opportunities.
- Once installed, the Manager and staff shall be trained in the operating procedures of the equipment.
- Any surveillance system shall be manufactured and installed by a qualified and reputable company and regularly function tested.
- The operator shall ensure that the requirements of the Surveillance and Privacy Act are adhered to.

- These cameras shall cover all areas inside with no 'blind spots'. The carpark areas and pedestrian access shall also be covered.

## 29. Territorial Reinforcement

The following measures shall be implemented to ensure an appropriate level of territorial reinforcement at the development:

- Effective signage and/or directional signs must be installed to provide guidance to visitors in locating prohibited areas.
- Warning Signs can assist in controlling activities and movements throughout the premises and grounds. Warning signs shall be posted around the perimeter of the business to warn intruders of what security treatments have been implemented to reduce opportunities for crime, such as:
  - Warning. This property is under electronic surveillance.
  - Warning. No large amounts of cash are kept on these premises.
- Furniture shall pose no threat to being used as a weapon or used to cause malicious damage. This includes chairs and tables, planter boxes and potential inclusion of garden rocks, garden statues, etc.

## 30. Access Control

The following measures shall be implemented to ensure an appropriate level of access control at the development:

- The premises shall be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- Emergency evacuation plans shall be implemented and maintained to assist staff and emergency services in the event of an emergency. This plan shall be prominently displayed.
- Staff shall be suitably trained in evacuation procedures.
- The premises shall be fitted with an intruder alarm system to enhance the security of the business that shall remain activated. The system used shall be one that has been designed and installed in accordance with the Australian Standard (Domestic and Commercial Alarm Systems).
- The fencing to the rear and side of the building shall be maintained so that there are no unsecured sections of this fence.
- Windows shall be reinforced to restrict unauthorised access by applying a shatter-resistant film.
- Access to the boarding house and communal areas shall be restricted to tenants only, and therefore entry doors shall have either electronic/pin code or key access. This will enhance the security of the residents at this facility as it is known by Police that premises of this nature can become targets for theft and break-ins.
- Offenders often target this type of development in its construction phase. Police recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.
- Mailbox facilities being installed at the location shall have Australian Standard locks fitted. These mailboxes shall have good surveillance, and lighting shall be included to illuminate them in darkness.
- Locks compliant with Australian Standards shall be fitted on any storage cages in the basement. These facilities are often targeted by thieves as there is limited surveillance in basements.
- Any storage cages shall be locked and secured and there shall be no gap between the top of the fence and the roof for access.



**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**31. Utility Servicing Provisions**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

*Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.*

**32. Geotechnical Report**

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

**33. Soil and Water Management Plan**

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

**34. Stormwater Management Plan**

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

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the stormwater pit on Oxford Street.

The existing kerb inlet pit is to be converted into a v-grate or "butterfly" grate pit with structural certification for the condition of the existing pit. A new kerb inlet pit with 2.4m EKI is to be constructed at least 1m away from the driveway wing. The new kerb inlet pit shall be connected with the existing stormwater pit with a new stormwater pipe.

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

**35. Dilapidation Report**

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

**36. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)**

Prior to Council or an accredited certifier issuing any construction certificate, a S138 Roads Act application, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for construction of stormwater drainage system, vehicle crossings in Oxford Road.

Detailed engineering plans for the proposed works in Oxford Rd road reserve shall be submitted to Council for approval. All works shall be carried out in accordance with Roads Act approval including the stamped approved plans and Council specifications.

**37. 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 appointed Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

**38. Sydney Water**

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

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

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

**39. Geotechnical Engineering**

A comprehensive and detailed geotechnical engineering report shall be prepared by a professional Geotechnical Engineer registered on the NER (or equivalent) to the satisfaction and approval of a registered certifier prior to issue of the Building Construction Certificate.

The report must include but not be limited to the following:

- a. geotechnical assessment of architectural and engineering plans; their suitability in relation to the site's geotechnical characteristics, and, compliance with geotechnical requirements outlined in the BCA, Campbelltown City Council's (Sustainable City) Development Control Plan, Engineering Design for Development, and other best practice guides.
- b. consideration of all findings, discussions, results, requirements, and further geotechnical input discussed or outlined in the Geotechnical Investigation report prepared in support of the Development Application by Geo-Environmental, Dated 20 February 2022 Ref G21107ING-R01F.
- c. Identification of land that will be subject to subsidence, slip, slope failure or erosion, where; excavation and/or filling exceeds 900mm in depth, or is identified as filled land.
- d. required demolition, excavation, retention, and stabilisation techniques
- e. Testing and determination of suitability of excavated materials for use on site.
- f. construction methods to avoid problem areas associated with loose, weak foundation materials and groundwater seepage.
- g. requirements for surface and subsurface drainage including proposed method of collection and discharge in accordance with Council's requirements.
- h. requirements and implementation of minimizing construction noise and vibration during all phases of construction.
- i. recommended treatment of unstable areas within the site subject of these works, and surrounding privately owned allotments.
- j. extent and stability of any existing and proposed embankments.
- k. impact of the installation of utility services, drainage lines, on the stability of the site and surrounding neighbouring properties, and specify recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during construction.
- l. specification of foundation conditions and footing requirements of the site, such as bearing pressures, pile design parameters, special techniques for expansive clays, saline soil conditions, ground water management and drainage etc., and provide solutions for consideration of structural and civil engineers and other relevant persons.

- m. all required geotechnical testing requirements; prior, during and post construction. All tests must be conducted by a NATA accredited geotechnical laboratory.
- n. level of geotechnical supervision required for each phase of construction works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments.
- o. analysis and assessment of the level of risk to all existing adjacent structures/buildings, caused by use of vibratory rock breakers and other earthworks machines used anywhere within the site the subject of these works. In the event that the proposed development, its construction, and use of vibratory rock breakers or other machinery could affect adjacent structures/buildings, high risk areas and method of mitigation must be identified on a plan and discussed in the report. This analysis shall include outlining the potential for possible damage to adjoining premises from excavation on the site, and specifying safe method(s) of underpinning or shoring the adjoining premises to prevent such damage.
- p. a detailed dilapidation survey to determine condition of surrounding buildings and property, presence and type of underground/basement levels, foundation and footings, and zone of influence, for all neighbouring properties.

#### **40. Construction Noise and Vibration Management Plan**

Prior to the issue of a construction certificate, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared to ensure construction noise and vibration is managed and minimised. The Plan shall be submitted to the Principal Certifier for endorsement, and shall form part of the approved documentation for the development. Management measures shall include:

- a. Undertaking construction during standard work hours;
- b. Construction outside standard work hours shall be for the purpose of minimising potential impact on affected receivers only and prior approval(s) must be obtained. Construction outside standard work hours shall be minimised;
- c. Turning off plant and equipment when not in use;
- d. Arranging the site and supervising to minimise the use of reverse alarms;
- e. Using well maintained plant and equipment to minimise noise and vibration impacts;
- f. Employing work methodology and equipment that minimise potential noise and vibration impacts;
- g. Consulting affected properties to plan noisy activities outside sensitive hours, when possible;
- h. No rock breaking using an excavator, hammer or similar equipment. If rock is encountered, a concrete saw shall be used to cut rock prior to ripping and loading onto truck for removal;
- i. Informing affected properties the nature of the work, time and duration of noisy activities (e.g. excavation);
- j. Informing affected properties of the progress of the work;
- k. Informing affected properties of management plan/action to minimise impacts;
- l. Discussing any concerns with affected properties and scheduling noisy activities outside sensitive hours, when possible;
- m. Avoiding the use of radios/stereos outdoors;
- n. Training and requiring employees to avoid/minimise unnecessary noise on site (e.g. shouting, loud conversation); and
- o. Providing site contact details in the events of complaints arise.

#### **41. Mechanical Plant Noise**

It is recommended that a qualified acoustic consultant be engaged during the design phase of the project, when details of mechanical plant and equipment and noise emission levels are available, to review the potential environmental noise impact from the development.

For the car-park exhaust air fan, the noise can readily be controlled by:

- Locating the fan inside the Basement Level or centrally on the Roof Level to take advantage of acoustic shielding provided by the building structure; and
- Installation of acoustic attenuators on the intake and discharge sides of the fan ductwork and/or incorporation of internally lined ductwork/bends.

Small split air-conditioning systems with typically 1.5kW to 3.5kW capacities would be required for the boarding rooms. For the present case, noise from air-conditioning can readily be controlled by:

- Equipment specification and selection based on acoustic performance. Equipment with rated maximum sound power levels of 59/60dB(A) for the outdoor condensers are available for boarding house application; and
- Locating outdoor condensers inside the Basement Level, centrally on the Roof Level and/or on the balconies on the south-eastern side of the building to take advantage of acoustic shielding provided by the building structure.

#### **42. Noise Assessment – Internal Acoustic Privacy**

Prior to the issue of a construction certificate, acoustic privacy between sole-occupancies shall be reviewed by a qualified acoustic consultant, and appropriate construction systems shall be incorporated into the design and construction of the building to ensure that the National Construction Code (NCC)/Building Code of Australia (BCA) acoustic requirements for sole-occupancies are achieved.

In accordance with the acoustic privacy requirements in Part F5 of the NCC/BCA, acoustic privacy between spaces can be controlled by incorporating appropriate wall and floor construction materials/systems to control air-borne noise and floor covering and/or isolation of plasterboard ceiling and ceiling cavity insulation to control floor impact sound.

Noise from internal waste services can be controlled by wrapping services/waste pipes with acoustic lagging and/or construction of appropriate ceiling and ceiling cavity insulation below the services/waste pipes.

#### **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.

#### **43. 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.

#### **44. Erection of Construction Sign**

Prior to the commencement of any works on the land, signs must be erected in prominent positions 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 (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)
- d. Stating the approved construction hours in which all works can occur

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

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

#### **45. 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.

#### **46. 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.

#### **47. Vehicular Access during Construction**

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

#### **48. Public Property**

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

Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

#### **49. Demolition Works**

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

- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by the Principal Certifier and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under

no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

- d) An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

#### **50. Hoarding / Fence**

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

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

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

#### **51. Fencing**

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

#### **52. Site Management Plan**

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions.
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway and,
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

#### **53. Pre-demolition Hazardous Materials (HAZMAT) Survey**

A pre-demolition hazardous materials (HAZMAT) survey shall be undertaken in accordance with AS2601-2001. In the event hazardous materials are detected;



- a. Subsequent removal and demolition of structures must be undertaken in accordance with the NSW WHS Act, Chapter 8 of the WHS Regulation and SafeWork NSW Codes of Practice
- b. The preparation of an Asbestos Management Plan shall inform the removal of asbestos containing building materials and lead paint in accordance with SafeWork NSW requirements including clearance certificates provided by a SafeWork NSW Licensed Asbestos Assessor or "Competent Person" as defined by the Code of Practice.

#### **54. Unexpected Finds Protocol**

Prior to the commencement of works, an unexpected finds protocol shall be developed, to be implemented during earthworks.

### **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.

#### **55. Construction Work Hours**

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

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

#### **56. Erosion and Sediment Control**

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

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

#### **57. Work Zones**

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

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

## 58. Protection of Existing Trees

The following tree protection measures shall be implemented:

- a. During construction, no trees apart from those that this development consent approves for removal, are to be cut down, lopped, destroyed or removed without the separate written approval of Council.
- b. All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- c. All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.
- d. This development consent approves the removal of the six trees that are impacted by the basement footprint (T1 and T5-T9). Tree removal must be conducted in accordance with Code of Practice, Amenity Tree Industry 1998, Workcover NSW. Trees T2-T4 and T10 and T11 (neighbouring trees at 107 Oxford Rd) are to be retained and protected. Where soil cuts are approved within the Tree Protection Zone (TPZ) it is anticipated underlying tree roots will be cut. Such roots, greater than 25mm, must be blocked , by use of clean cut, sterilised tools, that will ensure rapid compartmentalisation (forming walls that protect the wound area from decay) denying the entry of fungal pathogens. Ground soil/root treatment within the TPZ is crucial in this vicinity.
- e. TPZ fencing must be of chain link wire and no less than 1.8 metres high and anchored down with concrete blocks/stirrups in a non-intrusive manner Tree protection fencing must be covered with shade cloth tightly woven to not allow cement debris/dust to contact any lower tree parts. Grounds within the tree protection fencing must contain mulch cover with a min 150mm thick layer atop tightly woven cover of Geotech fabric. Mulch shall be organic and comply with AS-4454-2003.
- f. The TPZ sign must be weather proof and visible to contractors, and in accordance with AS4970-2009. Signage to read 'TREE PROTECTION ZONE': Entry not permitted without Project Arborist consultation. Sign must be A3 min. size and include Project Arborist details.
- g. Where there is frequency within the side setbacks, in close proximity to the neighbouring trees, rumble boards must be laid down to protect the soil and underlying roots. The boards must be rigid and may consist of long timber beams minimum 90mm x 200mm or the like, tightly fixed with metal straps allowing for small voids not exceeding 30mm,.Ply boards can be fixed where necessary to create a platform. The platform must be installed over layer of mulch min. 150mm thick layer. This method of ground protection will also apply should heavy machines be necessitated.
- h. All TPZ fencing is to be retained during works and monitored by a project arborist. If it requires readjustment, it must be approved by the Project Arborist.
- i. Approved excavation methods within the TPZ shall be supervised and photographed by the Project Arborist.
- j. The following, is not allowed to occur within the TPZ, unless, endorsed and approved by the Project Arborist , Council or the PCA:
  - i. Stationing of plant and machinery
  - ii. Changes in natural soil levels
  - iii. Storage , preparation and disposal of soluble substances i.e. plumbers glue, termite deterrent chemicals, acidic chemicals and herbicides



- iv. Stock piling of building materials within the TPZ of retention trees i.e. bricks cement bags, spoil etc.
  - v. Construction waste wash-off within the TPZ
  - vi. Fill soil, or any other waste mounds.
- k. Scaffolding should stay clear of the TPZ, however, if required, must be placed on top of mulch or additional ground protection.
- l. All Indirect impacts to trees must be minimised.

#### **59. Excavation and Backfilling**

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

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

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

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

#### **60. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98 per cent standard compaction.

Any lot filling operations carried out in accordance with this consent 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 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

#### **61. 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.

#### **62. Dust Nuisance**

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

**63. Certification of Location of Building during Construction**

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

**64. Certification of Location of Building upon Completion**

Upon completion of the building, the applicant shall submit to the appointed Principal Certifier a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

**65. Certification of Levels of Building during Construction**

Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the appointed Principal certifier a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

**66. 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.

**67. Public Safety**

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

**68. Compliance with Council Specification**

All design and construction work shall be in accordance with:

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

**69. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Oxford Road and Acres Lane. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

**70. 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.

**71. Redundant Laybacks**

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

The two redundant laybacks on the kerb return and near the proposed driveway are to be removed.

**72. Demolition Work/Plan**

All work shall be completed in accordance with the approved demolition work plan designed in accordance with clause 1.7.3 of Australian Standard A52601-2001 The Demolition of Structures.

**73. Connection to Council Pit and/or Pipe**

Any connection to a Council pit must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

The Certifying Authority must arrange for a satisfactory inspection by Council prior to backfilling. At least one working days' notice is required for the inspection and is to be arranged through Council's Customer Services.

**74. Medium Density Footpath Crossing and Layback**

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Medium Density Vehicle Crossing Specification and Engineering Design Guide for Development (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

The driveway must:

- a. maintain a perpendicular alignment from the kerb to the property boundary line,
- b. have a minimum width of 5.5m,
- c. not interfere with the existing public utility infrastructure,
- d. be finished with a slip resistant coating, and
- e. be constructed at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

**75. Waste Classifications for Soils**

Waste classifications for soils to be disposed off-site (e.g. arising from the basement excavation) shall be completed in accordance with the NSW EPA (2014) Waste Classification Guidelines. Disposal of site soils shall be undertaken in accordance with the NSW POEO Act 1997, POEO (Waste) Regulation 2014 and applicable resource recover orders.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

**76. Section 73 Certificate**

Prior to the appointed Principal Certifier issuing an occupation 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](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

**77. Structural Engineering Certificate**

Prior to the appointed Principal Certifier issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings, the relevant Standards Association of Australia Codes and is structurally adequate.

**78. Completion of External Works Onsite**

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

**79. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council a copy of a work as executed plan, certified by a qualified surveyor, which has been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

**80. Public Utilities**

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

**81. Service Authorities**

To ensure that an adequate level of services and infrastructure is provided to this development, prior to the appointed Principal Certifier issuing a Subdivision Certificate the following is required:

- a. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development
- b. Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development
- c. Gas supplier (if relevant)- Evidence demonstrating that satisfactory arrangements have been made with a gas supplier to service the proposed development; and
- d. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

All construction work shall conform to the relevant authorities' specifications.

**82. BASIX**

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

**83. Council Fees and Charges**

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

**84. Dedication of Splay Corner to Council**

Prior to the issue of an occupation certificate, the applicant shall dedicate to Council at nil cost a 4m x 4m splay corner of land at the corner of Oxford Road and Acres Lane, as per the requirements of the Campbelltown Engineering Design Guide for Development. There shall be no structures, landscaping or any other aspect of the development within this land upon its dedication to Council.

**ADVISORY NOTES**

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

**Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Retaining Walls**

A separate application for development consent shall be submitted and approved for any retaining walls that do not meet the exempt requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Consent must be received for the construction of any such retaining walls before work commences.

**Advice 3. Covenants**

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

**Advice 4. Inspection within Public Areas**

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

**Advice 5. Adjustment to Public Utilities**

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

**Advice 6. Salinity**

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

**Advice 7. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Advice 8. Waste-Derived Material**

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recover exemptions are available on Department of Environment and Climate Change's website at <http://www.environment.nsw.gov.au/waste/>

**Definition of 'virgin excavated natural material' within the meaning of the POEO Act:**

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or soils or any other waste.

**Definition of 'waste' within the meaning of the POEO (Waste) Regulation:**

See Part 1, Clause 3B.

**Advice 9. 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.

**END OF CONDITIONS**













# Variation to Landscaping Development Standard

BOARDING HOUSE

No.109 OXFORD ROAD

INGLEBURN



Variation to Landscaping Development Standard

Boarding House

No.109 Oxford Road

Ingleburn

20 June 2023

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B3408

## 1. Introduction

This objection to the landscaping development standard of Campbelltown Development Control Plan 2015 (**DCP 2015**) has been prepared to accompany a development application to Campbelltown City Council (**the Council**).

The development application relates to demolition of the existing structure and the erection of a Boarding House at No.109 Oxford Road, Ingleburn (**the Site**). **Figure 1** shows the location of the Site.



**Figure 1:** Location map with the Site highlighted in yellow. © SIX Maps

## 2. Relevant Development Standard

**Sub-clause 24(2)(c)** of *State Environmental Planning Policy (Housing) 2021* states:

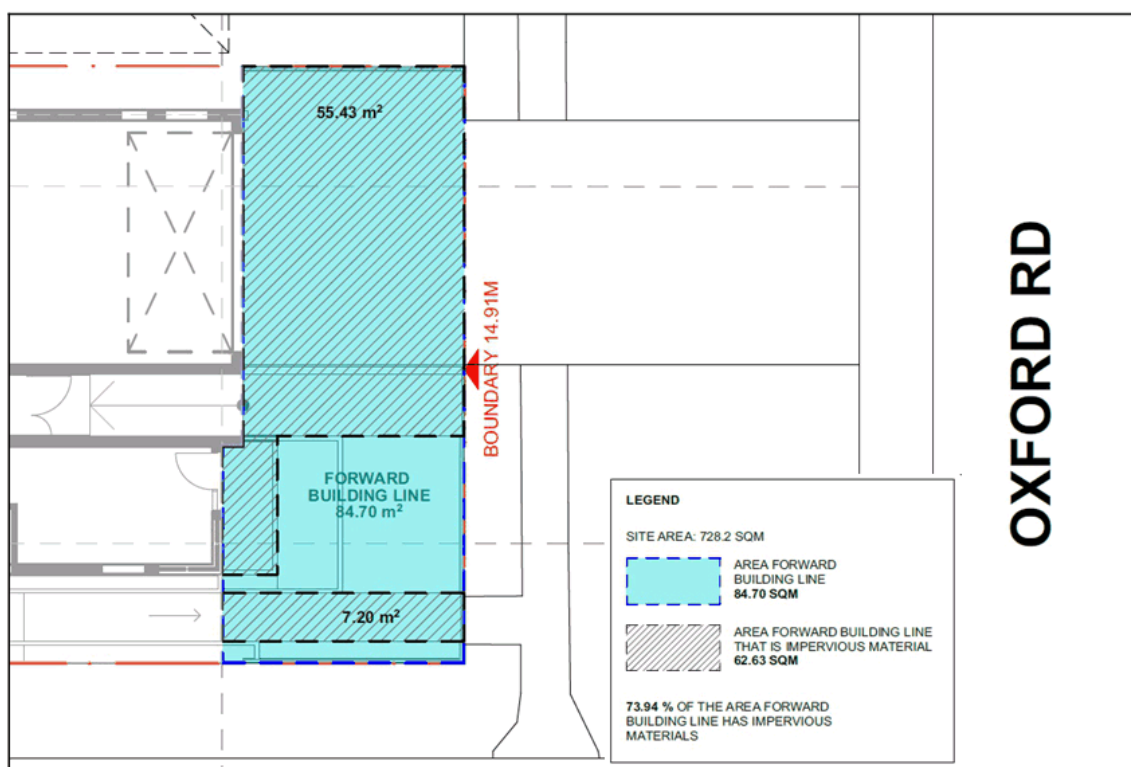
- (2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—*
- (a) .....
  - (b) .....
  - (c) *for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a*

relevant planning instrument,

**Clause 3.7.2.9** of DCP 2015 deals with landscaping for Multi Dwelling Housing and states, in part:

- iii) no more than 30% of the area forward of any building line shall be surfaced with impervious materials.

The plans of the proposed development show that, at the Oxford Road frontage of the Site, there is 84.70m<sup>2</sup> forward of the building line of which 62.63m<sup>2</sup> is landscaping. This represents 73.94% of the Oxford Road frontage forward of the building line. This is shown in **Figure 2** below.



**Figure 2:** Plan showing the amount of landscaping forward of the Oxford Road building line.

It is the 30% maximum of impervious area forward of the Oxford Road building line development standard which is the subject of this variation request.

### 3. Objection to the Height of Buildings Development Standard

**Sub-clauses 4.6(1) & (2)** of Campbelltown Local Environmental Plan 2015 (**LEP 2015**) state:

Nexus Environmental Planning

- (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.*

**Sub-clause 4.6(3)** of LEP 2015 provides for variation to development standards as follows:

- (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.*

For the reasons set out below, the merits of the application should properly be considered in the context of **sub-clause 4.6(3)**.

In *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* and *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* Preston CJ outlined that Commissioners on appeal exercising the functions of the consent authority have power to grant consent to developments which contravene development standards (cl 4.6(2)), however, they cannot grant such a development consent unless they:

- Are satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)).
- Are satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii)).
- Have considered a written request which demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)).
- Have considered a written request which demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

### 3.1 Objectives of the Zone

The objectives of the R3 Medium Density Residential zone are:

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

The proposed development would:

- provide for the housing needs of the community including the affordable rental housing needs of the community,
- assist in the provision of a variety of housing with access to services and facilities,
- enhance the amenity of existing and future residents and the neighbourhood, and
- ensure that a high level of residential amenity is achieved and maintained.

The proposal would be consistent with the objectives of the R3 Medium Density Residential zone.

### 3.2 Objectives of the development standard

There are no specific objectives of the landscaping development standard, however, the objectives for Multi Dwelling Housing in the R3 zone of DCP 2015 are:

- *Ensure that multi dwelling housing is designed to enhance the streetscape character of established residential neighbourhoods.*
- *Ensure that multi dwelling housing offers a high standard of internal and external amenity for its*



*occupants and maintains the amenity of other residents in the locality.*

- *Encourage innovative designs and layout to produce a medium density style development with contemporary buildings that utilise facade modulation and incorporate shade elements, such as pergolas, verandahs and the like.*

Notwithstanding the breach of the development standard, the proposed development would:

- Facilitate the use of the Site for medium density residential development which is generally compatible with the appearance of the existing area in Oxford Road and, in particular, the adjoining development which also has significantly more than 30% of impervious area forward of the building line. The adjoining development has almost 100% of impervious area forward to the building line. This can be seen in **Figure 3**, and
- Provide for a development form which takes its clues from the existing development in this part of Oxford Road.



**Figure 3:** Extract from an aerial photograph which shows that recent development adjoining the Site has significantly more than 30% impervious area forward of the building line.

The proposed development would be consistent with the underlying objectives of Multi Dwelling Housing in the R3 zone.

### 3.3 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

In *Wehbe v Pittwater Council [2007] NSWLEC 827* Preston CJ comprehensively examines a number of ways of establishing that compliance with a development standard is unreasonable or unnecessary, and states:

*The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard...*

*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).*

The non-compliance with the landscaping development standard and a result the Site being a corner site and one which requires access to the basement car parking for the proposed development which cannot be provided from Acres Lane.

The proposal is consistent with the scale of development envisaged for the Site under the current planning controls in LEP 2015 and those of *State Environmental Planning Policy (Housing) 2021*. The proposed development provides for a significant increase in affordable housing and a better planning outcome than would otherwise be the case.

Maintaining the standard would result in a reduction in the amount of affordable rental housing.

On balance, maintaining the 30% impervious area development standard in this case would result in a significantly reduced number of affordable housing rooms. It is, therefore, unreasonable and unnecessary to require strict compliance with the standard in this case and there are sufficient environmental planning reasons identified to justify contravening the development standard.

Maintaining and enforcing the development standard in this case would unreasonably prevent the orderly and economic development of the Site and would unnecessarily encumber the various community benefits this development brings which include:

- A development which is compatible with existing and the desired future character of the locality.
- A development of high quality design which results in improvement to the streetscape of Oxford Road.
- The ability to provide affordable residential development in the form of a new generation boarding house close to development such as Ingleburn High School.

It is a better planning outcome to promote and co-ordinate the orderly and economic use and development of the

Site through facilitating a development with a breach of the landscaping development standard than proposing a smaller development form which would not lead to the optimum sustainable capacity of development envisaged by LEP 2015 and *State Environmental Planning Policy (Housing) 2021*.

### 3.4 Are there sufficient environmental planning grounds to justify contravention of the development standard?

The proposed development is within the R3 Medium Density Residential zone and would be consistent with the objectives of the zone in that it would:

- provide for the affordable housing needs of the community,
- assist in the provision of a variety of housing with access to services and facilities,
- enhance the amenity of the neighbourhood, and
- ensure that a high level of residential amenity is achieved and maintained.

A suitable development is proposed for the Site notwithstanding the non-compliance with 30% maximum impervious area in the front setback development standard.

In the circumstance of this development application, the objection to the development standard is well founded and should be supported as it has adequately addressed the matters required to be demonstrated by **Clause 4.6(3)** of LEP 2012.

The development would be in the public interest because it would provide a planning outcome consistent with the objectives of the development standard, the objectives of the R3 Medium Density Residential zone and *State Environmental Planning Policy (Housing) 2021* which seeks, among other things:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*

To limit the development to one which did not have basement car parking and, hence, comply with a 30% maximum impervious material in the front setback would significantly limit the potential of the Site and, as such, would not reach the capacity for medium density residential development of the area as envisaged by the relevant planning instruments.

The proposed development would facilitate the establishment of quality boarding house development in the vicinity of development such as Ingleburn High School.

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CLAUSE 4.6 VARIATION REQUEST  
HEIGHT OF BUILDINGS DEVELOPMENT STANDARD  
BOARDING HOUSE  
No.109 OXFORD ROAD  
INGLEBURN

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CLAUSE 4.6 VARIATION REQUEST

HEIGHT OF BUILDINGS

No.109 Oxford Road

INGLEBURN

25 February 2022

Prepared by:  
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B3408



## 1. Introduction

This objection to the Height of Buildings development standard of Campbelltown Local Environmental Plan 2015 (**LEP 2015**) has been prepared to accompany a development application to Campbelltown City Council (**the Council**).

The development application relates to demolition of the existing structure and the erection of a Boarding House at No.109 Oxford Road, Ingleburn (**the Site**). **Figure 1** shows the location of the Site.



**Figure 1:** Location map with the Site highlighted in yellow. © SIX Maps

## 2. Relevant Development Standard

Building height is defined in LEP 2015 as:

**building height** (or **height of building**) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Sub-clause 4.3** of LEP 2015 states:

### 4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
  - (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,
  - (c) to provide for built form that is compatible with the hierarchy and role of centres,
  - (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The maximum height of buildings development standard is 9 metres.

The proposed development is within the maximum building height except for part of the lift overrun of the development.

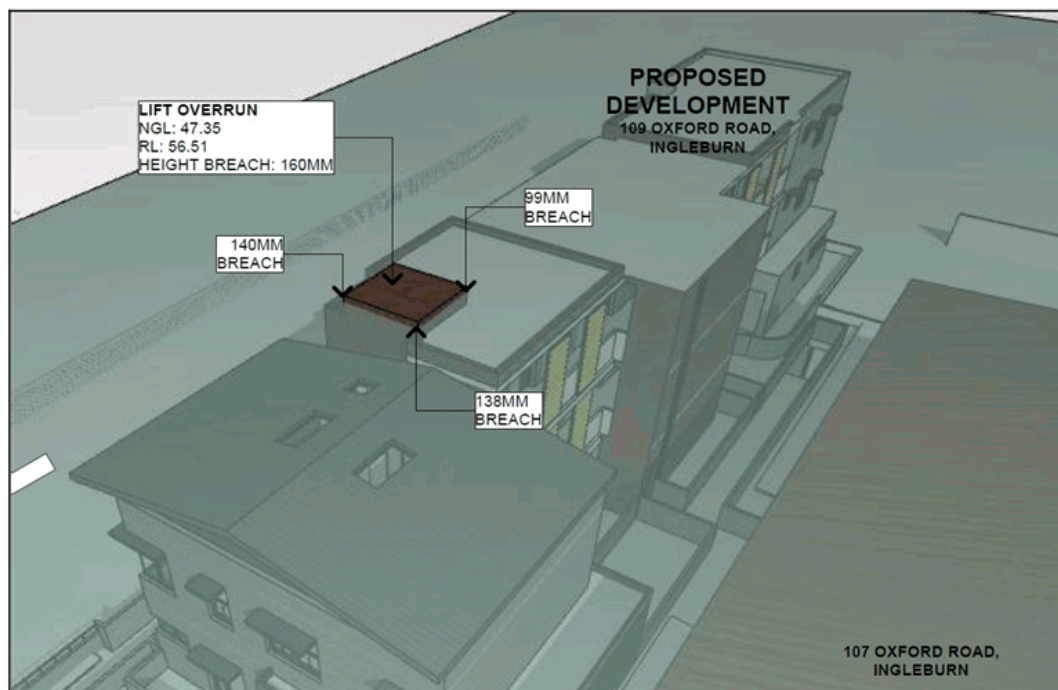
**Figure 2** shows part of Section AA which indicates where the proposed development is non-compliant with the development standard.

**Figure 3** is an extract from the 3D height plane diagram which indicates which part of the proposed development exceeds the 9m Height of Buildings development standard.

It is the 9 metre height of buildings development standard which is the subject of this variation request.



**Figure 2:** Extract from Section AA showing the minor non-compliance of the proposed development with the 9m Height of Building Development Standard.



**Figure 3:** Extract from the building height plane diagram showing the minor non-compliance with the Height of Buildings development standard.

### 3. Objection to the Height of Buildings Development Standard

**Sub-clauses 4.6(1) & (2)** of LEP 2015 state:

- (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.*

**Sub-clause 4.6(3)** of LEP 2015 provides for variation to development standards as follows:

- (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.*

For the reasons set out below, the merits of the application should properly be considered in the context of **sub-clause 4.6(3)**.

In *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* and *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* Preston CJ outlined that Commissioners on appeal exercising the functions of the consent authority have power to grant consent to developments which contravene the building height standard (cl 4.6(2)), however, they cannot grant such a development consent unless they:

- Are satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)).
- Are satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii)).
- Have considered a written request which demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)).
- Have considered a written request which demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

### 3.1 Objectives of the Zone

The objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a wide range of housing choices in close proximity to commercial centres, transport hubs and routes.*
- *To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.*

- *To minimise overshadowing and ensure a desired level of solar access to all properties.*

The proposed development would:

- provide for the housing needs of the community including the affordable rental housing needs of the community,
- assist in the provision of a variety of housing with access to services and facilities,
- enhance the amenity of existing and future residents and the neighbourhood, and
- ensure that a high level of residential amenity is achieved and maintained.

The proposal would be consistent with the objectives of the R3 Medium Density Residential zone.

### 3.2 Objectives of the development standard

The underlying objectives of the height of buildings development standard contained in **Clause 4.3** of LEP 2015 are:

- to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,*
- to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,*
- to provide for built form that is compatible with the hierarchy and role of centres,*
- to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.*

Notwithstanding the minor breach of the development standard, the proposed development would:

- Facilitate the use of the Site for medium density residential development which is generally compatible the appearance of the existing area in Oxford Road,
- Minimise overshadowing of the adjoining residential development which would provide for the desired level of solar access to all properties adjoining the Site,
- Minimise the visual impact of the built form within the existing medium density residential locality,
- Provide a building height and form which is consistent and compatible with both the desired and approved character of residential development in the vicinity of the Site, and

- Provide for a development form which takes its clues from the existing development in this part of Oxford Road.

The proposed development would be consistent with the objectives of the height of buildings development standard.

### 3.3 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

In *Wehbe v Pittwater Council [2007] NSWLEC 827* Preston CJ comprehensively examines a number of ways of establishing that compliance with a development standard is unreasonable or unnecessary, and states:

*The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard...*

*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).*

The non-compliance with the height of buildings development standard is confined to a very small section of the lift overrun of the development which breaches the development standard. The degree of non-compliance is variable ranging from 99mm to 149mm as seen in **Figures 2 and 3**.

The proposal is consistent with the scale of development envisaged for the Site under the current planning controls in LEP 2015 and those of *State Environmental Planning Policy (Housing) 2021*. The proposed development provides for a significant increase in affordable housing and a better planning outcome than would otherwise be the case if one level was removed.

Maintaining the standard would result in an inferior outcome for all residents, with commensurate reduction in the amount of affordable rental housing.

The element of the building above the height limit has a small footprint and is significantly setback from the property boundaries and, therefore, will not be perceived from Oxford Road or adjoining development.

On balance, maintaining the 9 metre Height of Buildings development standard in this case would result in a significantly reduced number of affordable housing rooms. It is, therefore, unreasonable and unnecessary to require strict compliance with the standard in this case and there are sufficient environmental planning reasons identified to justify contravening the development standard.

Maintaining and enforcing the development standard in this case would unreasonably prevent the orderly and economic development of the Site and would unnecessarily encumber the various

community benefits this development brings which include:

- A development which is compatible with existing and the desired future character of the locality.
- A development of high quality design which results in improvement to the streetscape of Oxford Road.
- The ability to provide affordable residential development in the form of a new generation boarding house close to development such as Ingleburn High School.

It is a better planning outcome to promote and co-ordinate the orderly and economic use and development of the Site through facilitating a development with a minor breach of the height of buildings development standard than proposing a smaller development form which would not lead to the optimum sustainable capacity of development envisaged by LEP 2015 and *State Environmental Planning Policy (Housing) 2021*.

### 3.4 Are there sufficient environmental planning grounds to justify contravention of the development standard?

The proposed development is within the R3 Medium Density Residential zone and would be consistent with the objectives of the zone in that it would:

- provide for the affordable housing needs of the community,
- assist in the provision of a variety of housing with access to services and facilities,
- enhance the amenity of the neighbourhood, and
- ensure that a high level of residential amenity is achieved and maintained.

A suitable development is proposed for the Site notwithstanding the minor non-compliance with 9 metre height of buildings development standard.

In the circumstance of this development application, the objection to the development standard is well founded and should be supported as it has adequately addressed the matters required to be demonstrated by **Clause 4.6(3)** of LEP 2012.

The development would be in the public interest because it would provide a planning outcome consistent with the objectives of the development standard, the objectives of the R3 Medium Density Residential zone and *State Environmental Planning Policy (Housing) 2021* which seeks, among other things:

- to provide a consistent planning regime for the provision of affordable rental housing,*
- to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*

To limit the development to the 9m height of buildings development standard would limit the potential of the Site and, as such, would not reach the capacity for medium density residential development of the area as envisaged by the relevant planning instruments.

The proposed development would facilitate the establishment of quality boarding house development in the vicinity of development such as Ingleburn High School.

## Acoustic Consulting Engineers

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Tuesday 6 September 2022

Guided Investments Pty Ltd  
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BURWOOD NSW 2134

Our Reference 211271-01L-DD  
Rev01

**For the attention of Ghazi Al Ali Architect Pty Ltd**

**Noise Assessment – Development Application (DA) Phase  
Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn**

### 1.0 INTRODUCTION

Acoustic Consulting Engineers Pty Ltd was engaged by Guided Investments Pty Ltd to prepare a noise assessment for the proposed residential boarding house development at 109 Oxford Road, Ingleburn.

This report presents the findings from the noise assessment for the purpose of development application (DA) consideration only.

The findings from the noise assessment and recommendation are site specific and have been prepared for the particular investigation described in this report. The report should not be used in any other context or for any other purposes.

### 2.0 DESCRIPTION OF SITE AND PROPOSAL

The subject site at 109 Oxford Road, Ingleburn currently consists of a single-storey residential dwelling. The proposal is to re-develop the site to provide:

- vehicle parking and plant room on the Basement Level;
- a communal room, communal area and residential boarding rooms on Ground Level; and
- residential boarding rooms on Levels 1 and 2

*Figure 1* shows the location of the subject site and surrounding. *Appendix 1* provides the conceptual floor plans of the proposed development.



**Figure 1** Site Location



### 3.0 POTENTIAL ACOUSTIC ISSUES

From the site inspections and review of the drawings, potential acoustic issues associated with the proposed residential boarding house development would be due to:

- environmental noise from mechanical plant (such as car-park exhaust fan and air-conditioning equipment) and the use of the premises, potentially impacting on the neighbouring residences;
- acoustic privacy between the sole-occupancies and between the sole-occupancies and other spaces; and
- short-term noise and vibration impact during construction

### 4.0 EXISTING NOISE ENVIRONMENT

Existing background noise environment was measured (*Figure 1*) from Tuesday 5 October 2021 to Wednesday 13 October 2021. The measured background noise levels represent those at the surrounding residential receivers.

Measurement instrumentation consisted of a Type 1 SVAN977 sound and vibration analyser and a Type 1 ACO Pacific 7052E pre-polarised condenser microphone. The instrument was checked with a reference noise level from a Type 1 SVAN SV-30A acoustic calibrator and the drift in calibration was insignificant.

As environmental noise varies with time and the human ear is not equally sensitive to noise at different frequencies, A-weighted statistical levels are used to describe environmental noise. The common parameters used to describe environmental noise are the  $L_{Amax}$ ,  $L_{A1}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{Aeq}$  levels measured over 15-minute intervals.

The  $L_{Amax}$  level is the maximum A-weighted sound pressure level over the sampling period. The  $L_{A1}$ ,  $L_{A10}$  and  $L_{A90}$  levels are the A-weighted sound pressure levels exceeded for 1%, 10% and 90% of the sampling periods respectively. The  $L_{A90}$  level is usually referred to as the background noise level. The  $L_{Aeq}$  level is the A-weighted continuous equivalent (energy average) sound pressure level over the sampling period.

*Appendix 2* provides a graphical presentation of the measured common statistical noise levels at 15-minute intervals.

For the present case, the  $L_{A90}$  parameter is relevant for the noise assessment. Other statistical noise levels are provided for information only.

*Table 1* presents the measured day/evening/night  $L_{A90}$  background noise levels, representative of the surrounding residences.

**Table 1 Measured  $L_{A90}$  Background Noise Environment, dB(A)**

Date	Measured $L_{A90}$ Noise Environment, dB(A)		
	Day <sup>1</sup>	Evening <sup>2</sup>	Night <sup>3</sup>
Tuesday 5 October 2021		38.7	30.1
Wednesday 6 October 2021	35.7	38.8	33.4
Thursday 7 October 2021	40.1	29.9	23.0
Friday 8 October 2021	38.1	40.8	36.1
Saturday 9 October 2021	36.6	40.5	31.2
Sunday 10 October 2021	37.8	30.8	25.4
Monday 11 October 2021	37.3	29.9	25.0
Tuesday 12 October 2021	38.1	35.9	26.6
<b>Rating <math>L_{A90}</math> Background Level</b>	<b>38</b>	<b>37</b>	<b>30<sup>4</sup></b>

Notes:

1. Day is from 7:00am-6:00pm, Monday to Saturday and 8:00am-6:00pm, Sunday
2. Evening is from 6:00pm-10:00pm
3. Night is from 10:00pm-7:00am, Monday to Saturday and 10:00pm-8:00am, Sunday.
4. In accordance with the EPA:NPfI, the minimum night-time background noise level set for noise assessment purposes is 30dB(A).

## 5.0 NOISE ASSESSMENT OBJECTIVES

### 5.1 Environmental Noise

The Environment Protection Authority (EPA) Noise Policy for Industry (NPfI) is used as a reference to assess environmental noise from mechanical plant such air-conditioning equipment and exhaust air fans associated with the proposed residential boarding house development.



The EPA:NPfI recommends the:

- $L_{Aeq,15min}$  noise levels from mechanical plant associated with a proposed development not to exceed the day/evening/night rating background  $L_{A90}$  noise levels by more than 5dB(A) at the residential receivers; and
- $L_{Aeq,period}$  noise levels (period being entire day/evening/night) from a proposed development to be at least 5dB below the recommended amenity noise levels from existing and/or future industrial sources for the particular receiver areas.

Due to different averaging periods, the intrusiveness noise level (determined over 15-minute period) and amenity noise level (determined over an assessment period (day/evening/night)) may lead to situations where the same numerical value does not necessarily represent the same amount of noise for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the NPfI assumes a default correction of +3dB to convert the  $L_{Aeq,period}$  to  $L_{Aeq,15min}$  noise level.

Table 2 presents the recommended  $L_{Aeq,15min}$  noise levels from mechanical plant associated with the proposed residential boarding house development, established from the measured background noise levels presented in Table 1 and the EPA:NPfI guideline. The recommended amenity noise levels are based on a suburban residential area.

The project noise trigger levels are the lower of the intrusive and amenity noise levels. That is, noise from the development will achieve with both the intrusive and amenity noise levels, provided that the project noise trigger levels are achieved.

**Table 2**      *Anticipated Environmental Noise Assessment Level, dB(A)*

Time of Day	Anticipated $L_{Aeq,15min}$ Noise Assessment Objective		
	Intrusiveness Level	Amenity Level	Trigger Level
Day (7:00am-6:00pm)	43	53	43
Evening (6:00pm-10:00pm)	42	43	42
Night (10:00pm-7:00am)	35	38	35

## 5.2 Construction Noise and Vibration

### 5.2.1 Construction Noise

The Environment Protection Authority (EPA) Interim Construction Noise Guideline (ICNG, July 2009) provides guidelines for the assessment and management of construction noise.

The ICNG focuses on applying a range of work practices to minimise construction noise impacts rather than focusing on achieving numeric noise levels. The main objectives of the ICNG are to:

- identify and minimise noise from construction works;
- focus on applying all 'feasible' and 'reasonable' work practices to minimise construction noise impacts;
- encourage construction during the recommended standard hours only; and
- provide flexibility in selecting site-specific feasible and reasonable work practices to minimise noise impacts.

The ICNG recommends construction work be undertaken during standard hours from 7:00am to 6:00pm, Monday to Friday and 8:00am to 1:00pm, Saturday. Work outside standard hours shall be justified for reasons other than convenience.

Tables 3 sets out construction noise management levels for and how they are to be applied. Restrictions of construction hours may apply to activities that generate noise at residences above the 'highly noise affected' management level.

In Table 3, the rating background level (RBL) is used when determining construction noise management level. The RBL is the overall single-figure background noise level measured in each relevant assessment period, as described in the EPA Noise Policy for Industry (NPI).

Based on the measured daytime background  $L_{A90}$  noise level of 38dB(A) (Table 1), the 'noise affected' management level is 48dB(A)  $L_{Aeq,15min}$  during the recommended standard construction hours and the 'highly noise affected' management level is 75dB(A)  $L_{Aeq,15min}$ .

Mitigation, management and restriction of construction hours are required to minimise the impact where construction noise exceeds the "noise affected" and "highly noise affected" management levels at the sensitive receivers.

**Table 2 Recommended Construction Noise Management Levels for Residences, dB(A)**

Time of day	Management level L <sub>Aeq</sub> (15 min) *	How to apply
<b>Recommended standard hours:</b> Monday to Friday 7 am to 6 pm Saturday 8 am to 1 pm No work on Sundays or public holidays	Noise affected RBL + 10 dB	The noise affected level represents the point above which there may be some community reaction to noise. <ul style="list-style-type: none"> <li>Where the predicted or measured L<sub>Aeq</sub> (15 min) is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level.</li> <li>The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.</li> </ul>
	Highly noise affected 75 dB(A)	The highly noise affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> <li>Where noise is above this level, the relevant authority (consent, determining or regulatory) may require respite periods by restricting the hours that the very noisy activities can occur, taking into account:                             <ol style="list-style-type: none"> <li>times identified by the community when they are less sensitive to noise (such as before and after school for works near schools, or mid-morning or mid-afternoon for works near residences)</li> <li>if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.</li> </ol> </li> </ul>

**5.2.2 Construction Vibration**

*5.2.2.1 Structural Damage*

The German Standard DIN4150.3 “*Structural Vibration in Buildings – Effects on Structures*” recommends guideline values of vibration velocity for evaluating the effects of short-term vibration on structural damage. The recommended values depend on the types of structures and frequency.

For dwellings, DIN3150.3 recommends maximum vibration velocity of 5-20mm/s with the lower value for frequency below 10Hz.

For structures particularly sensitive to vibration such as buildings under preservation order, DIN3150.3 recommends maximum vibration velocity of 3-10mm/s with the lower value for frequency below 10Hz.

As a general guide, acceptable maximum particle velocity for residential buildings is 5mm/s.

### 5.2.2.2 Human Comfort

With reference to the EPA “*Environmental Noise Management – Assessing Vibration: a technical guide*”, Table 3 presents a summary of vibration levels for the assessment of potential disturbance to the occupants of buildings during daytime.

It is noted that the recommended vibration values for human comfort are well below those for potential structural damage to buildings.

**Table 3**      *Vibration Levels for Assessment of Human Comfort*

Type of Occupancy	Recommended rms Velocity for Continuous Vibration (mm/s)
Residences	0.20 – 0.40
Offices	0.40 – 0.80
Workshops	0.80 – 1.60

## 6.0 NOISE ASSESSMENT

### 6.1 Environmental Noise

#### 6.1.1 Mechanical Plant

Environmental noise from mechanical plant associated with the proposed residential boarding house development, potentially impacting on the residential neighbours, would mainly be due to a car-park exhaust air fan and air-conditioning equipment (if provided).

As the proposal is conceptual and development application has not been approved, mechanical plant has not been selected or finalised and details of equipment noise levels are not available at this time.

From similar projects, noise from mechanical plant would be controlled by appropriate equipment selection based on acoustic performance, siting and incorporation of engineering controls.

#### 6.1.2 Use of Premises

Noise from the use of the premises would mainly be due to residents using the outdoor communal space. At present, there are no noise guidelines/assessment objectives for residents using open space in residential developments.

For boarding house developments, potential noise impact from the use of the communal space is normally addressed by an Operational Plan of Management. The following measures are recommended to be incorporated into the Operational Plan of Management to manage and minimise potential impact from the use of the communal space:

- time of use for the outdoor communal space shall be limited to between 8:00am and 9:00pm;
- alcohol consumption shall not be allowed in the indoor and outdoor communal spaces; and
- other than a television typical of domestic application, there shall be no music/loudspeaker(s) in the indoor or outdoor communal spaces

Additionally, it is recommended the 1.8m high fences along the north-western and south-western site boundaries be consisted of acoustic fences/barriers.

### **6.2 Acoustic Privacy between Sole-Occupancies**

Acoustic privacy between sole-occupancies and between sole-occupancies and common spaces relates to airborne sound insulation and impact sound isolation for walls and floors and control of noise from waste services.

The acoustic privacy between spaces can be controlled by incorporating appropriate construction materials/systems to control air-borne noise and floor covering and/or isolation of plasterboard ceiling and ceiling cavity insulation to control floor impact sound.

Noise from waste services can be controlled by wrapping services/waste pipes with acoustic lagging and/or construction of appropriate ceiling and ceiling cavity insulation below the services/waste pipes.

### **6.3 Construction Noise and Vibration**

Construction methodology and plant and equipment are not available at this time as the proposal has not been approved. Albeit, typical construction equipment would include excavators, cranes, delivery trucks, concrete trucks and hand tools.

Due to the nature of work, equipment and proximity to the neighbouring properties, it is expected that noise from construction activities would exceed the construction noise management levels.

With appropriate equipment selection, work methodology, consultation with affected properties and management measures, construction noise and vibration would be minimised.

It is recommended that construction work be undertaken within standard hours from 7:00am to 6:00pm, Monday to Friday and 8:00am to 1:00pm, Saturday, as recommended by the EPA:ICNG. With prior approval, work outside standard hours may be justifiable to minimise potential impact on school classrooms during sensitive periods, particularly during exam times.

Additionally, it is recommended that following project approval, a Construction Noise and Vibration Management Plan (CNVMP) be prepared to identify potential noise and vibration generating equipment/activities and determine work methodology and control and management measures to minimise construction noise and vibration impacts.

## 7.0 RECOMMENDATION

### 7.1 Environmental Noise

#### 7.1.1 Mechanical Plant

It is recommended that a qualified acoustic consultant be engaged during the design phase of the project, when details of mechanical plant and equipment and noise emission levels are available, to review the potential environmental noise impact from the development.

For the car-park exhaust air fan, the noise can readily be controlled by:

- locating the fan inside the Basement Level or centrally on the Roof Level to take advantage of acoustic shielding provided by the building structure; and
- installation of acoustic attenuators on the intake and discharge sides of the fan ductwork and/or incorporation of internally lined ductwork/bends

From previous projects, small split air-conditioning systems with typically 1.5kW to 3.5kW capacities would be required for the boarding rooms. For the present case, noise from air-conditioning can readily be controlled by:

- equipment specification and selection based on acoustic performance. Equipment with rated maximum sound power levels of 59/60dB(A) for the outdoor condensers are available for boarding house application; and
- locating outdoor condensers inside the Basement Level, centrally on the Roof Level and/or on the balconies on the south-eastern side of the building to take advantage of acoustic shielding provided by the building structure

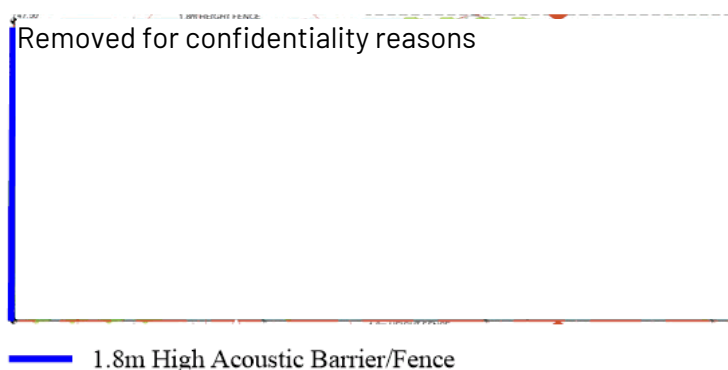
#### 7.1.2 Use of Premises

The following measures are recommended to be incorporated into the Operational Plan of Management to manage and minimise potential impact from the use of the communal space:

- the use for the outdoor communal space shall be limited to between 8:00am and 9:00pm;

- alcohol consumption shall not be allowed in the indoor and outdoor communal spaces;
- other than a television typical of domestic application, there shall be no music/loudspeaker(s) in the indoor or outdoor communal spaces; and
- the 1.8m high fences along the north-western and south-western site boundaries be consisted of acoustic fences/barriers (*Figure 2*). The barriers may be constructed of lapped and capped timber (surface density of not less than 10kg/m<sup>2</sup>), brick or masonry. Any gap between the construction elements shall be adequately overlapped and appropriately detailed. Any gap between the bottom of the fences/ barriers shall be backfilled or appropriately detailed

**Figure 2 Recommended Location of 1.8m High Acoustic Fence/Barrier**



## 7.2 Acoustic Privacy

It is recommended that acoustic privacy between sole-occupancies be reviewed by a qualified acoustic consultant during the design phase of the project and appropriate construction systems should be incorporated into the design and construction to ensure the National Construction Code (NCC)/Building Code of Australia (BCA) acoustic requirements for sole-occupancies are achieved.

In accordance with the acoustic privacy requirements in Part F5 of the NCC/BCA, acoustic privacy between spaces can be controlled by incorporating appropriate wall and floor construction materials/systems to control air-borne noise and floor covering and/or isolation of plasterboard ceiling and ceiling cavity insulation to control floor impact sound.

Noise from waste services can be controlled by wrapping services/waste pipes with acoustic lagging and/or construction of appropriate ceiling and ceiling cavity insulation below the services/waste pipes.

### 7.3 Construction Noise and Vibration

It is recommended that a Construction Noise and Vibration Management Plan (CNVMP) be prepared following project approval to ensure construction noise and vibration is managed and minimised. Management measures would include:

- undertake construction during standard work hours;
- construction outside standard work hours shall be for the purpose of minimising potential impact on affected receivers only and prior approval(s) must be obtained. Construction outside standard work hours shall be minimised;
- turn off plant and equipment when not in use;
- arrange the site and supervise to minimise the use of reverse alarms;
- use well maintained plant and equipment to minimise noise and vibration impacts;
- employ work methodology and equipment that minimise potential noise and vibration impacts;
- consult affected properties to plan noisy activities outside sensitive hours, when possible;
- no rock breaking using an excavator, hammer or similar equipment. If rock is encountered, a concrete saw should be used to cut rock prior to ripping and loading onto truck for removal;
- inform affected properties the nature of the work, time and duration of noisy activities (eg. excavation);
- inform affected properties the progress of the work;
- inform affected properties of management plan/action to minimise impacts;
- discuss any concerns with affected properties and schedule noisy activities outside sensitive hours, when possible;
- avoid the use radios/stereos outdoor;
- train and require employees to avoid/minimise unnecessary noise on site (eg. shouting, loud conversation); and
- provide site contact details in the events of complaints arise



## 8.0 SUMMARY

This report provides the findings from the noise assessment for the proposed residential boarding house development at 109 Oxford Road, Ingleburn for the purpose of development application (DA) consideration only.

The assessment has shown that the environmental noise and acoustic privacy between sole-occupancies of the proposed residential development can be controlled by appropriate equipment selection, siting, engineering controls and employing appropriate construction systems.

It is recommended that a qualified acoustic consultant be engaged during the design phase of the project, when details of mechanical plant and equipment and noise emission levels are available, to review the potential environmental noise impact from the development.

Where necessary, mitigation measures should be incorporated into the development to ensure that the environmental noise assessment objectives are achieved.

Additionally, it is recommended that acoustic privacy between sole-occupancies should be reviewed by a qualified acoustic consultant during the design phase of the project and appropriate construction systems should be incorporated into the design and construction to ensure the NCC/BCA acoustic requirements for sole-occupancies are achieved.

Due to the nature of the work and proximity to the residential neighbours, it is anticipated that there would be short-term construction noise and vibration impacts generated during the construction phase of the project. It is recommended that a Construction Noise and Vibration Management Plan (CNVMP) be prepared and implemented during the construction phase to ensure construction noise and vibration is managed and minimised.

The assessment and recommendations in this report relate to acoustic considerations only. Any other requirements such as ventilation, structural adequacy, etc., should be addressed by others.

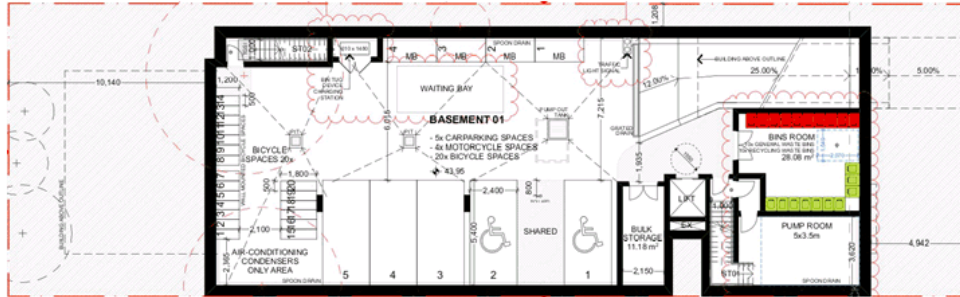
We trust the information in this report is satisfactory. Please do not hesitate to contact our office should further information or clarification be required.

Yours sincerely,

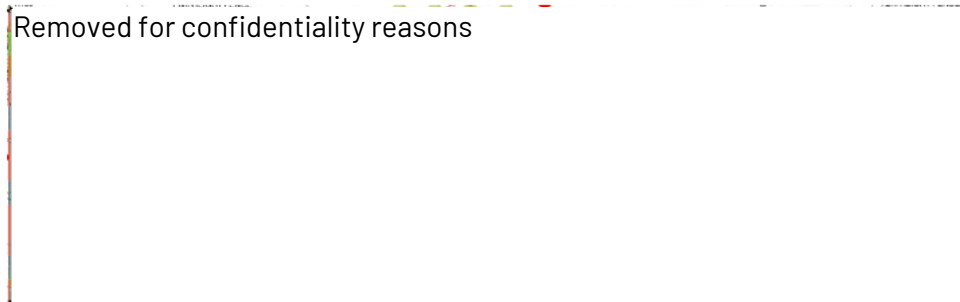
Dan Dang  
Principal Acoustic Engineer  
**Acoustic Consulting Engineers Pty Ltd**

**Appendix 1**  
**CONCEPTUAL FLOOR PLANS**

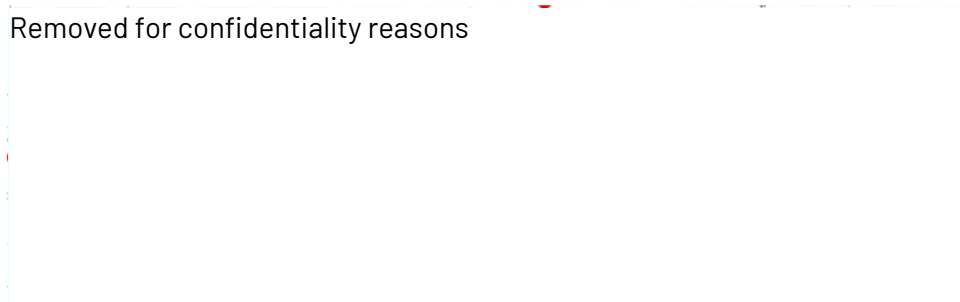
**Basement Level**



**Ground Level**

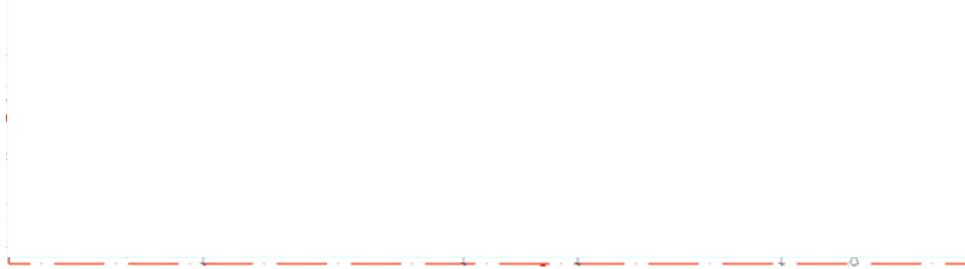


**Level 1**

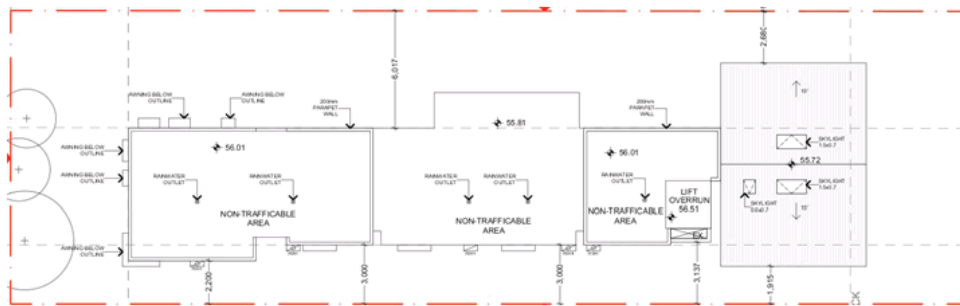


**Level 2**

Removed for confidentiality reasons



**Roof Level**



**Appendix 2**  
**MEASURED BACKGROUND NOISE ENVIRONMENT**

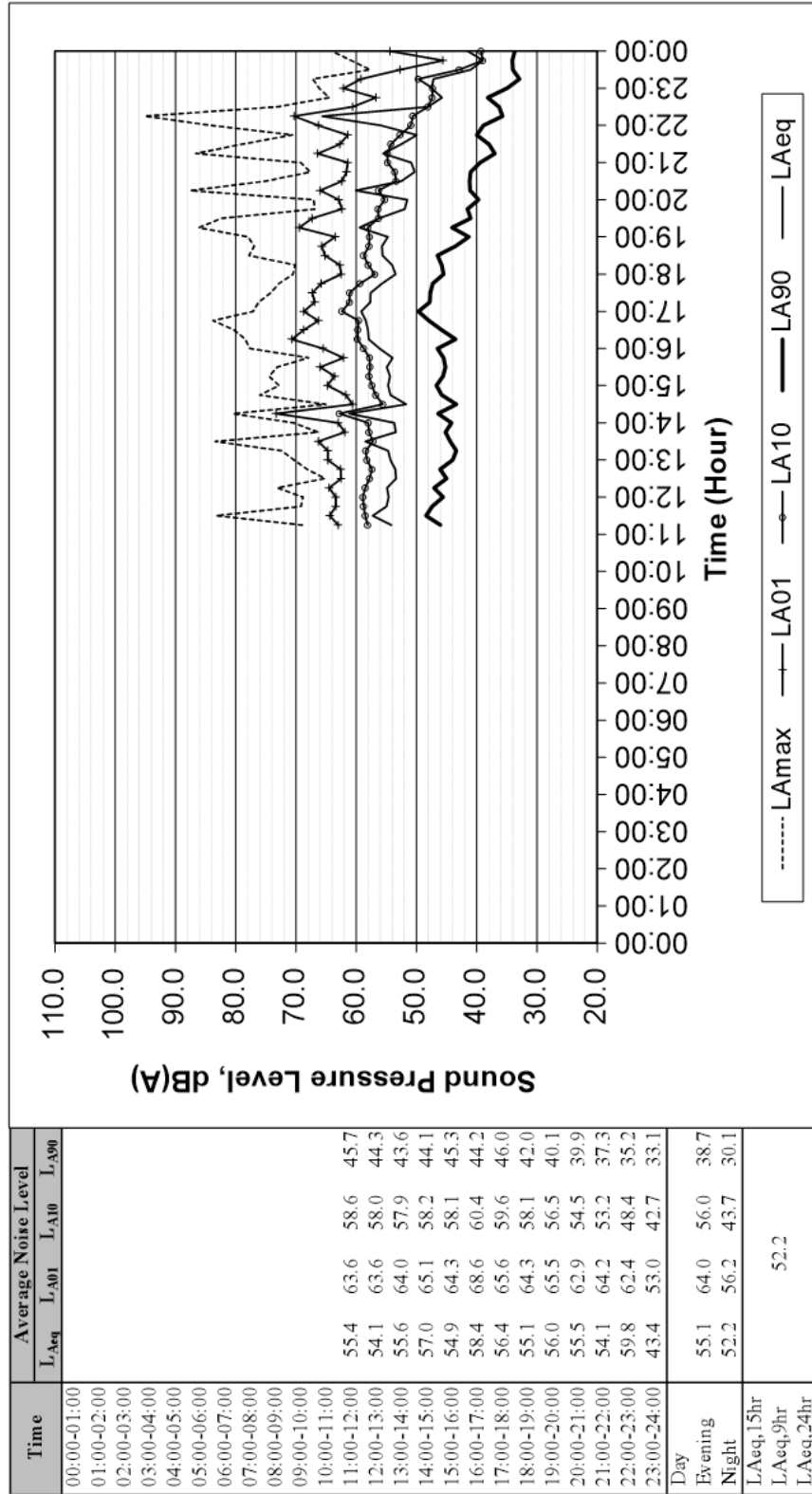
**Measurement Location** 109 Oxford Road, Ingleburn

**Project Title**

Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Date** Tuesday, 5 October 2021

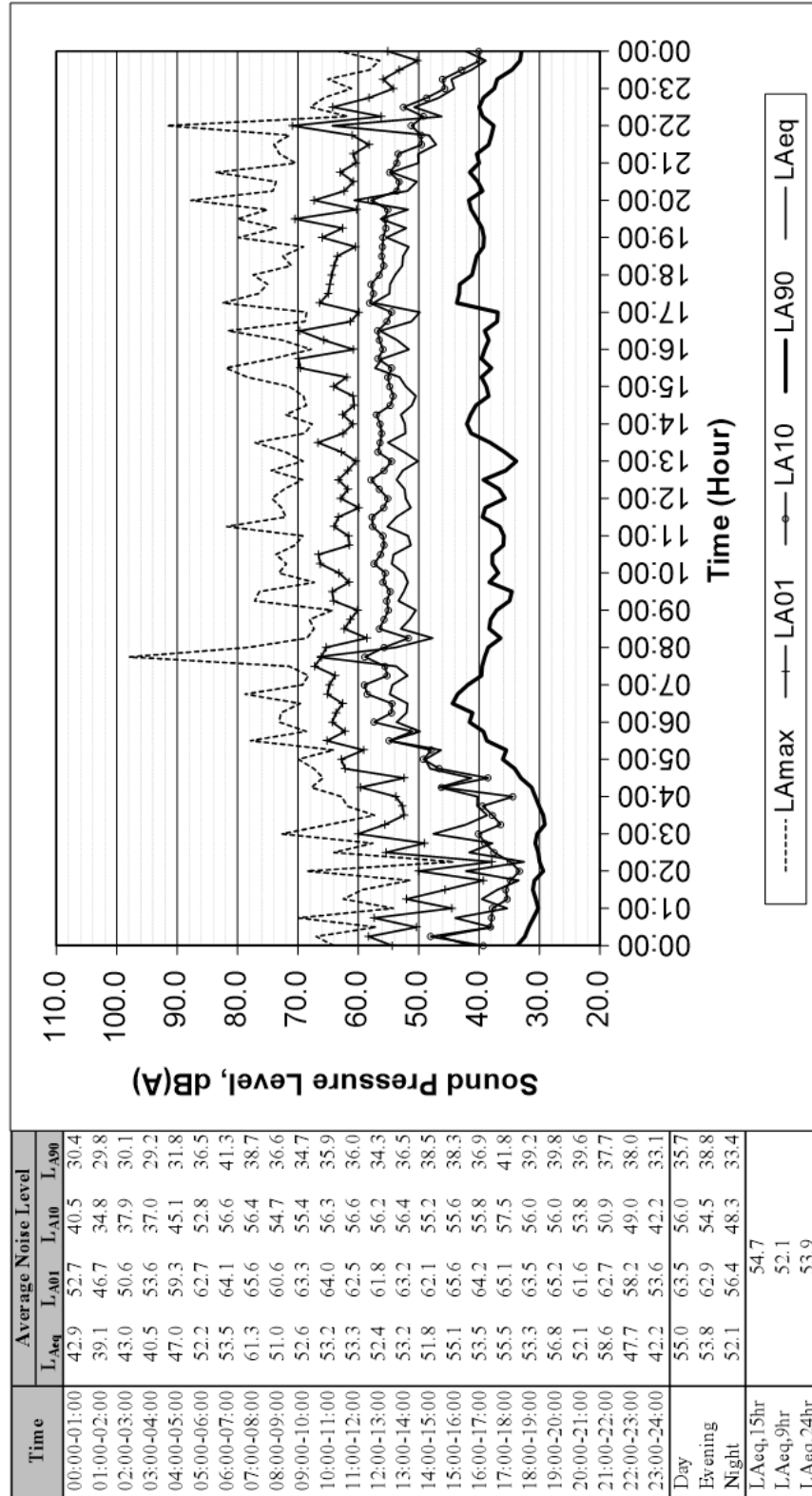
- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



**Measurement Location** 109 Oxford Road, Ingleburn **Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Date** Wednesday, 6 October 2021

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

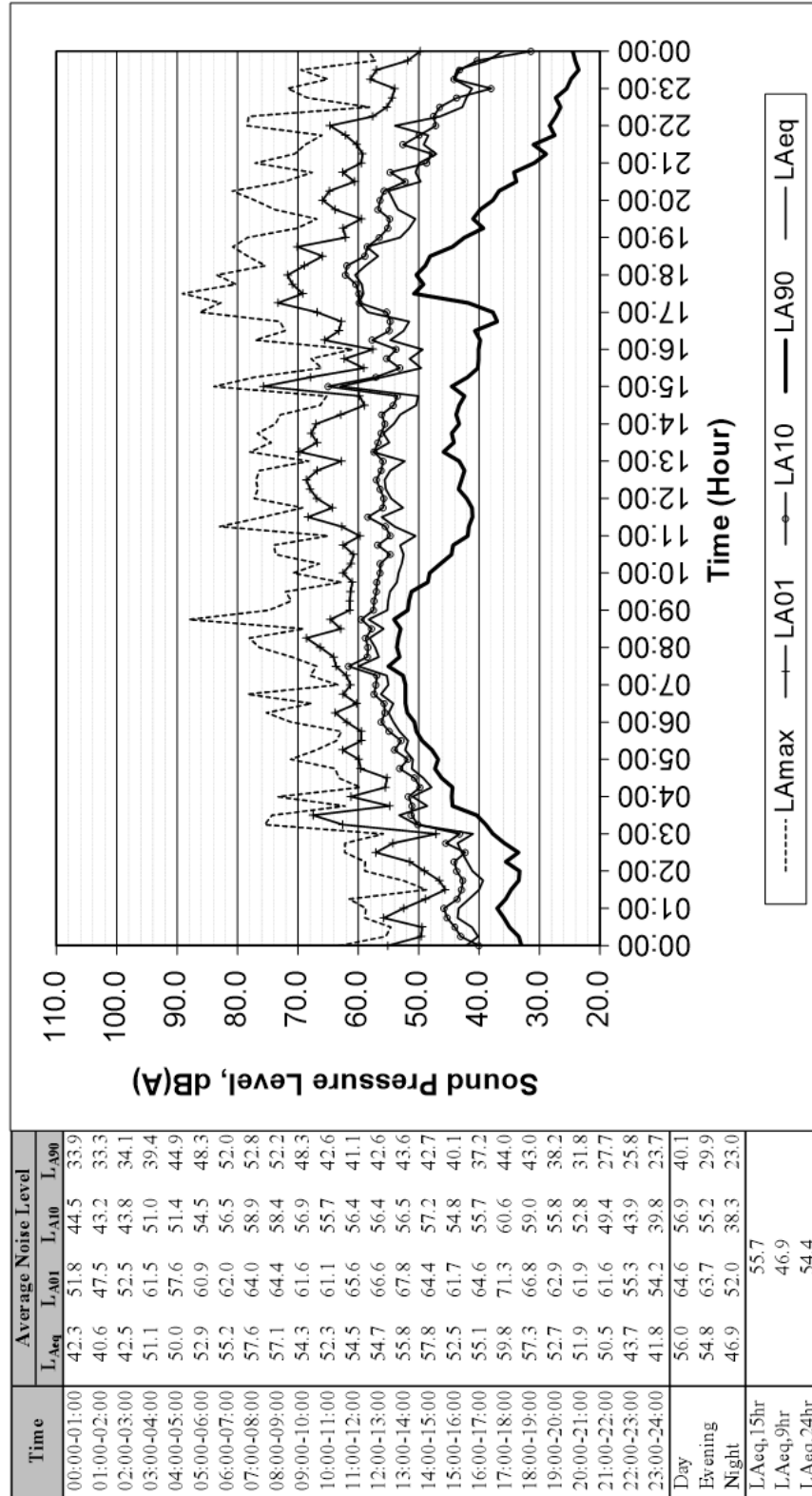


**Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Location** 109 Oxford Road, Ingleburn

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

**Measurement Date** Thursday, 7 October 2021



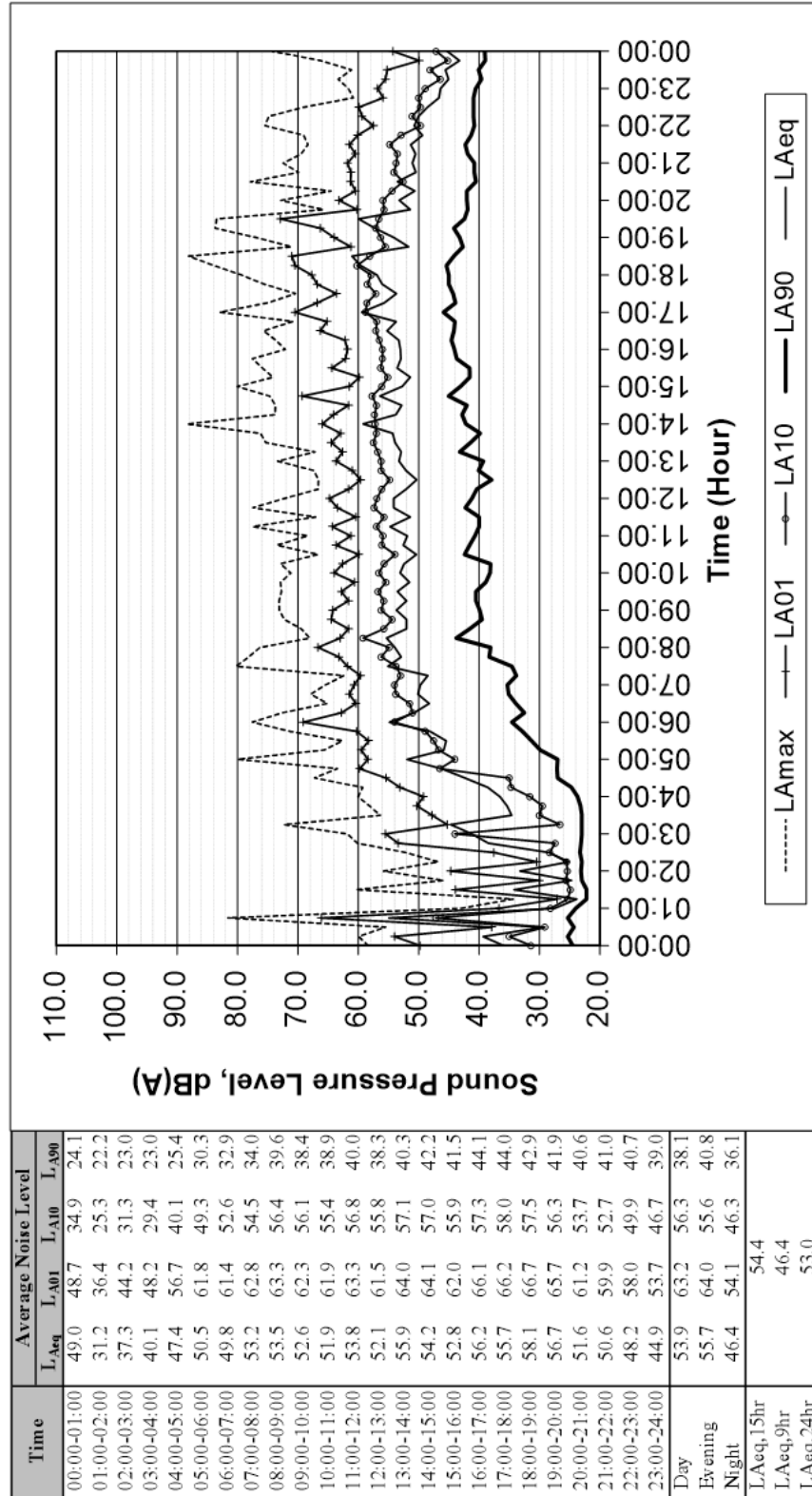


**Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Location** 109 Oxford Road, Ingleburn

**Measurement Date** Friday, 8 October 2021

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

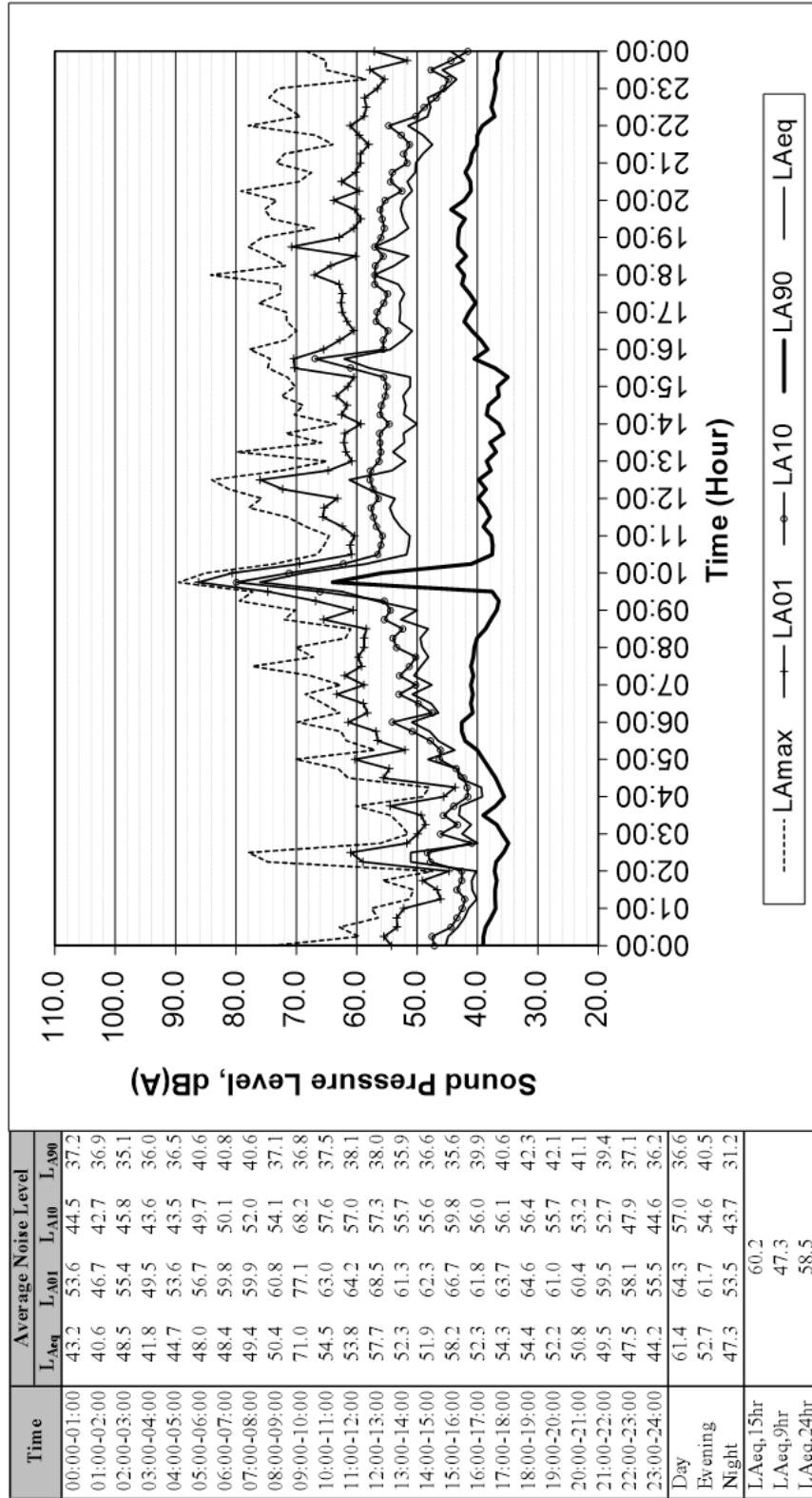


**Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Location** 109 Oxford Road, Ingleburn

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

**Measurement Date** Saturday, 9 October 2021

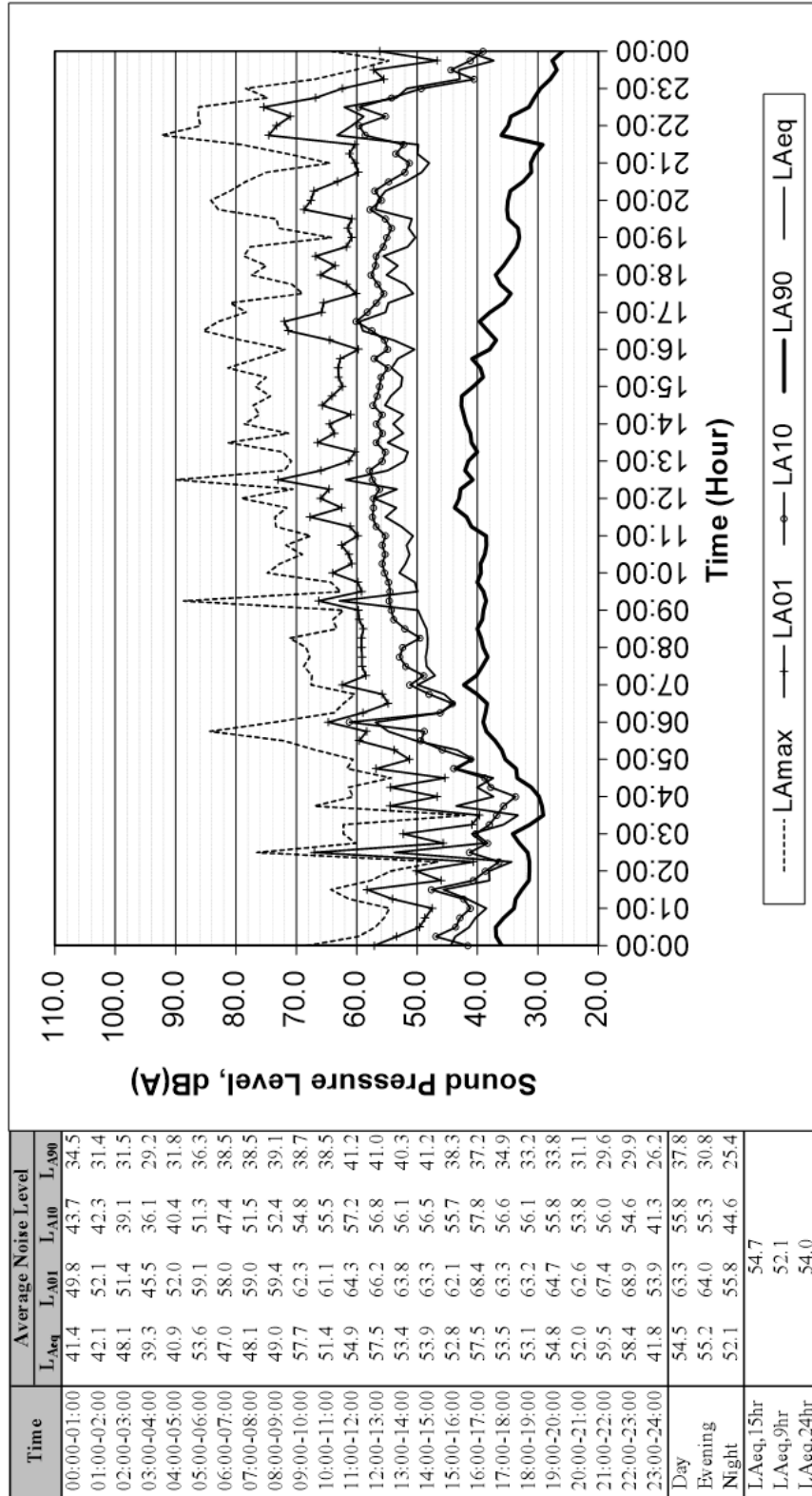


**Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Location** 109 Oxford Road, Ingleburn

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

**Measurement Date** Sunday, 10 October 2021

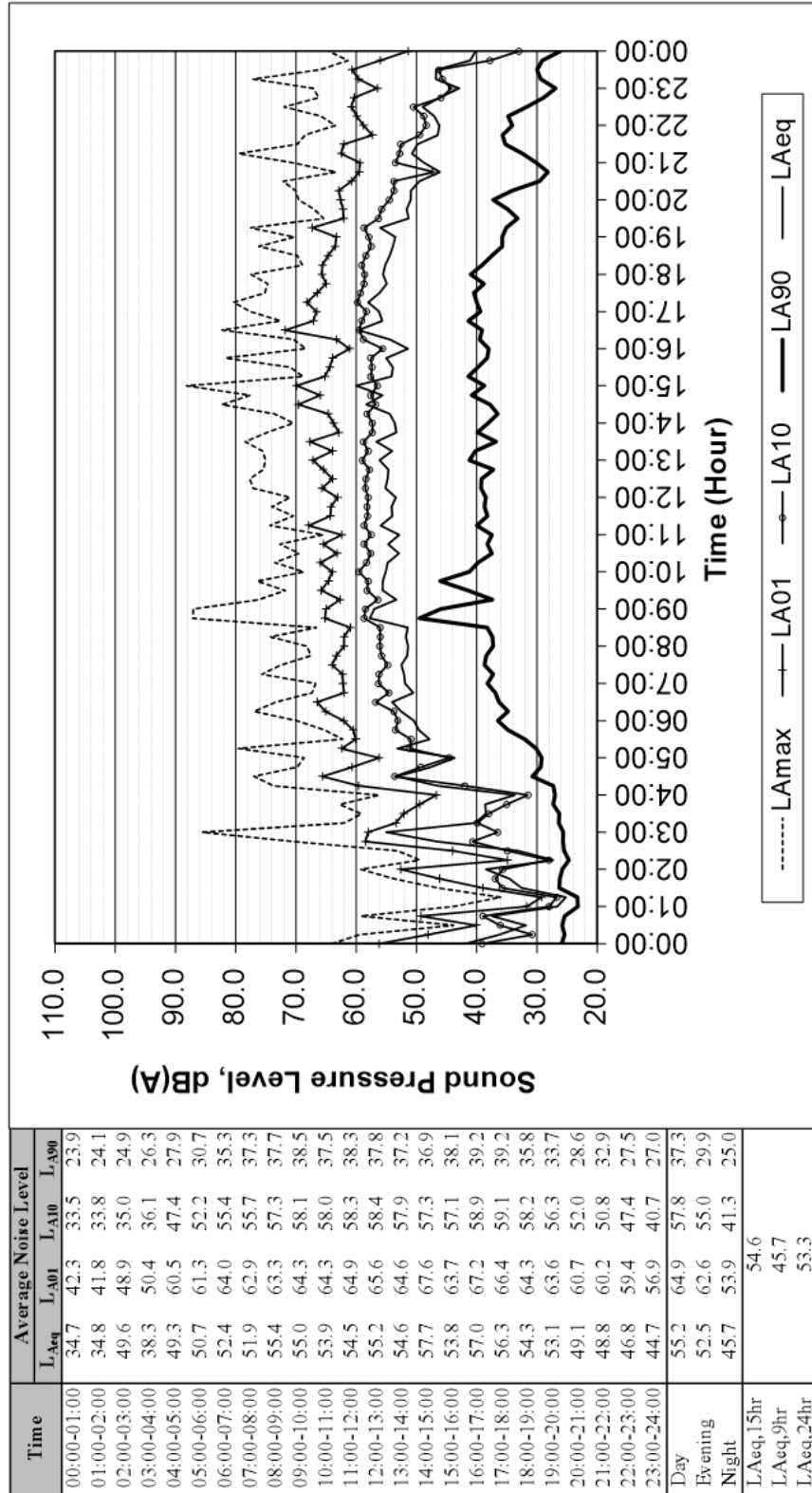


**Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Location** 109 Oxford Road, Ingleburn

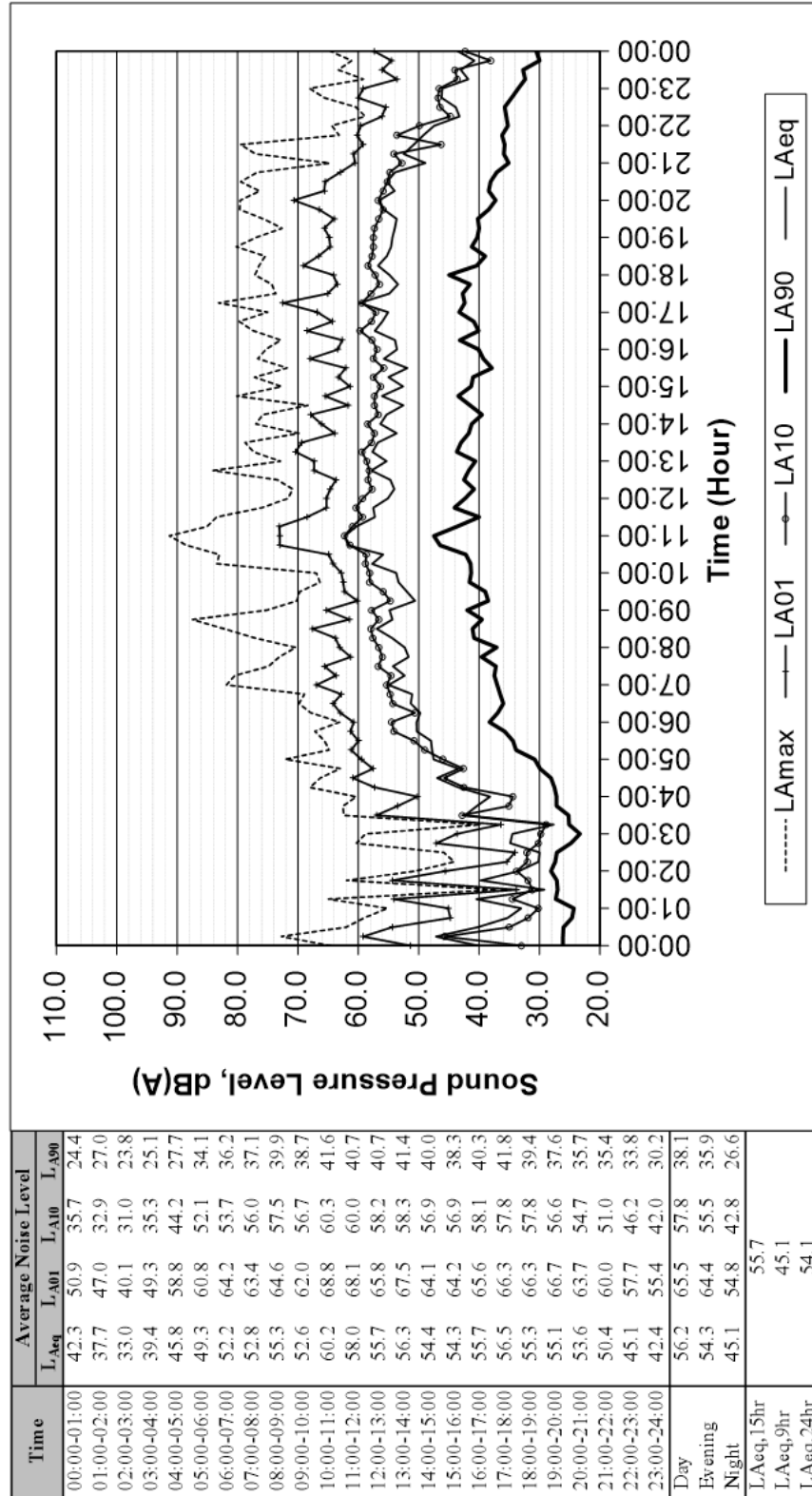
**Measurement Date** Monday, 11 October 2021

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



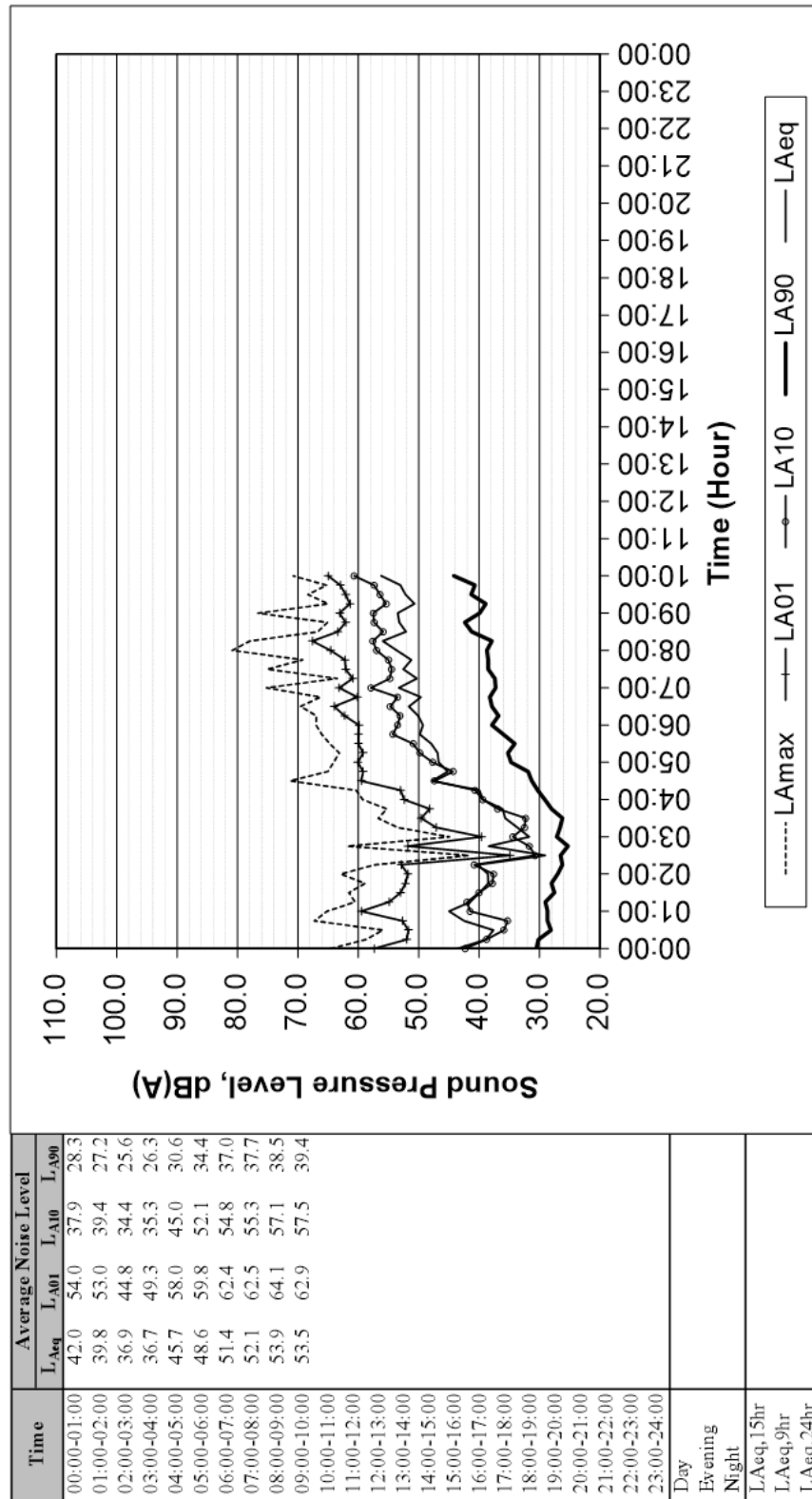
**Measurement Location** 109 Oxford Road, Ingleburn **Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Date** Tuesday, 12 October 2021 **Notes**  
 1. Tabulated  $L_{Aeq}$  are logarithmically averaged  
 2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged  
 3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



**Measurement Location** 109 Oxford Road, Ingleburn **Project Title** Proposed Residential Boarding House Development  
109 Oxford Road, Ingleburn

**Measurement Date** Wednesday, 13 October 2021 **Notes**  
 1. Tabulated  $L_{Aeq}$  are logarithmically averaged  
 2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged  
 3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



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PLAN OF MANAGEMENT

DEMOLITION OF EXISTING DEVELOPMENT AND ERECTION OF A  
BOARDING HOUSE

No.109 OXFORD ROAD

INGLEBURN

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PLAN OF MANAGEMENT

BOARDING HOUSE

No.109 OXFORD ROAD

INGLEBURN

1 September 2022

Prepared by:  
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B3408



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- Attachment 1: Copy of the approved plans.
- Attachment 2: Copy of the Development Consent.
- Attachment 3: Copy of the House Rules.

## 91. Introduction

Nexus Environmental Planning Pty Ltd has been requested to prepare a Plan of Management to accompany a development application to Campbelltown City Council (the **Council**) for the establishment of a boarding house at No.109 Oxford Road, Ingleburn.

## 2. The Site

The Site has an area of 728.2m<sup>2</sup> and is legally defined as:

Lot 15, DP 27456  
No.109 Oxford Road  
**INGLEBURN**

## 3. The Boarding House Development

The proposed boarding house comprises the following:

- 20 boarding rooms
- 5 car parking spaces including 2 disabled car parking space
- 20 bicycle parking spaces
- 4 motorcycle parking spaces
- storage areas
- indoor communal areas
- outdoor communal area.

**Table 1:** Summary of Boarding Rooms

	Single Rooms	Double Rooms	Total Rooms	Total Occupants
Ground Floor Level	4	1	5	6
Level 1	7	1	8	9
Level 2	7	-	7	7
<b>TOTAL</b>	<b>18</b>	<b>2</b>	<b>20</b>	<b>22</b>

Plans of the proposed development have been prepared by Ghazi Al Ali Architect Pty Ltd.

A copy of the approved plans for the boarding house are contained as **Attachment 1**.

## 4. Plan of Management

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### 4.1 Purpose of the Plan of Management

The purpose of this Plan of Management (**PoM**) is to outline the operational management controls which will apply to the boarding house at the Site to:

- Ensure an acceptable level of resident amenity, safety and privacy to meet the needs of residents.
- Minimise the adverse impacts to adjoining properties and the locality.
- Maintain the internal and external appearance of the boarding house.
- Identify a procedure for reporting, processing and resolving complaints.
- Make provision for the PoM to be amended, as necessary over time, with the approval of Council, in order to facilitate timely and responsive operational changes to improve and maintain residential amenity both within and external to the Site.

### 4.2 Registration of Boarding House

The Boarding House will be registered with the relevant State government authority and the Council.

### 4.3 Access to Plan of Management

A copy of the PoM will be provided to each boarding house occupant and will be made available to all persons involved in the operation and management of the boarding house.

The PoM will be available for viewing within either the communal living area or kitchen area of the boarding house and will be made available on request to the Managing Agent.

### 4.4 Management and Supervision

The boarding house is to be managed by the Managing Agent who will be contactable 24 hours a day, 7 days a week.

The contact details for the Managing Agent will be placed on each of the community notice boards required to be installed. The Managing Agent's details are as follows:

Name: .....

Contact phone number: .....

The name and contact details of the Managing Agent will be provided to Council. Any changes must be notified to Council immediately.

A clearly visible sign with the name and telephone number of the Managing Agent will be displayed externally at the front entrance of the boarding house and internally in the common area.

The Managing Agent will be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the conditions of both the PoM and the Development Consent for the boarding house. A copy of the Development Consent is at **Attachment 2**.

### 4.5 Managing Agent's Responsibilities

The Managing Agent will monitor and supervise the following aspects of the boarding house:

#### **House Rules**

A sample of the House Rules is contained in **Attachment 3**.

The House Rules will be prominently displayed in the common areas and entry point of the boarding house.

The House Rules will be attached to the Tenancy Agreement of each tenant and will require mandatory compliance.

The Managing Agent will ensure that the occupants comply with the House Rules. If the House Rules are broken, the Managing Agent will deal with the non-compliance within 24 hours and issue a notice in writing of the breach of the rules with a requirement that the breach ceases immediately.

The resident may request a meeting with the Managing Agent to discuss the issue.

The Managing Agent will keep a Register containing details of any breach of the House Rules and the measures employed to remedy that breach.

The Managing Agent will keep minutes of meetings and attach these minutes to the Register.

<b>Occupancy Rate</b>	The maximum guest number for each room will be documented in the Tenancy Agreement between the landlord and the tenant. There will be bi-monthly inspection of each room to ensure compliance with the Tenancy Agreement and House Rules.
<b>Impact to adjoining premises</b>	<p>This will be managed through the House Rules as well as any complaints received from neighbouring residents.</p> <p>A 24 hour contact number will be displayed on the outside of the building to ensure any complaints are promptly addressed.</p> <p>The Managing Agent will ensure that noise from the boarding house does not unreasonably impact surrounding residents and neighbours. This includes ensuring occupants adhere to the House Rules in relation to noise emanating from the boarding house (including common living areas and outdoor communal areas).</p>
<b>Complaint Register</b>	A complaint register will be maintained by the Managing Agent. All complaints logged will be recorded in this register and be available for Council inspection (refer Part 4.11).
<b>Waste minimisation and recycling</b>	<p>The Managing Agent will ensure that a cleaner attends the boarding house regularly to ensure that the common areas, private open space, car parking and general outside areas of the boarding house are kept clean, tidy and disinfected to a professional standard.</p> <p>Each room will be provided with a waste disposal container.</p> <p>The Managing Agent will ensure that occupants place all non-recyclable waste in the garbage bins and that all recyclable waste is placed in the recycling bins provided.</p> <p>Each boarding room is to be cleaned after a resident vacates that room and before a new tenant occupies that room.</p> <p>The Managing Agent will ensure that garbage and recycling bins are placed out for collection no sooner than the night before collection day and are returned to the storage area in the basement no later than the day of collection. The bins are to be cleaned regularly.</p>

**Safety and security**

Internal signage will be prominently displayed to provide the Managing Agent's contact details, as well as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, locksmith, security and cleaning services. A telephone for emergency purposes will be located in the communal room.

The Managing Agent will provide occupants with a key to their room and the common areas once they have entered into a Tenancy Agreement.

The Managing Agent will check equipment, fittings and furnishings and maintain them in safe working order. If equipment is identified as unusable, these items will be tagged appropriately and a replacement or repair organised within a reasonable period.

The Managing Agent will ensure laundry facilities of each boarding room are maintained in safe working order.

**Tenant Selection**

The managing agent will ensure that all tenants submit a tenancy application, together with appropriate identification and verification checks prior to entering into a Tenancy Agreement.

All tenants will be screened through the National Tenancy Database, criminal record, employment and reference checks.

The managing agent will allocate boarding rooms on a first come basis with the accessible rooms to be allocated last. Priority for the accessible rooms will be given to those in need of accessible facilities. If all rooms are occupied when a boarder needing accessible facilities seeks accommodation at the boarding house, they will be placed at the top of a waiting list. If a person not in need of accessible facilities occupies an accessible room and another non-accessible room becomes available, they will be asked to move to allow those on a waiting list who are in need of accessible facilities to be allocated the accessible room.

**Accessible Room(s)**

The accessible room(s) will be available for the same charge as any of the single rooms within the boarding house, when occupied by a person with a disability.

**Car Parking**

Car, motorcycle and bicycle parking is to be allocated

on a first come first serve basis.

The disabled spaces will be allocated for the exclusive use of the occupants of the accessible room(s) when that occupant has a car. When the occupants of the accessible room(s) do not have a car, the disabled space(s) are to be available for use by other occupants.

**Signage**

The Managing Agent will ensure that adequate signage is provided which identifies each of the rooms in the boarding house by number and that there are suitable signs located within the boarding house to allow both residents and visitors to find the appropriate rooms and facilities in the boarding house.

**Landscape Maintenance**

The Managing Agent will ensure that all landscaping with the Site is maintained in a suitable manner.

## 4.6 Access to Boarding House

The boarding house is to be accessible 24 hours a day, 7 days a week and, where necessary, through the use of a security card to access particular areas of the boarding house. Alternatively, access is to be provided by appointment with the Managing Agent.

The opening hours of the communal areas shall be as follows.

**Outdoor communal area**

The outdoor communal area will be available for use of the occupants, at all times, between 7:30am and 9:00pm, 7 days a week.

**Communal Room**

The Communal Room will be available for use of occupants at all times between 6:00am and 10:00pm, 7 days a week.

## 4.7 Occupation of Boarding House

A maximum of one (1) occupant is permitted in each single boarding room and two (2) occupants in each double boarding room. All occupants will be nominated on the Tenancy Agreement.

Occupants will be provided with the following:

- A copy of this Plan of Management.
- A copy of their Tenancy Agreement. Rooms are to be leased for a minimum period of 3 months.

- One (1) key per occupant to access their room.
- Access to all nominated communal areas deemed necessary by the Managing Agent.
- Working door locks to individual rooms.
- A waste disposal container.
- The following furniture and fittings are to be provided in each boarding room:
  - single bed (double bed in double rooms)
  - wardrobe
  - table and chair (two chairs in double rooms)
  - bedside table or shelf (two bedside tables or shelves in double room)
  - lamp
  - waste and recycling containers
  - window coverings
  - phone connection
  - electrical power points (x2) in addition to power points for kitchen appliances
  - television outlet
  - kitchenette with the following fittings/appliances
    - cupboards
    - sink
    - microwave
    - washing machine (accessible room to include washing machine/dryer)
    - fridge and freezer section
    - cooktop with one (1) hotplate for single rooms and two (2) hotplates for double rooms.
- A copy of the Fire Safety Plan.
- Fittings, equipment and furnishings which are maintained in safe working order.
- Soaps, cleaning facilities and cooking implements such as pots and pans in the common kitchen area.
- The communal kitchen is to be fitted out in accordance with the approved plans.
- The common room will be provided with the following:
  - television
  - lounge chairs/lounge to seat a minimum of 4 persons
  - dining table and a minimum of 6 chairs
  - the communal kitchen will be provided with cooking utensils such as pots and pans, a kettle, crockery, glasses and cutlery.
- The outdoor open space will be provided with the following:
  - BBQ



- outdoor furniture with a minimum of 2 tables and seating for a minimum of 8 persons
- clothes line.

## 4.8 Visitors

Any visitors will be accompanied at all times by an occupant of the boarding house.

Visitors are only permitted on-site between 7:30am and 10:00pm, 7 days a week.

Visitors will conduct themselves in a responsible and courteous manner while on the premises so as not to negatively impact the amenity of other occupants and surrounding residents.

Occupants are responsible for ensuring all visitors comply with the House Rules outlined in **Attachment 3**. Failure to do so may result in visitors, and in certain cases occupants, being evicted from the boarding house.

## 4.9 Fire Safety

The boarding house will comply with essential fire safety measures outlined in the *Environmental Planning and Assessment Regulation 2000*, including but not limited to the following:

- a. A copy of the annual fire safety statement and current fire safety schedule for the boarding house will be prominently displayed in the boarding house entry area.
- b. A floor plan will be permanently fixed to the inside of the door of each room to indicate the available emergency egress routes.
- c. The Managing Agent and tenants will be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
- d. The boarding house will obtain annual certification for the essential fire safety measures to comply with the *Environmental Planning and Assessment Regulation 2000*.

## 4.10 Notice Board

Appropriate notice boards will be placed around the boarding house to provide information to occupants. The notice boards are to be placed at the following locations to ensure equitable access to all residents:

- a. Within the entrance foyer and/or in the communal room of the boarding house.
- b. On the ground floor opposite the lift.

## 4.11 Complaint Register

The Managing Agent is to maintain a complaint register of both public (external) and occupant (internal) complaints.

The register will contain forms to be completed by the Managing Agent, occupants and/or complainants. The form is to record the name, address, phone number and date of any person making a complaint and the details of the complaint. Only complaints where all the above information is given are to be recorded in the register.

The Managing Agent will respond to a complaint whether written or oral within 24 hours and provide the reference number of the complaint.

Complaints related to noise are to be addressed by the Managing Agent immediately upon receipt. Complaints of a serious nature (such as those related to drug use, violence, intimidation, sexual assault and the like) are to be addressed by the Managing Agent immediately and NSW Police are to be notified.

The Managing Agent will respond within 7 days to a complaint in writing. Should more than 7 days be required to respond to the complaint, the Managing Agent will advise the complainant of why additional time is required to address the issue and provide an approximate time frame to enable a response.

The complainant may request a meeting with the Managing Agent to discuss the issue. The Managing Agent will keep minutes of any such meeting and attach the minutes to the Complaint Register.

Incident Reports can be lodged by any person relating to an incident, crime, or nuisance associated with the premises. An Incident Report form will be made available by the Managing Agent upon request. Incident Reports will be lodged with the Managing Agent and actioned in accordance with the procedure outlined above.

The Complaints Register is to be made available to the Council or NSW Police upon request.

## 4.12 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (**CPTED**) is a crime prevention strategy which focuses on the planning, design and structure of cities and neighbourhoods.

CPTED seeks to influence the design of buildings and places by:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture.
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- reducing the potential rewards of crime by minimising, removing or concealing crime benefits.

- removing conditions which create confusion about required norms of behaviour.

The NSW Police Service program, known as Safer by Design is based on the principles of CPTED.

Four(4) principles are generally used in the assessment of development applications to minimise the opportunity for crime, as follows:

### **Surveillance**

Providing effective surveillance of areas within and surrounding a site can assist in reducing the attractiveness of crime targets. Surveillance of an area can be achieved through both natural and technical means.

Passive surveillance, where people can see what others are doing, creates a sense of safety within an environment and provides opportunities for interaction between individuals to deter offenders from committing crime.

The siting and orientation of the proposed boarding house has achieved maintenance of good levels of passive surveillance and allows safe movement of pedestrians into and around the Site.

CCTV will be installed at all entrance and exits with video storage capacity for a minimum of 30 days. CCTV footage is to be made available to Police upon request.

### **Access Control**

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

By clearly defining areas accessible to the public and providing physical and symbolic barriers to attract and channel the movement of people, it will be difficult for offenders to reach victims and opportunity to commit crime will be minimised.

Effective access control can be achieved by creating:

- landscapes and physical locations which channel and group pedestrians into target areas.
- public spaces which attract, rather than discourage people from gathering.
- restricted access to internal areas or high-risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.

The access controls to the building will include:

- key and/or swipe card secure access for residents to both the built form and car parking area.
- an intercom system for visitors.
- the pedestrian entry point to the building is clearly identifiable from both Oxford Road

and Acres Lane and from the communal open space area.

### **Territorial Reinforcement**

Defining what is public and private territory assists in determining the function of a space and the appropriate behaviour within a space. Territorial reinforcement can be achieved through:

- design which encourages people to gather in public space and to feel some responsibility for its use and condition.
- design with clear transitions and boundaries between public and private space.
- clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

Demarcation between the public domain and private property is clearly defined in the access control provisions of the proposed boarding house.

### **Space Management**

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include:

- activity coordination.
- site cleanliness.
- rapid repair of vandalism and graffiti.
- the replacement of burned out pedestrian and car park lighting.
- the removal or refurbishment of decayed physical elements.

The on-site Manager will be responsible for the management and maintenance of the premises.

## **4.13 Pets**

No pets are allowed within the boarding house without the prior approval of the Managing Agent.

#### 4.14 Review of Plan of Management

The PoM will be reviewed on an annual basis and completed prior to 30 June of each year.

The Managing Agent is responsible for overseeing each annual review and amending the PoM as necessary.

Modification to the PoM must be consistent with the conditions of consent and any modified PoM will be forwarded to the Council.

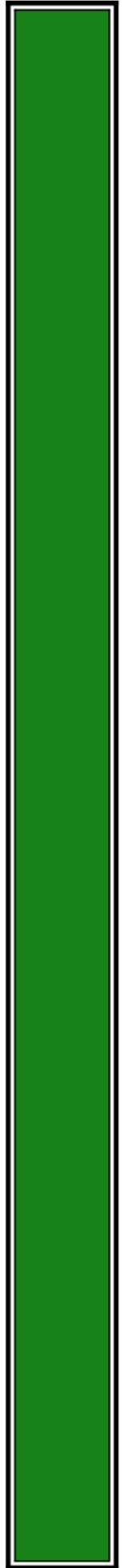
The PoM (including House Rules) may be varied from time to time by the Council, on the application of the Managing Agent, without the need for formal modification of the development consent.

Once modified, the Managing Agent will provide an updated copy of the PoM to all occupants.

Attachment 1  
Approved Plans

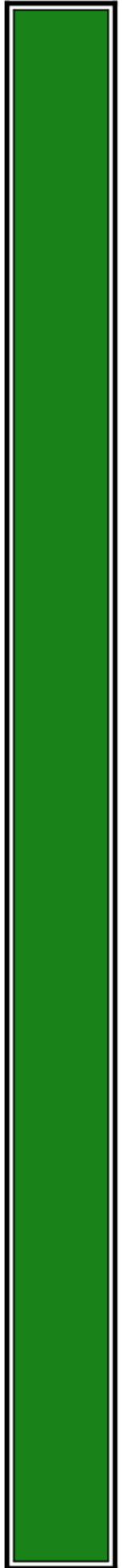


Attachment 2  
Development Consent



Attachment 3

House Rules





<b>Resident and guest behaviour</b>	Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents and neighbouring properties.
<b>Smoking</b>	Smoking is not permitted within any part of the boarding house, in the external areas of the boarding house or in the street in front of the boarding house.
<b>Amplified and Live Music</b>	All residents are to ensure that music is to be of a volume which does not unreasonably impact on the amenity of other residents.
<b>Maintenance of rooms</b>	<p>Residents must maintain their rooms:</p> <ul style="list-style-type: none"> <li>- in a clean manner</li> <li>- in a way which does not interfere with the reasonable comfort of other residents</li> <li>- in a way which does not create a fire or health hazard.</li> </ul> <p>Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility of the boarding house.</p>
<b>Guests</b>	Residents must make sure their guests are aware of, and follow, the House Rules. No guests are allowed into the boarding house before 7:30am and after 10:00pm.
<b>Pets</b>	Pets must not be kept on the premises without the permission of the Managing Agent.
<b>Garbage</b>	Garbage is to be enclosed in a plastic bag (tied at the top) and placed in the bins in the garbage area. No domestic rubbish, food scraps, food wrappers, goods or materials are to be left in the hallways, common areas or outside the boarding house.
<b>Fire Safety</b>	Occupants are to familiarise themselves with the fire safety and evacuation procedures located in the hallway and back of room doors, location of fire blankets and fire extinguishers.
<b>Noise</b>	Noise is to be kept to a minimum at all times. Please enter and leave the premises quietly.
<b>Security</b>	The front door of the premises is to be locked at all times. Please do not let anyone in the premises who has no legitimate reason to be there.
<b>Outdoor communal area</b>	The outdoor communal area will be available for use of the occupants, at all times, between 7:30am and 9:00pm, 7 days a week.
<b>Communal room</b>	The communal room will be available for use of occupants at all times between 6:00am and 10:00pm, 7 days a week.
<b>Alcohol / Drugs</b>	Alcohol and drugs are strictly prohibited from being consumed in the boarding house or in the public areas fronting the boarding house.

**DA DRAWING LIST**

- A-00 TITLE PAGE**
- A-0000 TITLE PAGE
- A-0001 BASIS COMMITMENTS
- A-10 SITE ANALYSIS**
- A-1001 SITE ANALYSIS
- A-1010 SITE PLAN
- A-1050 STREETSCAPE ANALYSIS
- A-1060 ROOM SCHEDULE**
- A-11 SURVEY PLAN**
- A-1101 SURVEY PLAN
- A-1102 DEMOLITION PLAN
- A-12 FLOOR PLANS**
- A-1201 BASEMENT 01 PLAN
- A-1202 GROUND FLOOR PLAN
- A-1203 LEVEL 01 PLAN
- A-1204 LEVEL 02 PLAN
- A-1205 ROOF PLAN
- A-13 ELEVATIONS**
- A-1301 ELEVATIONS 01
- A-1302 ELEVATIONS 02
- A-14 SECTIONS**
- A-1401 SECTIONS
- A-20 STATISTICS & DIAGRAMS**
- A-2001 GFA CALCULATIONS
- A-2010 SOLAR ACCESS DIAGRAM 3D
- A-2020 LANDSCAPE CALCULATION
- A-21 SHADOW DIAGRAMS**
- A-2101 SHADOW DIAGRAM ON 21 JUNE
- A-22 MATERIAL SCHEDULE**
- A-2201 MATERIAL SCHEDULE
- A-23 3D BUILDING**
- A-2300 3D BUILDING HEIGHT LIMIT

**LIST OF AMENDMENTS - ISSUE D - 21/06/2023**

- ROOM SCHEDULE**
- 01 - AMENDED COMMUNAL ROOM AND OPEN COMMUNAL SPACE. ALLOWED 3M AT SOUTH EAST BOUNDARY AS PER COUNCIL'S RFI
- BASEMENT**
- 04 - SHIFTED STAIR 02 BY 1.61M TO ACCOMMODATE OPEN COMMUNAL SPACE ON GROUND FLOOR
- GROUND FLOOR**
- 01 - AMENDED COMMUNAL ROOM AND OPEN COMMUNAL SPACE. ALLOWED 3M AT SOUTH EAST BOUNDARY AS PER COUNCIL'S RFI
- 02 - ADDED WINDOW TRANSOM ON TOP OF THE DOOR FOR MIDDLE ROOMS AS AGREED WITH COUNCIL
- LEVEL 01 & 02 FLOOR**
- 02 - ADDED WINDOW TRANSOM ON TOP OF THE DOOR FOR MIDDLE ROOMS
- 03 - ADDED ROUND WINDOW FACING OXFORD ST AT ROOM 201
- ELEVATIONS**
- 02 - ADDED WINDOW TRANSOM ON TOP OF THE DOOR FOR MIDDLE ROOMS AS AGREED WITH COUNCIL
- 03 - ADDED ROUND WINDOW FACING OXFORD ST AT ROOM 201
- LANDSCAPE CALCULATION**
- 05 - LANDSCAPE CALCULATION PAGE UPDATED
- MATERIAL SCHEDULE**
- 02 - ADDED WINDOW TRANSOM ON TOP OF THE DOOR FOR MIDDLE ROOMS AS AGREED WITH COUNCIL
- 03 - ADDED ROUND WINDOW FACING OXFORD ST AT ROOM 201

<b>UNIT MIX</b>
SINGLE: 18
DOUBLE: 2
TOTAL ROOM: 20
COMMUNAL ROOM: 1
<b>PARKING</b>
CAR PARKING: 5
(INCL. 1 ACCESS)
MOTORCYCLE: 4
BICYCLE: 20

<b>GFA CALCULATION</b>
SITE AREA: 729.2 SQM
PERMISSIBLE FSR: 0.75/1 (LEP)
PERMISSIBLE GFA: 546.15 SQM
<b>TOTAL GFA: 539.94 SQM</b>
<b>TOTAL FSR: 0.741:1</b>

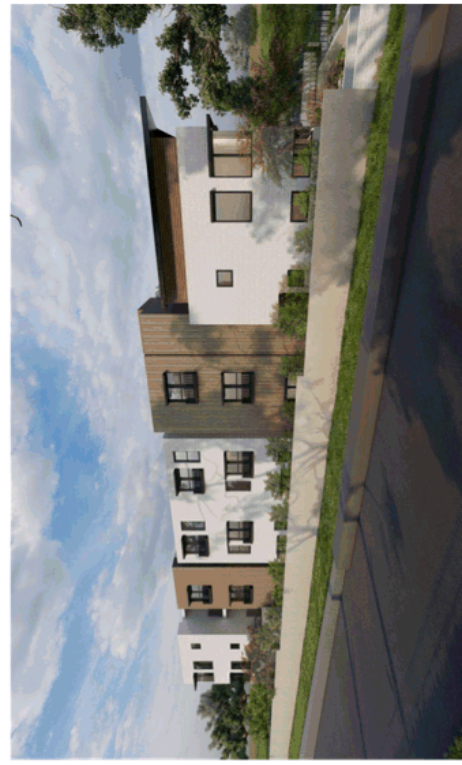
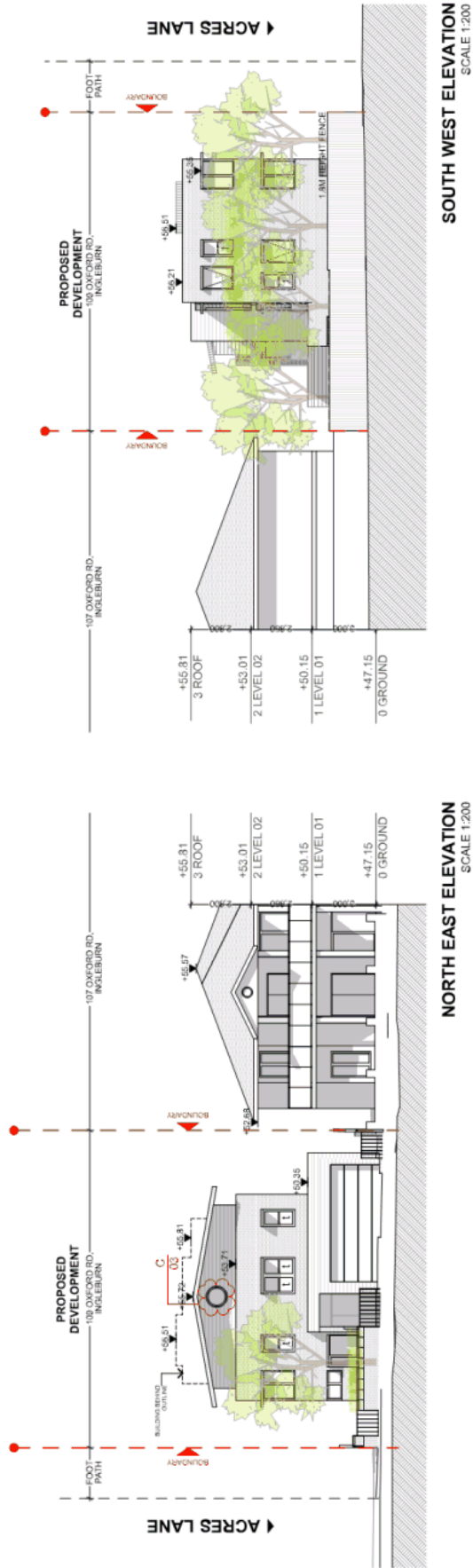


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Design Practitioner No. DEP9888973

PROPOSED BOARDING HOUSE DEVELOPMENT  
**OXFORD RD**

109 OXFORD RD, INGLEBURN, NSW 2566



VIEW FROM ACRES LANE



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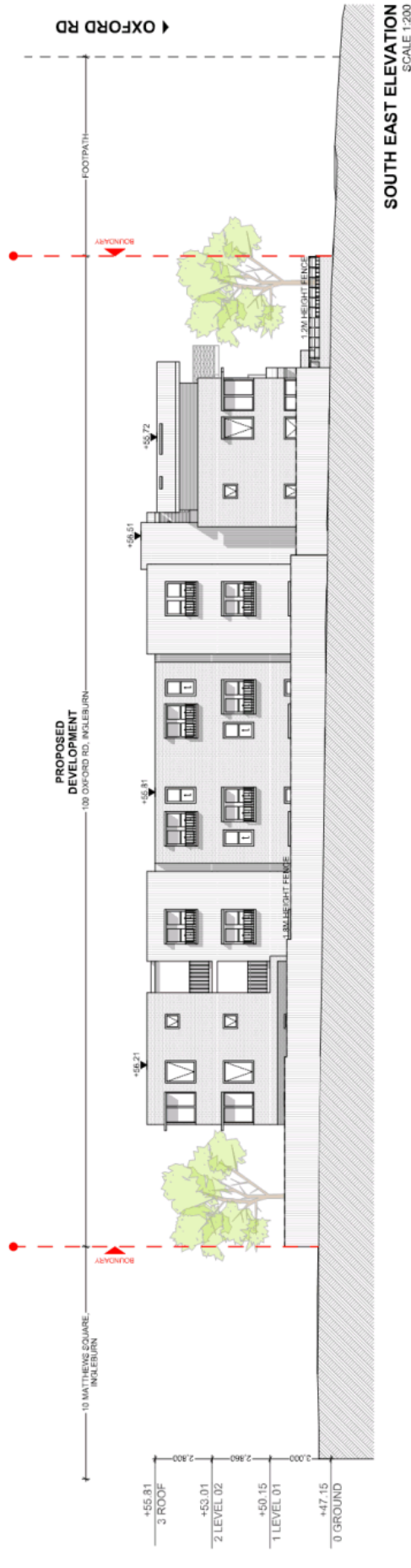
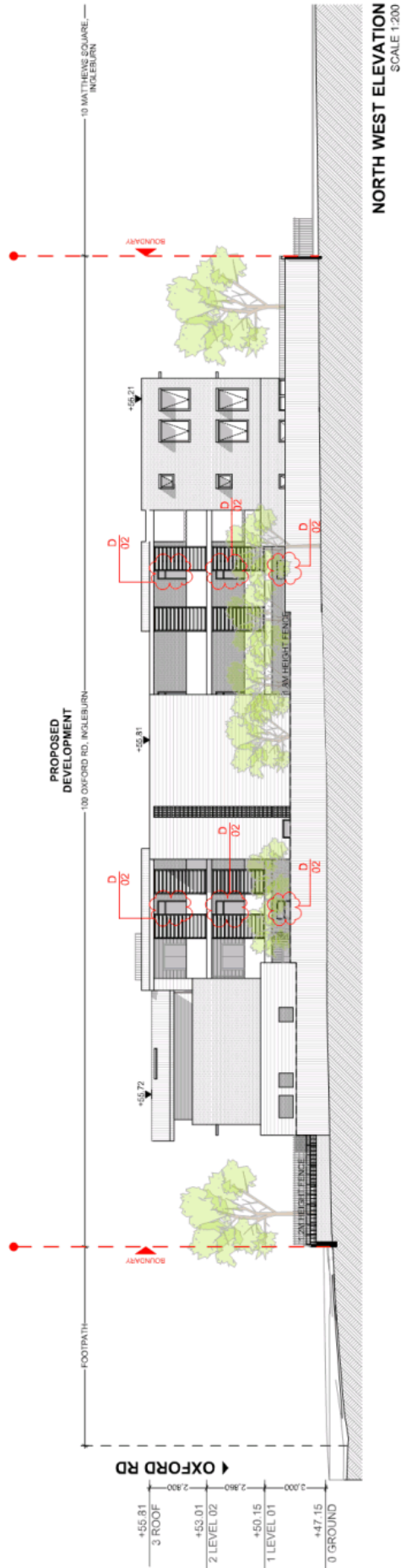
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**ELEVATIONS 01**  
DA A-13/01

**P21-017**  
D



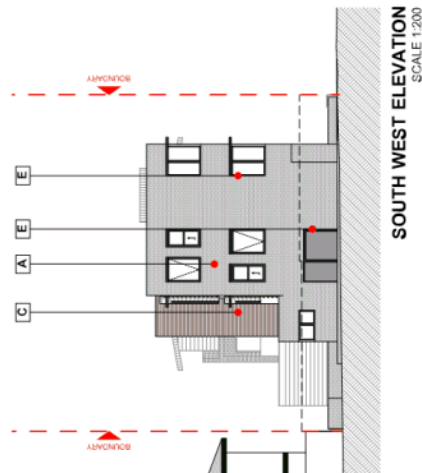
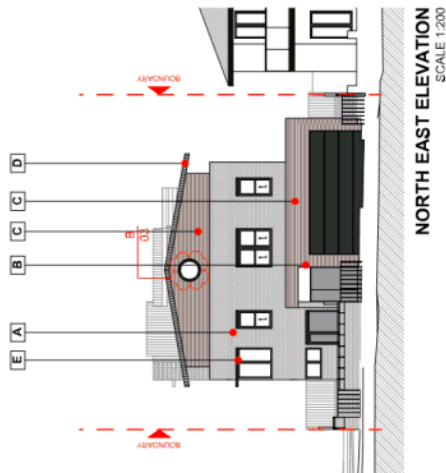
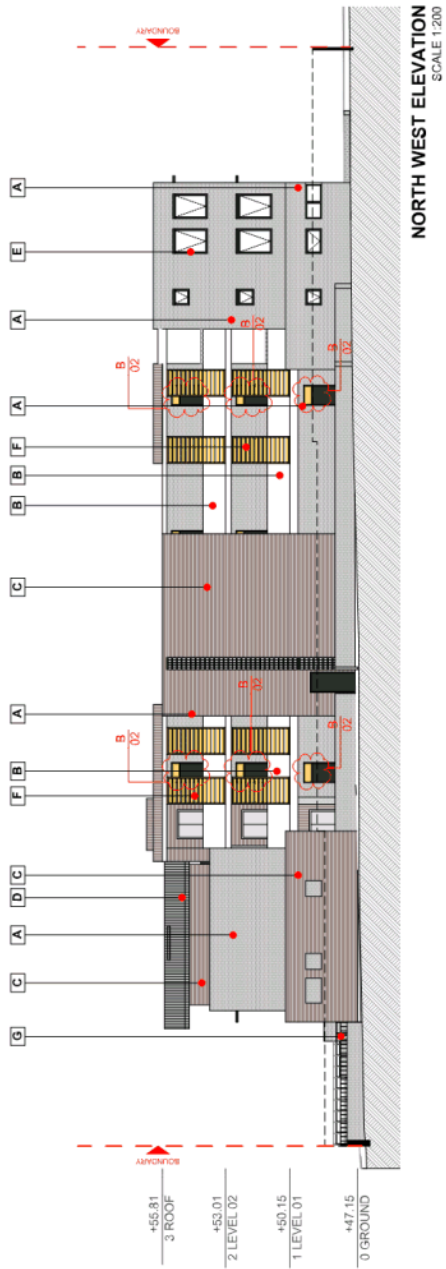
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DATE	BY	REV
2023/09/27	AL	1
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2023/09/27	AL	4
2023/09/27	AL	5

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<b>CLIENT</b> GUIDED INVESTMENTS PTY LTD 100 OXFORD RD, INGLEBURN AUCKLAND 09 308 1234		PROJECT MANAGER DA				
<b>ARCHITECT</b> GHAZI AL ALI ARCHITECT 100 OXFORD RD, INGLEBURN AUCKLAND 09 308 1234 www.ghaziarchitect.co.nz		PROJECT MANAGER DA				





**MATERIAL SCHEDULE**

<b>A</b>	BRICK, METAL CLAY TITANIUM OR SIMILAR	<b>1</b>	BRICK, METAL CLAY TITANIUM OR SIMILAR
<b>B</b>	PAINT, SUIX VIVID WHITE IV OR SIMILAR	<b>2</b>	PAINT, SUIX VIVID WHITE IV OR SIMILAR
<b>C</b>	TRIM, METAL (VERTICAL & HORIZONTAL STRIPS) OR SIMILAR	<b>3</b>	TRIM, METAL (VERTICAL & HORIZONTAL STRIPS) OR SIMILAR
<b>D</b>	GLASS, CLEAR, 100% STRENGTH OR SIMILAR	<b>4</b>	GLASS, CLEAR, 100% STRENGTH OR SIMILAR
<b>E</b>	FRAME, ALUMINIUM FRAME SLIDING DOORS AND WINDOWING	<b>5</b>	FRAME, ALUMINIUM FRAME SLIDING DOORS AND WINDOWING
<b>F</b>	ROOF, METAL PRIVACY SCREEN (DULUX CAPITAL YELLOW OR SIMILAR)	<b>6</b>	ROOF, METAL PRIVACY SCREEN (DULUX CAPITAL YELLOW OR SIMILAR)
<b>G</b>	RAILING, METAL	<b>7</b>	RAILING, METAL

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