

LOCAL PLANING PANEL

25 JUNE 2025



MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held via Teams on **Wednesday, 25 June 2025 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	6
4.1	Construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto	6
4.2	Demolition of existing structures, tree removal, civil and bulk earthworks, Torrens Title subdivision into 12 lots and construction of 2 local roads - 540 Campbelltown Road, Glenfield	135



General Information

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

Public Involvement

When the Panel is holding a formal meeting to consider 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), provided that they have registered to speak by midday on the day prior to the meeting. In some circumstances where there have been no submissions received a development application may be determined by the Panel through the electronic circulation of documents rather than by holding a formal meeting. In these circumstances there is no opportunity to address the Panel.

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) 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 may, upon request, consider verbal submissions made in relation to the planning proposal from the applicant, if there is one.

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 speak 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 you questions at the end of your submission.



Outcomes from the meeting

After the Panel has considered submissions made by interested parties, the Panel will close the public meeting to deliberate on the items reported to the Panel.

If the item before the Panel is a development application, the Panel will either determine the development application by approval with conditions or refusal or defer determination by seeking additional information.

If the item before the Panel is a planning proposal, the Panel will document its advice to the Council.

The Panel's decision/advice become public information when the minutes are published on the Council website usually by the Friday following the Local Planning Panel meeting.

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

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>1> CAMPBELLTOWN

Local Planning Panel Meeting

4. **REPORTS**

4.1 Construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto

Community Strategic Plan

Objective		Strategy		
1	Community and Belonging	1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people	l	
2	Places For People	2.1.1 Provide public places and facilities tha are accessible, safe, shaded and attractive	at	
		2.1.2 Provide public places and facilities tha encourage leisure, recreation, and physical activity	at	

Delivery Program

Princip	l Activity
PA3	Community Services

Referral Criteria

In accordance with section 4.8 of Environmental Planning and Assessment Act 1979 and the Ministerial Local Planning Panels Direction, this application is to be determined by the Campbelltown Local Planning Panel as prescribed in Schedule 1 of that direction due to the development involving a variation to a development standard greater than 10 per cent.

Executive Summary

A development application has been received for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto.

The subject site is zoned C4 Environmental Living under the Campbelltown Local Environmental Plan 2015. The proposed community facility is permissible with consent in the C4 Environmental Living zone.

The application was publicly notified and exhibited between 30 April and 22 May 2025. Three submissions were received in total, 2 of which are considered unique submissions.

Officer's Recommendation

That the Campbelltown Local Planning Panel:

- 1. Support the variation to Clause 4.3 Height of Buildings of the Campbelltown Local Environmental Plan 2015.
- 2. Grant consent to development application 1731/2025/DA-C subject to the conditions of consent in attachment 1.

Purpose

To assist the Campbelltown Local Planning Panel (the Panel) in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Property Description 121A Eagleview Road, Minto

Application No 1731/2025/DA-C

Applicant Mr Mohammed Shafiul Alam

Owner Mr Mohammed Shafiul Alam

Provisions Environmental Planning and Assessment Act 1979

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Biodiversity and Conservation)

2021

State Environmental Planning Policy (Industry and Employment) 2021

Campbelltown Local Environmental Plan 2015

Campbelltown (Sustainable Cities) Development Control Plan 2015.

Date Received 15 April 2025

History

On 17 July 2023, a development application (DA No. 2467/2023/DA-C) was received by Campbelltown City Council for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto.

The Panel initially considered a report recommending approval of the development application at its meeting of 24 July 2024, resolving to defer their determination for the following reasons:

a) The submission of revised plans to reflect the rural character of the area. For example, setting the new fencing back from the boundary (or a suitable alternative bushfire fire management to the fence) and incorporating appropriate landscaping between the fencing and property boundary and further consideration of the need for any fencing on the western side of the access handle driveway in consultation with the adjoining owner.

This should be integrated with a general review of the landscaping plan to increase the screening and softening of the development from neighbouring properties.

- b) In relation to the acoustic assessment further details are required including:
 - Updated modelling based on the current plans, ie with no basement carparking.
 This modelling should be undertaken following the modification of landscape plans
 and the proposed colorbond fence (or alternative fire management solution) as per
 the request of the Panel above.
 - The documentation of the parameters used to undertake the modelling including building construction and operation, whether all openings are open or closed etc.
 - The impact of bump in/bump out operations associated with special events (particularly the likely time of day of bump in bump out), as well as general waste collection and delivery times.
 - Re-examination of the proportion and number of cars, including the timing of exit that would leave the site, following the completion of an event (e.g. ball game matches, community gatherings etc).

Amended information was submitted to Council on 9 August 2024, with changes to the plans to address the issues raised by the Panel.

The Panel considered a further report recommending approval of the development application at its meeting of 23 October 2024, resolving to defer their determination and provide the applicant with 28 days to submit the following:

- a) Evidence demonstrating the operator is registered as a not-for-profit organisation and its purpose.
- b) Further detail demonstrating the proposed activities and use of the premises satisfies the definition of a community facility as defined in the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- c) An amended bushfire strategy that does not incorporate a colorbond perimeter fence, prepared by a suitably qualified bushfire expert.

The applicant subsequently withdrew development application 2467/2023/DA-C, and relodged an identical development application (1731/2025/DA-C) with Campbelltown City Council.

The information submitted to Council with the current development application addresses the issues raised by the Panel previously as follows:

Registration as a non-profit organisation	A certificate issued by the Australian Charities and Not-for- profits Commission confirms that the operator of the proposed facility, Bondhon Initiatives Minto Inc., was registered by the Commission on 2 April 2025.	
Proposed activities and use of the premises	 The applicant has provided further detail on the purpose and proposed activities of the community facility. These include: Education activities within the library spaces. Social gatherings and meetings within the first floor meeting rooms. Celebrating cultural activities in the main hall. 	

	 Physical activities within the main hall, includin basketball, badminton, and tennis. 		
	Council staff are satisfied that the scope of activities relate to the use of the site as a community facility, in that it will be a place used for the physical, social, cultural and intellectual development of the community.		
Amended bushfire strategy	The applicant's amended bushfire strategy concludes a radiant heat shield (i.e., a colorbond fence) is not required to satisfy Planning for Bushfire Protection 2019. A compliance certificate as required under section 4.14 of the EP&A Act has been issued by a BPAD Level 3 accredited practitioner to confirm the development conforms to Planning for Bushfire Protection.		

Site and Surrounds

The site is legally defined as Lot 12 in Deposited Plan 1302331 and is commonly known as 121A Eagleview Road, Minto. The site is a battle-axe lot and has variable width between $52.235 \, \text{m}$ and $82.44 \, \text{m}$, and depth of approximately $114.9 \, \text{m}$ excluding the access handle. The site has a total area of $9997 \, \text{m}^2$.

The site is currently vacant.

The locality is characterised by detached residential dwellings, rural housing, a place of public worship, and a community facility.

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



Figure 1: Locality Map

Development Proposal

Approval is sought for the construction and operation of a community facility with associated car parking, landscaping and civil works.

Specifically, the development proposes:

- A 2 storey community facility with a multiuse hall, offices and meeting rooms, a library and study spaces, kitchen facilities, change rooms, and toilet facilities.
- At grade car park involving 82 sealed spaces, inclusive of 4 accessible car spaces, in addition to 26 overflow car park spaces, for a total of 108 car parking spaces.
- Entry gate (5.35 m (h) x 7.65 m (w)) and associated identification signage (2.55 m (w) x 0.78 m (h)). Note: signage is not within property boundaries. Given the Development Application relates to works within 121A Eagleview Road only, a condition is recommended to ensure no signage is erected on the adjoining property, and that plans are amended prior to the issue of a construction certificate.
- Landscaping including the planting of 183 trees and 212 shrubs.
- Civil works, including driveway construction, installation of an on-site detention tank and level spreader.

It is noted the development originally involved a basement car park however this was removed during the assessment of the previous development application via the submission of amended plans.

The community facility will operate as follows:

Monday - Wednesday	11 am - 5 pm
Thursday and Friday	11 am - 10 pm
Saturday	9 am - 11 pm
Sunday	Closed

The facility will be operated by the Bondhon Initiatives Minto Incorporation and will involve 6-8 staff members and, on average, host a maximum of 50 community members.

Up to 6 times a year, it is expected the community facility will host special events for up to 300 patrons, between 9 am and midnight. The Plan of Management submitted with the development application specifies that 4 weeks prior to a special event, the community facility will arrange a letter box drop to residences within a one-kilometre radius, detailing the date, day and time of the event, the nature of the event, and the contact details of the community facility.

The development involves a variation of 18.6 per cent to clause 4.3 'Height of Buildings' of the CLEP 2015, the maximum building height permitted is $9\,\mathrm{m}$, whereas the maximum building height proposed is $10.677\,\mathrm{m}$.

A clause 4.6 variation statement accompanies the development application.

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 development is generally consistent with the long-term vision for Campbelltown.

2. Planning Provisions

Section 4.14

Section 4.14 of the EP&A Act relevantly states:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or

rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

- a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or
- b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Comment: The development application is accompanied by a Bushfire Report prepared by a BPAD Level 2 bushfire consultant. It concludes that the development can comply with the relevant provisions and requirements of Planning for Bushfire Protection 2019.

The development application was referred to the NSW Rural Fire Service under s4.14 for advice regarding bushfire protection. The NSW RFS considered the information submitted and recommended conditions of consent regarding emergency and evacuation, asset protection zones, construction standards, access requirements, and water and utility services. These conditions are included in attachment 1.

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

An assessment against the requirements of Section 4.6 of the Resilience and Hazards SEPP is included in attachment 2. In accordance with Section 4.6 of the Resilience and Hazards SEPP, the land is considered suitable for the development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 - Water Catchments

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the

development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6 of the Biodiversity and Conservation SEPP.

Campbelltown Local Environmental Plan 2015

The subject site is zoned C4 Environmental Living under CLEP 2015.

The development is characterised as a community facility which is defined under the CLEP 2015 as:

community facility means a building or place—

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

The proposed facility is to be operated by Bondhon Initiatives Minto Inc, a non-profit community organisation registered with the Australian Charities and Not-for-profit Commission.

A community facility is permitted with consent on land zoned C4 Environmental Living, and it is satisfied the development as proposed meets the criteria of the definition.

Whilst it is acknowledged some of the objectives of the C4 zone speak to residential development only, the land use table in the CLEP 2015 allows for non-residential land uses in the C4 zone, including community facilities. The following objectives apply to all development:

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

Planners comment: The development application is for a non-residential, permitted land use. It has been designed to have minimal impact on the surrounding area.

• To ensure that residential development does not have an adverse effect on those values.

Planners comment: The development application is for a non-residential, permitted land use. It has been designed so as to not have an adverse effect on ecological, scientific or aesthetic values.

• To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.

Planners comment: The development reflects the development potential of the site with regard to current standards and controls and seeks to balance contemporary built form with landscaping to both conserve and enhance the established rural and bushland character of the locality.

• To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.

Planners comment: As a non-residential land use, it is considered the development has responded suitably to the topography of the site, noting it's compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015 (SCDCP). The bulk and scale of the structure will ensure it does not impact on prominent ridgelines, whilst scenic value and visual amenity is enhanced with the introduction of landscaping.

• To maintain significant stands of native vegetation and wildlife and riparian corridors.

Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the CLEP 2015. Further, the site is currently vacant and cleared of vegetation.

• To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the CLEP 2015. Further, the site is currently vacant and cleared of vegetation. The proposed development would therefore not impact environmentally significant or environmentally sensitive land.

Clause 4.6 Exceptions to development standards

The objectives of clause 4.6 of CLEP 2015 are:

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

The applicant has submitted a written request that seeks to justify the contravention of the development standard pertaining to the maximum height of buildings, as specified in clause 4.3. The variation sought is as follows:

Maximum height standard under clause 4.3 of CLEP 2015	Proposed	Degree of Variation
9 m	10.677 m	1.677 m/18.6%

Matters for Consideration under Clause 4.6

In assessing an exception to vary a development standard, the following needs to be considered:

- (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.

Case Law

The proposed variation to the development standard has been considered in light of the methodology established by the NSW Land & Environment Court (the Court).

In Wehbe v Pittwater Council [2007] LEC 827 ("Wehbe"), Chief Justice Preston expressed the view that there are five different ways in which an objection to a development standard may be assessed as being well founded. These included:

- 1) Notwithstanding the non-compliance, is the proposal consistent with the relevant environmental or planning objectives?
- 2) Is the underlying objective or purpose of the development standard not relevant to the development with the consequence that compliance is unnecessary?
- 3) Would the underlying objective or purpose of the development standard be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable?
- 4) Has the development standard been virtually abandoned or destroyed by the consent authority's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable?
- 5) Is the zoning of the particular land unreasonable or inappropriate such that the development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and therefore, compliance with the standard would be unreasonable or unnecessary?

In the Judgment of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ("Four2Five") Pearson C expanded on the earlier judgment of Wehbe, indicating that there remains an onus of also demonstrating that there are "sufficient environmental planning grounds" such that compliance with the development standard is unreasonable or unnecessary. Furthermore, that the environmental planning grounds must be particular to the circumstances of the proposed development.

In his Judgment of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 ('Micaul') Preston CJ elucidated that the consent authority does not have to be directly satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – only that it be indirectly satisfied that the applicant's written request adequately addresses the relevant matters to be considered, that compliance is unnecessary or unreasonable in the circumstances of the case. Preston CJ confirmed that an established means of demonstrating that compliance with a development standard is unreasonable or unnecessary is to establish that a development would not cause environmental harm and is consistent with the objectives of the development standard.

Moskovich v Waverley Council [2016] NSWLEC 1015 ('Moskovich') requires the consent authority to be satisfied that the proposed development is in the public interest because it is "consistent" with objectives of the development standard and objectives for the zone rather than "achieving" the objectives.

In the Judgment of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 ('Initial Action'), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives

of the zone and the objectives of the development standard. Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

Assessment

The collective methodology and tests described above have been applied to the assessment of the applicant's written request seeking to justify the contravention of the development standard pertaining to the maximum height of buildings.

In assessing a variation to a development standard, the following needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings, is a development standard pursuant to Campbelltown Local Environmental Plan 2015.

What is the underlying object or purpose of the standard?

- (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 employment 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.

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

Compliance with the development standard is considered unreasonable in the circumstances of the case for the following reasons:

- 1) The variation is isolated to a rear portion of the roofline only and does not represent overall non-compliance with the development standard (refer to Figures 2 and 3). Generally, the proposed development complies with the development standard.
- 2) The proposed variation does not result in any adverse overshadowing impacts to adjoining residences.
- 3) The proposed variation will not result in any visual or acoustic privacy impacts to adjoining residences, as the variation is isolated to the rear part of the premises only, which contains amenities, storage rooms and offices.
- 4) The proposed variation will not be visible from the streetscape or broader public domain, and the development's overall visibility from Eagleview Road would be relatively unchanged as result of enforcing strict compliance with the development standard.

5) There would be no discernible, positive impact from enforcing strict compliance with the development standard, as the overall bulk and scale of the proposed dwelling would be relatively unchanged.

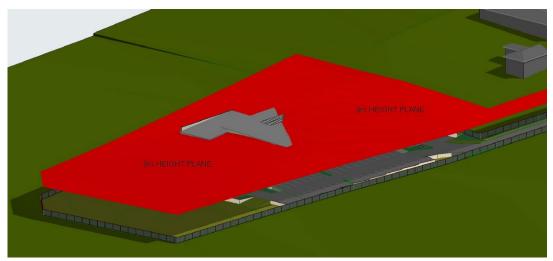
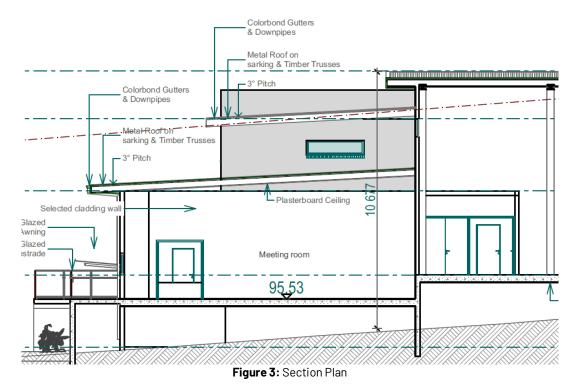


Figure 2: Height Plane Map



Is the exception well founded?

The applicant's written request demonstrates compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect, the applicant's clause 4.6 variation statement is well drafted, and the variation may be supported.

Additional matters for consideration under CLEP 2015 are addressed in attachment 2.

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

Campbelltown (Sustainable City) Development Control Plan 2015

Whilst generally compliant with the relevant development controls within Parts 2, 6 and 16 of the SCDCP, the development application seeks minor variations as detailed below.

Loading dock

Part 6.4.2.2 of the SCDCP specifies that loading docks shall be suitably screened from adjacent properties. Whilst not compliant in its current form, a condition is recommended requiring additional landscaping along the boundary of the loading area to ensure it is suitably screened. Subject to compliance with this condition, the variation sought is considered acceptable.

Accessible carparking spaces

Part 6.4.2.3 of the SCDCP specifies that accessible carparking spaces are to be provided at a rate of one for every 20 parking spaces. The development proposes 4 accessible spaces based on 82 car parking spaces. However, the development is required to provide accessible car parking spaces with respect to the total number of spaces, including overflow. Given a total of 108 car parking spaces are proposed, the development should provide 6 accessible spaces. A condition to this effect is recommended to ensure the development complies.

Further matters for consideration under SCDCP are addressed in attachment 2.

Section 4.15(1)(a)(iiia) The provisions of any Planning Agreement

There is no Planning Agreement related to this development.

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

The development does not contravene the Environmental Planning and Assessment Regulation 2021 and has been assessed in accordance with its provisions.

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

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

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural environment. Significant landscaping is proposed and results in the planting of 183 trees and 212 shrubs, which is a significant improvement on current site conditions. The development also includes the installation of solar panels, which reduces dependency on the energy grid and results in an energy efficient building.

The development represents a contemporary architectural form that contributes to design excellence in the broader locality. The building incorporates varying materials (brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing) and architectural design elements including vertical and horizontal offsets in the wall surfaces to ensure it is suitably articulated, thereby having a positive impact on the built environment. Only a minor variation to building height has been proposed and the buildings are to be located on land notably lower than Eagleview Road, ensuring it is not a prominent feature of the locality.

In delivering a facility designed to promote the physical, social, and cultural development of the community, the development will have a positive impact on the social wellbeing of the community. It will generate employment during the construction phase of the project, provide employment opportunities for up to 8 staff during the operating phase of the development, and contribute positively to the overall economic activity within Minto and the broader locality.

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

Section 4.15 (1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site when determining a development application.

The site is considered to be suitable for the proposed development. In this regard, it is noted the site is currently vacant, does not accommodate significant vegetation or ecological communities, nor is burdened by easements and rights of way which would obstruct the redevelopment of the site. Further, the site is of a size that can accommodate the development, including the provision of 108 car parking spaces, up to 300 visitors during special events, and a building which complies with the relevant development controls pertaining to built form. Therefore, the site is considered suitable for the development.

Section 4.15 (1)(c) The public interest

Section 4.15 (1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application.

In this regard, the development application is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community. The development provides for a community facility as place of community growth and development through a range of activities and education, and provides facilities for recreation and physical activity, thereby contributing to the social and physical wellbeing of the community. Accordingly, it is considered that approval of the development would be in the public interest.

3. Public Participation

The development application was notified in accordance with the Campbelltown Community Participation Plan (CPP) between 30 April and 22 May 2025. Three submissions were received in total, 2 of which are considered unique submissions.

Issues raised within those submissions include the development's environmental, traffic, and acoustic impact, it's bulk and scale, and whether it is consistent with the objectives of the C4 zone, and the land use definitions of a community facility.

Subject to compliance with the recommended conditions of consent, it is considered the development will not have an adverse environmental, traffic, or acoustic impact. A condition has also been recommended to ensure a Section 73 Certificate is obtained prior to the issue of an occupation certificate.

The development is considered to be consistent with the objectives of the C4 zone and the land use definition of a community facility. Further, the development responds suitably to the natural topography of the site and complies with the development controls pertaining to built form, thereby its bulk and scale is considered appropriate.

These issues are addressed in further detail in attachment 3.

Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the development is suitable for the site and is in the public interest. Therefore, it is recommended that it be approved subject to the attached conditions.

Attachments

- 4.1.1 Recommended conditions of consent (contained within this report)
- 4.1.2 Compliance Table (contained within this report)
- 4.1.3 Public Notification Responses (contained within this report)
- 4.1.4 Plans (contained within this report)
- 4.1.5 Clause 4.6 Variation (contained within this report)
- 4.1.6 Plan of Management (contained within this report)
- 4.1.7 Local Planning Panel Report June 2024 (contained within this report)
- 4.1.8 RFS Referral Response May 2024 (contained within this report)
- 4.1.9 RFS Referral Response September 2024 (contained within this report)
- 4.1.10 Local Planning Panel Report October 2024(due to size) (distributed under separate cover)

Reporting Officer

Senior Town Planner

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 plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved pl	lans				
Plan no.	Revision no.	Plan title		Drawn by	Date of plan
DA01D	Α	Site Plan and Location Plan		Cactus Design & Drafting	13/04/2025
DA03C	Α	Basement Floo	r Plan	Cactus Design & Drafting	13/04/2025
DA04C	Α	Ground Floor P	lan	Cactus Design & Drafting	13/04/2025
DA05C	Α	First Floor Plan	1	Cactus Design & Drafting	13/04/2025
DA06C	Α	Roof Plan		Cactus Design & Drafting	13/04/2025
DA07C	А	West & No Driveway Profil	orth Elevations, le	Cactus Design & Drafting	13/04/2025
DA08C	Α	East & South E	levations	Cactus Design & Drafting	13/04/2025
DA09C	Α	Sections		Cactus Design & Drafting	13/04/2025
DA10C	Α	Site Analysis P	lan	Cactus Design & Drafting	13/04/2025
LP:230507	D	Landscape Pla	n	Outthere Landscapes & Design	16/08/2024
1 of 10	1	Stormwater De	tail Plan	C.K. Engineering Services	10/02/2024
2 of 10	1	Index Plan		C.K. Engineering Services	10/02/2024
3 of 10	1	Stormwater De	tail Plan	C.K. Engineering Services	10/02/2024
4 of 10	1	Stormwater De	tail Plan	C.K. Engineering Services	10/02/2024
5 of 10	1	Basement Plan	1	C.K. Engineering Services	10/02/2024
6 of 10	1	First Floor Plan	1	C.K. Engineering Services	10/02/2024
7 of 10	1	Roof Plan		C.K. Engineering Services	10/02/2024
9 of 10	1	On-Site Detention and Transpiration Bed Details		C.K. Engineering Services	10/02/2024
10 of 10	1	Erosion and S Plan	Gediment Control	C.K. Engineering Services	10/02/2024
C01	04	Cut and Fill Plan		Tekcivil Pty Ltd	26/04/2024
Approved documents					
Document title		Version no.	Prepared by	Date of document	
Traffic Impact Assessment		2	Fernway Engineering	May 2024	
Noise Impact Assessment			Broadcrest Consulting Pty Ltd	09/08/2024	
Geotechnical Report			Broadcrest Consulting Pty Ltd	13/02/2024	
Operational Plan of Management				13/11/2024	
Colour Schedule				07/07/2023	

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Building Code of Australia

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

Condition reason: Prescribed condition under Section 69 of the Environmental Planning and Assessment Regulation 2021.

3. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan referred to in condition 1, unless as otherwise modified by a condition of this development consent, including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works.

Landscaped areas shall be separated from driveways and car parking areas by a suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.

Landscape trees are to be grown in accordance with the Australian Standard AS2303:2018.

Condition reason: To provide for planting that will enhance the natural and built environment.

4. External finishes

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

Note: the building shall not incorporate highly reflective glass.

Condition reason: To ensure the approved development is constructed in the form illustrated to Council during assessment.

5. Use of structure

The building shall not be used, fitted or occupied for any purpose other than a community facility, as it is defined in the Campbelltown Local Environmental Plan 2015:

community facility means a building or place-

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Condition reason: To ensure that the structure is used for the purposes described in the application and the use of the structure does not change without consent.

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.

Condition reason: To ensure compliance with this development consent.

7. 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.

Condition reason: To ensure that utilities are not directly visible from public spaces.

8. 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 or coloured stamped concrete.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

Condition reason: To ensure parking facilities are designed in accordance with relevant Australian Standards and Council's DCP.

9. Site Access

Vehicular access to the site is restricted to left-in, left-out only. The access driveway is to be line marked and signposted accordingly.

Condition reason: To ensure road safety.

10. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- 1. All vehicular entries and exits shall be made in a forward direction.
- 2. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- 3. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

Condition reason: To ensure deliveries to the premises are carried out safely.

11. 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.

Condition reason: To ensure lighting is operated in a manner that protects the amenity of the local area.

12. Storage of goods

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

Condition reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.

13. Graffiti removal

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

Condition reason: To protect and preserve the visual amenity of the surrounding public domain.

14. Unreasonable noise, dust and vibration

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

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

Condition reason: To protect the amenity of the local area.

15. Engineering design works

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

Condition reason: To comply with Council requirements for engineering works.

Operating hours

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

 Monday to Wednesday
 11:00 am - 5:00 pm

 Thursday & Friday
 11:00 am - 10:00 pm

 Saturday
 09:00 am - 11:00 pm

Sunday Closed

Condition reason: To protect the amenity of the local area.

17. Car Parking Spaces

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

A total of six (6) accessible car parking spaces are to be included.

Note: a basement car park and basement car parking is not approved under this development consent.

Condition reason: To ensure that parking facilities are designed in accordance with the relevant Australian Standards and Council's DCP.

18. Rubbish/recycling bin storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

Condition reason: To ensure waste storage does not impact areas required to be dedicated to vehicle access and landscaping.

19. 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:

- 1. Protect and support the adjoining premises from possible damage from the excavation, and
- 2. 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.

Condition reason: Prescribed condition under Section 74 of the Environmental Planning and Assessment Regulation 2021.

20. Construction certificate

Before commencement of any works that require a construction certificate:

- 1. the applicant shall appoint a principal certifier;
- 2. the applicant shall obtain a construction certificate for the particular works; and
- 3. when Council is not the principal certifier, the appointed principal certifier shall notify Council of their appointment no less than two days before the commencement of any works.

Condition reason: To comply with legislation.

21. NSW Rural Fire Service

Emergency and Evacuation

A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the NSW RFS document A Guide

to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:

- contact details for the local Macarthur Rural Fire Service District Office;
- procedures for coordinated evacuation of the site in consultation with local emergency services;
- entry and exit to be through the main front entrance door only.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Asset Protection Zones

From the commencement of building works and in perpetuity, the entire property must be managed as an asset protection zone (inner protection area) in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

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

Landscaping

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

- minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- avoid climbing species to walls and pergolas:
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds, pergolas and materials such as timber garden
- furniture away from the building; and
- low flammability vegetation species are used.

Construction Standards

New construction must comply with section 3 and section 5 (BAL 12.5) of the Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A – 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

Access roads for special fire protection purpose (SFPP) developments must comply with the following general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3 of Planning for BushFire Protection 2019; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays
 with hydrants located outside of these areas to ensure accessibility to reticulated water for fire
 suppression;
- minimum 5.5m unobstructed carriageway width;
- parking is provided outside of the carriageway width;
- · hydrants are located clear of parking areas
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

The provision of water, electricity and gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- all above-ground water service pipes are metal, including and up to any taps;
- · where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the
 - specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not used; and

above-ground gas service pipes are metal, including and up to any outlets.

An additional static water supply is to be provided on the site, subject to the following requirements:

- A 10,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- · above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber.
- The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red
- Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and
- positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter.

Condition reason: To ensure the development complies with NSW Rural Fire Service requirements and Planning for Bushfire Protection 2019.

22. Pollution Control

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, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Offensive Noise

The development must be designed 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.

In the event of a noise related issue arising, the person in charge of the premises shall, when required by Council, carry out a noise assessment of the operation. The noise assessment is to be carried out by a suitably qualified and experienced acoustic consultant. A report of the findings and any recommendations is to be submitted to Council for its review.

If required by Council, the appropriate person shall implement any or all of the recommendations tabled within the acoustic consultant's report and/or any additional operational measures deemed reasonable by the Council.

Unreasonable Noise, Odour, Dust and Vibration

In the event of a noise, fumes, odour, dust, or waste related issue arising during the implementation, construction and ongoing operation of this development, the person in charge of the premises shall when instructed by Council, cause to carry out an investigation by an appropriate 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.

Should the development not achieve compliance with the applicable guidelines and standards, amendments to the development are required to be made (with the consent of Council), which may include, but are not limited to, changes to hours of operation, installation of further treatment, modification of operational procedures, etc.

Health and Public Nuisance - The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises

Use of Music and Public Announcement Systems

The use of amplified music and public announcement systems outdoors is prohibited.

Condition reason: To ensure all activities involving the operation of the premises are carried out in a manner which will prevent undue air, land, water pollution, noise pollution and waste management practices in accordance with the *Protection of the Environment Operations Act 1997*, Protection of the Environment Operations (Waste) Regulation 2014, Protection of the Environment Operations (Noise) Regulation 2017, *Local Government Act 1993*, Local Government Regulation 2005 and associated technical standards.

23. Ongoing Use

The ongoing operation of the food premises in relation to the fitout, fixtures, equipment installed and construction must be maintained in a manner to ensure compliance with the *Food Act 2003*, Food Regulations 2015, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fitout of food premises.

Condition reason: To ensure compliance with the relevant legislation and Australian Standards.

24. Food Trucks

Mobile Food Trucks are not permitted to trade at the premises without registering with Campbelltown City Council prior to operation. Any mobile food truck must not remain at premises. The mobile food truck must not provide seating or other auxiliary fittings (including marquees, awnings or the like).

Condition reason: To ensure compliance with this development consent.

25. Waste & Recycling Storage, Collection and Disposal

The business operator must enter into a commercial waste contract agreement (residential bins are not permitted) for regular waste & recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.

All waste and recycling generated from the business are 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 on Council/Public land or in such a manner that it will become a litter, odour or health nuisance.

Waste bins that are placed out on a public place for collection must only be placed out for collection on the day of the collection after 6.00pm and must be removed by 8.00am the following day. Any residual waste left on the public place as a result of bin placement must be removed within undue delay by the food business operator.

Condition reason: To ensure appropriate waste management and disposal.

26. Food Stalls/Vehicles operating at Fetes, Fundraisers and Events

Any fete, fundraiser or event held at the premises must comply with the <u>NSW Government Premier and Cabinet – Event Starter Guide</u> and the following:

Registration

All food stalls and mobile food vehicles must be registered with Council. A mobile food business and temporary food stall registration form is available on Council's website and must be completed and submitted to Council 2 weeks prior to the fete, fundraiser or event.

Mobile Food Vehicles

Where applicable, a recent (dated within the last 12 months) and satisfactory Food Premises Assessment Report (FPAR) must be provided.

Temporary Food Stalls

Council's Requirements for the Operation of One Day Food Stalls, which is available on Council's website, must be fully complied with.

Food Preparation

All food must be prepared and cooked on-site, or in a commercial approved food preparation kitchen.

Food Act 2003

Food stalls and mobile food vehicles must comply and operate in accordance with Food Act 2003.

Food Stall And Food Vehicle Inspections

Council reserves the right to inspect all food stalls and food vehicles operating at the fete, fundraiser or event. The food operator will be responsible for the payment of all associated food inspection fees, which are reviewed annually and published in Council's adopted schedule of fees and charges.

Council reserves the right to revoke approval for any food stall or mobile food vehicle to trade at any fete, fundraiser or event if the stall/operator fails to comply with Council's requirements.

Ventilation

The organiser and food operator is responsible for providing appropriate ventilation during the operation of any fete, fundraiser or event to eliminate any smoke or odour nuisances from the use of all cooking appliances.

The food operator/organiser is responsible for ensuring that all smoke and odour dispersing from the use of all cooking appliances during the operations of any fete, fundraiser or event does not affect the safety of users of the site and the amenity of the area.

Unreasonable Noise

All generators used for any appliances within the food stalls/mobile food vehicles must be silent to reduce any noise impacts to nearby residents, other stalls and the public attending any fete, fundraiser or event. Any direction by Police or suitably authorised officer (e.g. authorised Council officer) to reduce or mitigate noise disturbances must be responded to immediately.

WASTE - All waste and recycling generated from the food stalls and mobile food vehicles are to be kept within appropriate storage receptacles 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, vermin, odour or health nuisance.

Condition reason: To ensure the compliance with this development consent.

27. Acoustic Requirements

All mechanical plant including air conditioning systems shall be turned off during the night period (10pm to 7am).

The two large Daikin AC condenser units shall be placed at the locations shown in Figure 7.1 in the Noise Impact Assessment by Broadcrest Consulting Pty Ltd (16/12/2023).

Waste collection, bump in/out and deliveries shall only occur during the day and evening periods between 7am - 10pm.

A detailed review of mechanical noise emissions from the development should be carried out if any new noise generating equipment not assessed in the Broadcrest Consulting Report (16/12/2023) is added to the proposal. The noise level generated by any equipment must not exceed an $L_{\text{Aeq}(15 \, \text{min})}$ of 5dB(A) above background noise at the property boundary.

The minimum distance requirements for mechanical plant in Table 7.1 of the Broadcrest Consulting Report (16/12/2023), is to be used for selecting new equipment based on the maximum acceptable sound power level. If equipment selected is above the allowable levels, all such noise generating equipment must be acoustically screened.

Condition reason: To ensure the development complies with the EPA Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

28. Site Cap

The number of people permitted on site in association with the approved development, is to be no more than 50 at any given time, except as otherwise permitted by a condition of this development consent.

Condition reason: To ensure regular use of the development is in accordance with the approved Plan of Management, and does not adversely affect the amenity of the locality.

29. Special Events

No more than six (6) special events are permitted to occur per annum.

Attendance at special events is capped at 300.

Notice is to be provided to Campbelltown City Council four weeks prior to a special event, to allow Council to maintain a record of events and ensure no more than six (6) are held annually.

Condition reason: To ensure no more than six (6) special events occur per annum.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

30. Amended Plans

Prior to the issue of a construction certificate, all relevant plans referred to in condition 1 of this development consent are to be revised to remove the colorbond fence setback 1.5m from the property boundaries and instead show the erection of a rural-style fence along the actual property boundaries. In addition, the approved stormwater plans referred to in condition 1 of this development consent are to be revised where required to be consistent with the approved architectural plans. The revised plans are to be prepared to the satisfaction of the principal certifier.

Condition reason: To ensure construction certificate plans are consistent with the requirements of this development consent.

31. Landscape Plan

Prior to the issue of a construction certificate, a revised Landscape Plan is to be prepared to the satisfaction of the principal certifier, incorporating a wider selection of species, greater than 6 (six), from the following list:

- Syncarpia glomulifera Turpentine
- Melaleauca stypheliodes Prickly-leaved Paper Bark
- Hymenosporum flavum Native Frangipani
- Banksia serrata Old man Banksia
- Callistemon viminalis Bottlebrush

Additional landscaping is to be provided along the boundary of the loading area, to ensure it is suitably screened from adjoining sites.

Landscape trees are to be grown in accordance with the Australian Standard AS2303:2018 Tree stock for landscape use.

All landscape plants shall be planted at the pot sizes specified in the approved landscape plan referred to in condition 1 of this development consent.

All Landscape Trees are to be sourced at 45L pot sizes at a minimum.

Condition reason: To ensure the site is landscaped appropriately with a variety of native vegetation.

32. Entry Gate Plans

Before the issue of a construction certificate, detailed plans of the entry gate are to be prepared to the satisfaction of the principal certifier. The entry gate is to be designed in such a way as to accommodate waste and service requirements.

Condition reason: To ensure the entry gate is suitable.

33. Utility servicing provisions

Before the issue of 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.

Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

34. Waste Management Plan

Before the issue of a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

35. Soil and water management plan

Before the issue of a construction certificate, a detailed soil and water management plan shall be submitted to the Principal Certifying Authority for approval.

Condition reason: To ensure no sediments or substances other than rainwater enters the stormwater system and waterways.

36. Waste management - private collection

Before the issue of a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste by a licensed authorised contractor.

Condition reason: To ensure Councils records are kept updated.

37. Stormwater Management Plan

Before the issue of a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval.

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 OSD tank and a level spreader.

All proposals shall comply with Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan.

An absorption trench is unsuitable for the site given local soil conditions, this is to be changed in the detailed design stormwater plans to a level spreader.

Condition reason: To protect the operation of stormwater systems.

38. Design for access and mobility

Before the issue of a construction certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 - Design for Access and Mobility.

Condition reason: To ensure safe and easy access to the premises for people with a disability.

39. Telecommunications infrastructure

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 certifier prior to the issue of a construction certificate.

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

Condition reason: To ensure that the development does not impact any telecommunications infrastructure and that appropriate arrangements have been made for the approved development.

40. Sydney Water

Before the issue of 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 certifier prior to issue of a construction certificate.

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

Condition reason: To ensure the development does not adversely affect Sydney Water infrastructure and that appropriate arrangements have been made to connect to Sydney Water services.

41. Architectural finishes validation statement

A construction certificate shall not be issued until an 'Architectural Finishes Validation Statement' is prepared and submitted to the Principal Certifying Authority for approval.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for the issue of the construction certificate are not inconsistent with the approved plans described in Condition 1 (unless as modified by a condition of this development consent) with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Condition reason: To ensure compliance with this development consent.

42. Section 7.12 Contributions

Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of \$43,989.36 for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

The contribution rate will be adjusted on a quarterly basis with CPI indexation as detailed in Section 6.3.2 of the Plan. The exact amount of the contribution will be calculated at the rate applicable at the time of payment.

Indexation

The monetary contribution is based on a proposed cost of carrying out the development of \$4,299,030.97 indexed to the quarter immediately prior to the date of this consent. This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$)=	\$CC X CPI₽	
	CPIc	

Where:

- \$CC is the contribution amount shown in this certificate expressed in dollars
- CPI_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution.
- CPI_c is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate – 140.9 Mar 2025.

Time for payment

The contribution must be paid prior to the release of a construction certificate.

How to make the contribution payment

Contact Council's Development Contributions Officer on 4645 4000 or email, council@campbelltown.nsw.gov.au for an invoice which will also provide details of the various methods of payment available, prior to payment.

Condition reason: To contribute to the provision of public amenities and services to meet the increased demands created by the new development.

43. On-Site Detention Facility

Prior to issue of a construction certificate, the applicant shall submit details & design calculations of the On-Site Detention (OSD) system to the certifier for approval. OSD system shall comply with the requirements detailed in the Campbelltown City Council Engineering Design for Development Guide (as amended).

In this regard, an Operation and Maintenance Manual for the detention facility shall be submitted to Council, prior to issue of construction certificate.

Condition reason: To ensure appropriate stormwater management.

44. Civil Works under S138 Roads Act 1993

Prior to issue of a construction certificate, a s138 application shall be lodged with Campbelltown City Council for construction of one vehicle crossover in Eagleview Road.

Detailed engineering plans for the proposed works in Eagleview Rd road reserve shall be submitted to Council for approval. All works shall be carried out in accordance with *Roads Act 1993* approval including the stamped approved plans and Council specifications.

Condition reason: To comply with the requirements of the Roads Act 1993.

45. Kitchen Fit-Out

Prior to the issue of a construction certificate, the applicant is to submit to the Certifying Authority a professional detailed plan of the food premises demonstrating exactly how the proposed development complies with the requirements of the Australia New Zealand Food Standards Code and AS4674-2004: Design, construction and fit-out of food premises. The plans must include the following:

- a) A detailed description of the types of food related procedures and practices that will take place, such as preparation, handling, storage, packaging, cleaning etc.
- b) A detailed floor plan, drawn to scale, and showing:
 - i. The proposed floor layout and use of each room/area.
 - ii. Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings).
 - iii. Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
 - iv. Locations and design details of proposed hand washing facilities.
 - v. Locations and design details of proposed washing facilities and any floor wastes.
 - vi. Proposed location and details of all fixtures, fittings and appliances (including the proposed method of installation).
 - vii. Details showing location, capacity and clearance of hot water services.
 - viii. Design and construction details of cool rooms and/or freezer rooms, including condensation collection and disposal.
 - ix. Proposed location and details of storage facilities for cleaning equipment and staff personal belongings.
 - x. Proposed location and details of all waste storage areas.
 - xi. If applicable, proposed location of the Grease Trap

Condition reason: To ensure that all construction and fit-out of the canteen premises complies with the Food Act 2003, Food Regulation 2015, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fit-out of food premises.

46. Unexpected Finds Protocol

Prior to the issuing of a construction certificate, a site specific 'Unexpected Finds Protocol' is to be prepared, submitted to the Principal Certifying Authority for approval, and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

Condition reason: To ensure unexpected finds are managed appropriately.

BEFORE WORK COMMENCES

47. Erosion and sediment control

Before any site work commences on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

48. Erection of construction sign

Before any site work commences on the land, signs must be erected in prominent positions on the site:

1. 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

- 2. Stating that unauthorised entry to the work site is prohibited
- 3. 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)
- 4. Stating the approved construction hours in which all works can occur
- 5. Showing the name, address and telephone number of the principal certifier 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.

Condition reason: Prescribed condition under Section 70 of the Environmental Planning and Assessment Regulation 2021.

49. Toilet on construction site

Before any site work commences 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:

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

Condition reason: To ensure that appropriate toilets are provided for construction workers.

50. Trade waste

Before any site work commences 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.

Condition reason: To ensure all waste is moved off-site for disposal.

51. Vehicular access during construction

Before any site work commences 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.

Condition reason: To ensure that construction vehicles do not disturb the soil and adversely impact Council infrastructure.

52. Public property

Before any site work commences 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.

Condition reason: To ensure the condition of public infrastructure is recorded before the commencement of any works.

53. Hoarding / Fence

Before any site work commences, 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.

Condition reason: To protect workers, the public and the environment.

54. Structural engineer details

Before any site work commences, the submission to the principal certifier of all details prepared by a practicing structural engineer.

Condition reason: To ensure the principal certifier has all the necessary structural engineering details for the approved works.

55. Food Premises Fit-Out Pre-Construction Meeting

Prior to any construction work commencing on the fit-out of the food premises, the applicant/builder/private certifier must contact Council's Environmental Health Officers on 02 4645 4604 to arrange an onsite meeting /phone call to discuss the requirements of the fit out under this Consent.

Condition reason: To ensure the requirements of the fit out under this development consent are complied with.

DURING WORK

56. 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.

Condition reason: To protect the amenity of the surrounding area.

57. Erosion and sediment control

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

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

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater and waterways.

58. 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.

Condition reason: To minimise the impacts of the development construction on the environment.

59. Certification of location of while site work is being carried out

Before 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.

Condition reason: To ensure that the building is constructed in the location approved on the plans.

60. 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.

Condition reason: To ensure that the building has been constructed in accordance with the approved plans.

61. Certification of levels of building while site work is being carried out

Before 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.

Condition reason: To ensure that the building has been constructed to the levels specified on the approved plans.

62. Termite control

The building shall be protected from subterranean termites in accordance with Australian Standard 3660.1. Certification of the treatment shall be submitted to the principal certifier before the issue of the relevant occupation certificate.

Condition reason: To ensure termite control measures are in place.

63. Earth works/ Filling works

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

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

No cut material is to be removed from site; all disturbed or excavated soil shall remain on site.

Condition reason: To ensure earthworks are carried out in accordance with the relevant Australian Standards and Council's DCP.

64. 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.

Condition reason: To ensure earthworks are carried out in accordance with the relevant Australian Standards, best practice and Council's DCP.

65. Construction of Food Preparation Areas

Construction

The construction, fit-out and finishes of the food preparation areas must be constructed in accordance with the *Food Act 2003*, Food Regulation 2015, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004 Design, construction and fit-out of food premises.

Floor Construction

The floor construction within the food preparation area/s must be finished to a smooth, even non-slip surface, graded and drained to a floor waste (AS 4674-2004, Section 3.1).

Floor Waste

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates.

Coving

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard (AS 4674-2004, Section 3.1.5).

All coving must:

- a) Have a minimum concave radius of 25mm; or
- b) Be tiled 50mm minimum in width and splayed at 45°.

Feather edge skirting and non-rebated coving is not permitted. Recessed coving must be provided at all intersections of the floor with the walls/plinths within all food preparation, service and storage areas.

Penetrations/Service Lines

All service pipes, conduits and electrical wiring must be concealed in the floor, walls, plinths or ceiling (AS 4674-2004, Section 3.2.9).

External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and

adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

Wall Requirements

Cavity walls are not permitted. All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS 4674-2004. The finishing materials of the wall surfaces must provide an even surface, free of fixing screws, open joint spaces, cracks or crevices (AS 4674-2004, Section 3.2).

Window Sills

Window sills located within a food preparation area or food service area must be located 450mm above the top of any bench or sink and tiled at a splayed angle of 45°.

Ceiling Construction

Drop-in panel style ceilings are not permitted in food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the food premises must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed (AS 4674-2004, Section 3.2).

Light Fittings

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with ceiling; or
- b. Designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate (AS 4674-2004, Section 2.6.2).

Hand Wash Basins

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible from no further than 5 metres away from any place where food handlers are handling open food (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels must be provided (AS 4674-2004, Section 4.4).

Dishwashing Machines

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80C for 2 minutes or 75C for 10 minutes (AS 4674-2004, Section 4.1.6).

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

Equipment Wash Sinks

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure (AS 4674-2004, Section 4.1).

Food Preparation Sink

A food preparation sink is required where foods are prepared by immersion in water including for cleaning fruit or vegetables. All food preparation sinks must be used only for the preparation and cleaning of food. The sink is in addition to the hand basin and equipment wash sinks (AS 4674-2004, Section 4.1).

Cleaner's Sink

A cleaner's sink is to be installed in a location outside of the food preparation area and must be serviced with hot and cold water through taps fitted with hose connectors. (AS 4674-2004, Section 4.1.8).

Tap Fittings

Hot and cold wall mounted taps must be installed fitted with hose connectors and positioned at least 600mm above the floor in a convenient and accessible location within the food preparation area and adjacent to the floor waste (AS 4674-2004, Section 4.1.8).

Fittings and Fixtures

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth
 metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a
 clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 & 4.3).

Food Preparation Benches

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures.

Benches

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices (AS 4674-2004, Section 4.2).

Storage Cabinets/Cupboards

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints (AS 4674-2004, Section 4.2).

Shelving

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. All shelving must be constructed at least 150mm from the floor level (AS 4674-2004, Section 4.2).

Food Display Units

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Standards Code 3.2.2).

Self-Service Appliances

Self-service food appliances must be constructed so as to comply with the, 'National code for the construction and fit-out of food premises' as published by the Australian Institute of Environmental Health.

Food Storage

Any appliance used for the storage of hot and/or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance.

Coolroom and Freezer Room

Where applicable the coolroom and/or freezer room floor, walls and ceiling must be finished with a smooth even surface and graded to the door.

A sanitary floor waste must be located outside the coolroom and freezer room adjacent to the door.

All metal work in the coolroom and freezer room must be treated to resist corrosion.

Condensation from the refrigeration units/coolroom/freezer room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

The coolroom and freezer room must be provided with:

- A door which can at all times be opened internally without a key; and
- An approved alarm device located outside the room, but controllable only from the inside.

Condensation Collection

Condensation from refrigeration units, freezer units and coffee machines must be directed to a tundish, installed in accordance with Sydney Water requirements (Food Standards Code 3.2.3).

Mechanical Exhaust Ventilation

A food premises must be provided with a kitchen exhaust hood complying with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and where applicable, Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings, where:

Any cooking apparatus has:

A total maximum electrical power input exceeding 8 kW; or A total gas power input exceeding 29 MJ/h; or

- b) The total maximum power input to more than one apparatus exceeds:
 - i. 0.5 kW electrical power; or
 - ii. 1.8 MJ gas per m² of floor area of the room or enclosure; or
- c) Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with the AS/NZS 1668.1:1998 and 1668.2-2012, must be provided to the certifying authority prior to the issue of an occupation certificate.

Offensive Odour

To ensure that adequate provision is made for the treatment of odours, suitable odour control equipment shall be fitted to the mechanical exhaust system within the development. This equipment shall be capable of enabling the operation of the exhaust system free from the emission of offensive odours from the premises as defined under the *Protection of the Environment Operations Act 1997* and Regulations.

Pest Protection

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes must be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between coolroom walls and premises walls, must be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as coolrooms, must be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

Toilet Facilities and Handbasins

A toilet for staff must be provided for the premises. The toilet cubicle must be separated from areas where open food is handled, displayed or stored by one of the following:

- a. An intervening ventilated space fitted with self-closing doors; or
- b. Self-closing doors and mechanical exhaust systems that operate when the sanitary compartment is in use for at least 30 seconds after the cubicle is vacated (AS 4674-2004, Section 5.2).

Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored

A hand basin must be located within the toilet cubicle. The basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed to a temperature of at least 40° C and fitted with a hands-off type tap set (AS 4674-2004, Section 4.4). The basin must be provided with soap and disposable paper towels from a dispenser.

Locker Storage for Staff Belongings and Equipment

Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings (AS 4674-2004, Section 5.1).

Meter Box

An approved non-absorbent, smooth faced cover must be provided over the meter box. The cover is to be splayed at an angle of 45° to the wall at the top and made tight fitting to the wall surfaces.

Roller Door

The drum of a roller door situated in the food preparation area must be enclosed in a frame, sheeted with compressed cement with a smooth and sealed finish. The enclosure must be accessible for pest control inspection and maintenance (AS 4674-2004, Section 2.1.5).

Hot Water Service

The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

Smoke Free Areas

Any enclosed eating area must be smoke free. Smoking is not permitted in all outdoor eating areas. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (Smoke Free Environment Act 2000). Please refer to NSW Health website for further information http://www.health.nsw.gov.au

Office Materials

Facilities for storing paperwork and other materials associated with the administration of the business must be in a designated room for office use or in an enclosed cupboard or drawer dedicated for that use (AS 4674-2004, Section 5.1.3).

Construction of the Waste Storage Areas and Rooms

The waste storage area/room must be provided with smooth and impervious surfaces (walls and floors) and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. The ground areas must be paved with impervious material and must be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided (AS 4674-2004, Section 2.4).

Grease Arrestors

All grease arrestors must be located outside of where food and equipment is handled or stored and installed on the private land. Access to grease arrestors for emptying must not be through an area where open food is handled or stored or where food contact equipment and packaging materials are handled or stored (AS 4674-2004, Section 2.3).

No grease trap is permitted to be installed/constructed on Public /Council Land.

Please contact Sydney Water for information and requirements for grease arrestors by calling 13 20 92.

Store Room

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- a. A smooth, even and non-slip floor surface;
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004;
- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The

- intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2);
- d. Shelving or storage racks must be designed and constructed to enable easy cleaning; and
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

Note: Caged store rooms are not permitted.

Condition reason: To ensure the development complies with the relevant legislation and Australian Standards.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

66. Section 73 certificate

Before the issue of the relevant 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 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.

Condition reason: To ensure the development is serviced by Sydney Water.

67. Structural engineering certificate

Before the issue of the relevant 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.

Condition reason: To ensure the building is structurally adequate.

68. Completion of external works onsite

Before the issue of the relevant 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 certifier.

Condition reason: To ensure that approved, landscaping, driveways, fencing, external finishes and retaining walls are in place prior to occupation of the building.

69. Mechanical ventilation

Before the issue of the relevant occupation certificate, the submission of a compliance certificate certifying that:

- The mechanical ventilation exhaust system has been installed in accordance with Australian Standard AS1668 Part 1 and 2.
- The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise).

Condition reason: To ensure compliance with the relevant Australian Standards.

70. Restoration of public roads

Before the issue of the relevant occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

Condition reason: To ensure any damage to public infrastructure is rectified.

71. Public utilities

Before the issue of the relevant 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.

Condition reason: To ensure any damage to public infrastructure is rectified.

72. Retaining

Before the issue of the relevant occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

Condition reason: To ensure any retaining walls or filling onsite has been authorised.

73. Termite protection

Before the issue of the relevant occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

Condition reason: To ensure termite control measures are in place.

74. Council fees and charges

Before the issue of the relevant 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.

Condition reason: To ensure that there are no outstanding fees, charges or rectification works associated with the approved development.

75. Pre-Inspection

Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted on (02) 4645 4604 to undertake an inspection of the premises to confirm compliance with this Consent, the *Food* Act 2003, Food Regulation 2015, Food Standards Code Australia and New Zealand and AS 4674-2004.

Condition reason: To ensure compliance with the development consent, relevant legislation , and Australian Standards.

76. Registration with Council

The premise is required to be registered with Council prior to the occupation certificate being issued. Regular inspections will be carried out to ensure health standards are maintained. A business registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing (Food Safety Standard 3.2.2).

Condition reason: To ensure health standards are maintained.

77. Food Safety Supervisor

A Food Safety Supervisor must be nominated for the premises. The Food Safety Supervisor Certificate must be kept on-site at the food premises at all times. The nominated Food Safety Supervisor must not be a nominated Food Safety Supervisor at any other premises. Any changes to the Nominated Food Safety Supervisor must be notified to Council.

Condition reason: To ensure a Food Safety Supervisor is appointed.

78. Grease Trap

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to issue of an occupation certificate.

Please contact Sydney Water for information and requirements for grease arrestors by calling 13 20 92.

Condition reason: To ensure a trade waste water agreement is in place.

ADVISORY NOTES

Advice 1. 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 2. 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 3. 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 4. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 5. Inspections - Civil Works (Generally for Developments)

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

- a) EROSION AND SEDIMENT CONTROL
 - i. Direction/confirmation of required measures.
 - ii. After installation and prior to commencement of earthworks.
 - iii. As necessary until completion of work.
- b) STORMWATER PIPES Laid, jointed and prior to backfill.
- c) VEHICLE CROSSINGS AND LAYBACKS Prior to pouring concrete.
- d) FINAL INSPECTION All outstanding work.

Advice 6. Inspection Within Public Areas

All works within public areas, or places that will become a public area are required to be inspected at all stages of construction and approved by Council prior to the appointed registered certifier releasing the Occupation Certificate. Contact Council's Duty Development Engineer for further details.

ATTACHMENT - COMPLIANCE TABLES

State Environmental Planning Policy (Resilience and Hazards) 2021

REQUIREMENT	RESPONSE
Clause 4.6(1)	Yes. The development application seeks consent for a
1. Is the development for a	community facility.
change of use to a sensitive	
land use or for residential subdivision?	
Subdivision:	
Sensitive land use include	
residential, educational,	
recreational, child care	
purposes or hospital.	
Clause 4.6(1)	The development application is accompanied by a
2. Is Council aware of any	Preliminary Site Investigation prepared by Neo Consulting.
previous investigation or	The report states the site is considered to generally have a
orders about contamination	low risk of site wide contamination and it's considered the
on the land?	site to be suitable for the proposed development.
Clause 4.6(1)	A search of Council records did not include any reference to
3. Do existing records held by	previous land uses that may have caused contamination.
Council show that a	
contaminating land activity has occurred on the land?	
Clause 4.6(1)	The site has historically been zoned for rural residential
4. Has the land previously	purposes.
been zoned for potentially	par posses
contaminating uses?	
Clause 4.6(1)	A site inspection did not reveal any obvious signs of
5. Is the land currently being	contamination, or a use that would potentially have resulted
used for a potentially	in contamination.
contaminating use or is there	
any evidence of a potentially	
contaminating use on site?	

Campbelltown Local Environmental Plan 2015

PART 4 - PRINCIPAL DEVELOPMENT STANDARDS		
4.3 – Height of buildings	No.	
	The maximum building height permitted under CLEP 2015	
	is 9 m. The development has a maximum building height of	
	10.677 m, which represents a variation of 18.6%.	
4.6 - Exceptions to development	See below.	
standards		

The objectives of clause 4.6 of CLEP 2015 are:

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

The applicant has submitted a written request that seeks to justify the contravention of the development standard pertaining to the maximum height of buildings, as specified in clause 4.3. The variation sought is as follows:

Maximum height standard under clause 4.3 of CLEP 2015	Proposed	Degree of Variation
9 m	10.677 m	1.677 m/18.6%

Matters for Consideration under Clause 4.6

In assessing an exception to vary a development standard, the following needs to be considered:

- (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.

Case Law

The proposed variation to the development standard has been considered in light of the methodology established by the NSW Land & Environment Court (the Court).

In Wehbe v Pittwater Council [2007] LEC 827 ("Wehbe"), Chief Justice Preston expressed the view that there are five different ways in which an objection to a development standard may be assessed as being well founded. These included:

- 1) Notwithstanding the non-compliance, is the proposal consistent with the relevant environmental or planning objectives?
- 2) Is the underlying objective or purpose of the development standard not relevant to the development with the consequence that compliance is unnecessary?
- 3) Would the underlying objective or purpose of the development standard be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable?
- 4) Has the development standard been virtually abandoned or destroyed by the consent authority's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable?
- 5) Is the zoning of the particular land unreasonable or inappropriate such that the development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and therefore, compliance with the standard would be unreasonable or unnecessary?

In the Judgment of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ("Four2Five") Pearson C expanded on the earlier judgment of Wehbe, indicating that there remains an onus of also demonstrating that there are "sufficient environmental planning grounds" such that

compliance with the development standard is unreasonable or unnecessary. Furthermore, that the environmental planning grounds must be particular to the circumstances of the proposed development.

In his Judgment of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 ('Micaul') Preston CJ elucidated that the consent authority does not have to be directly satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – only that it be indirectly satisfied that the applicant's written request adequately addresses the relevant matters to be considered, that compliance is unnecessary or unreasonable in the circumstances of the case. Preston CJ confirmed that an established means of demonstrating that compliance with a development standard is unreasonable or unnecessary is to establish that a development would not cause environmental harm and is consistent with the objectives of the development standard.

Moskovich v Waverley Council [2016] NSWLEC 1015 ('Moskovich') requires the consent authority to be satisfied that the proposed development is in the public interest because it is "consistent" with objectives of the development standard and objectives for the zone rather than "achieving" the objectives.

In the Judgment of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 ('Initial Action'), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

Assessment

The collective methodology and tests described above have been applied to the assessment of the applicant's written request seeking to justify the contravention of the development standard pertaining to the maximum height of buildings.

In assessing a variation to a development standard, the following needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings, is a development standard pursuant to Campbelltown Local Environmental Plan 2015.

What is the underlying object or purpose of the standard?

- (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 employment 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.

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

Compliance with the development standard is considered unreasonable in the circumstances of the case for the following reasons:

1) The variation is isolated to a rear portion of the roofline only and does not represent overall non-compliance with the development standard (refer to Figures 2 and 3). Generally, the proposed development complies with the development standard.

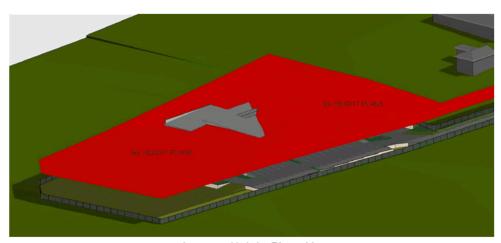
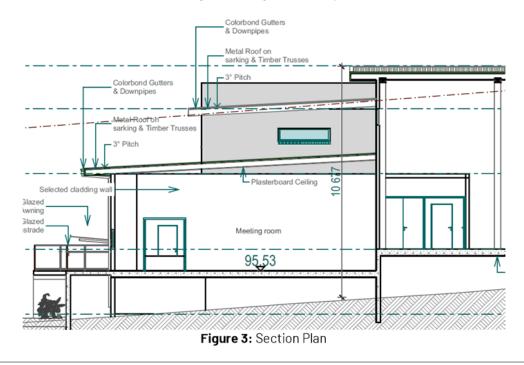


Figure 2: Height Plane Map



- 2) The proposed variation does not result in any adverse overshadowing impacts to adjoining residences.
- 3) The proposed variation will not result in any visual or acoustic privacy impacts to adjoining residences, as the variation is isolated to the rear part of the premises only, which contains amenities, storage rooms and offices.
- 4) The proposed variation will not be visible from the streetscape or broader public domain, and the development's overall visibility from Eagleview Road would be relatively unchanged as result of enforcing strict compliance with the development standard.
- 5) There would be no discernible, positive impact from enforcing strict compliance with the development standard, as the overall bulk and scale of the proposed dwelling would be relatively unchanged.

Is the exception well founded?

The applicant's written request demonstrates compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect, the applicant's clause 4.6 variation statement is well drafted, and the variation may be supported.

PART 7 - ADDITIONAL LOCAL PROVISIONS		
7.1 - Earthworks	The development seeks to generally balance cut and fill (net cut 2797 cbm, net fill 2808 cbm); 11 cbm of material is required to be imported to the site. It is not considered the proposed earthworks will detrimentally impact surrounding sites.	
7.4 – Salinity	Conditions are recommended to address salinity and ensure compliance with the BCA/NCC.	
7.5 - Preservation of the natural environment	Subclause 3 states that development consent must not be granted to the removal of soil or bush rock from any land to which this clause applies, however subclause 4 states that subclause 3 does not prevent the relocation of soil or bush rock within the same site. As noted above, there is no excess cut associated with the development and all material will remain on site. A condition to this effect is recommended.	
7.10 - Essential services	The subject site is currently serviced by essential services.	
7.13 – Design Excellence	See below.	

A previous development application (2467/2023/DA-C) for an identical development was referred to the Design Excellence Panel on 21 and 25 September 2023. The following general comments were made by the Panel:

General Comments from the Panel

- Battle Axe Lot The Panel feel strongly that the indicated location for the community facility is inappropriate and needs to be located to address Eagleview Road.
- As located, the site's topography creates a further conflict as it creates a community centre away and down from the main road – the roof line is just above the RL on the street.
- 3. Access to the facility and circulation around and in the building is inappropriate for a facility hosting up to 400 people. The Panel recommends an uninterrupted path of travel to, into and within the building to provide equitable access to all facilities.
- 4. The Panel believes that given the lack of information regarding the intended user groups, supporting social and community infrastructure analysis and operating model, its planned land use is likely not as shown on the plans submitted.

In this regard, the following is noted:

- 1) The subject site was lawfully created via a subdivision approved under development consent 6/2022/DA-S. A community facility is a permitted land use, and there are no development standards or controls in the Campbelltown Local Environmental Plan to prohibit community facilities on battle-axe lots. Therefore, the Panel's request to relocate the development to address Eagleview Road is unreasonable.
- 2) Regarding topography and the site's relationship to the street, it is noted the site is within an environmental zone characterised predominantly by rural residential development; it is preferable for development in this zone to be scaled accordingly. As a non-residential land use, it is considered the development has responded suitably to the topography of the site, noting it's compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015.
 - Further, it is noted a development consent (4747/2022/DA-S) has been issued to subdivide 115 Eagleview Rd into two lots, in a manner not dissimilar to the subject site; therefore, given the emergence of battle-axe lots in the locality, it is unreasonable to rely on the existing placement of development and the prevailing setbacks to Eagleview Rd to request a relocation of the proposed development.
- 3) Design amendments were made to the initial development to allow for pedestrian access from Eagleview Road to the community facility, including crossings to facilitate uninterrupted travel to the premises. It is considered that the changes made to the proposed development allows for equitable access to all facilities.
- 4) Information provided regarding the intended user groups is detailed in the Plan of Management submitted with the development application. Activities proposed to be undertaken at the premises include basketball, tennis and badminton, as well as craft and painting activities, social gatherings and meetings, as well as cultural festivals. On a regular basis, the number of people permitted on site in association with the community facility land use will be limited to 50 (as specified in the Plan of Management and reinforced through a condition of consent to this effect). The development application also seeks consent for six (6) special events per annum, where attendees will be limited to 300. A condition of

consent shall require notice to be provided to Campbelltown City Council four weeks prior to the event, to allow Council to maintain a record of events and ensure no more than six (6) are held annually.

In addition to the above, the Panel were of the view the building scale is too large for the developable land; with respect to size and location of the proposed building, reference is made to the development's compliance with the Campbelltown (Sustainable Cities) Development Control Plan 2015.

It was further noted by the Panel that landscaping was poorly integrated with the development; the Panel suggested that parking areas would benefit from additional shade tree planting integrated with the parking bays. An amended Landscape Plan which included street tree planting in the carpark was submitted to Council and reviewed by Council's Environmental Officer, who recommends a condition to ensure appropriate species selection at the construction certificate stage of the development program.

With respect to the changes made to the design of the proposed development, it is considered the bulk, mass and modulation of the premises is suitable for a community facility in the C4 Environmental Living zone. The development represents a contemporary architectural form that incorporates varying materials (brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing) and design elements to ensure design excellence is achieved.

Campbelltown (Sustainable Cities) Development Control Plan 2015

PART 2 - REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT			
Control	Requirement	Proposed	
2.2 - Site Analysis	Submission of a Site	A site analysis plan has been provided.	
	Analysis Plan.		
2.3 - Views and	Development shall have	N/A. The site is not considered to hold,	
Vistas	regard to significant view	nor be subject to any significant views or	
	and vista corridors.	vistas.	
2.4 - Sustainable	Development to meet	N/A	
Building Design	requirements of BASIX.		
2.5 - Landscaping	Submission of a Landscape	A Landscape Plan has been provided.	
	Plan.		
2.6 - Weed	Submission of a Weed	N/A. The site is not known to be occupied	
Management	Management Plan.	by noxious weeds.	
2.7 - Erosion &	An Erosion and Sediment	An erosion and sediment control plan has	
Sediment Control	Control Plan (ESCP) shall be	been provided, and conditions regarding	
	prepared and submitted	erosion and sediment control are	
	with a development	recommended.	
	application proposing		
	activities involving the		
	disturbance of the land		
	surface.		
2.8 - Cut, Fill &	Submission of a Cut and Fill	A Cut and Fill Plan has been provided,	
Floor Levels	Management Plan.	showing net cut of 2797 cbm and net fill of	

		2808 cbm; 11 cmb of material is required
		to be imported to the site.
2.9 - Demolition	Details of proposed demolition work.	N/A.
2.10 - Water Submission of a Water		A Stormwater Plan has been provided.
Management	Cycle Management Plan.	
2.11 - Heritage	Consider the impacts of the	N/A. The site does not contain any
Conservation	proposed development	indigenous or non-indigenous heritage
	upon indigenous and non-	items. Further, the site is not located
	indigenous heritage items.	within a heritage conservation area.
2.12 - Retaining	Minimum setback of 0.45m	Details are shown on plans accompanying
Walls	for rear and side	the development application.
	boundaries for retaining	
0.47	walls supporting cut.	
2.13 - Security	Maximize casual	Surveillance and general security
	surveillance opportunities to the street.	measures have not been detailed,
	to the street.	however, passive surveillance within the
		site to entry points and adjoining sites is achievable.
2.14 - Risk	If located in bushfire prone	A Bushfire Assessment Report
Management	land the submission of a	accompanies the development
rianagement	Bushfire Hazard	application and concludes the
	Assessment Report.	development can comply with Planning for
	, p	Bushfire Protection 2019.
	If located within mine	N/A. The site is not located within a mine
	subsidence district	subsidence district.
	requires approval from	
	Mine Subsidence Board	
	(MSB).	
	If sites have potential for	The site is not identified as contaminated.
	existing contamination an	In accordance with Section 4.6 of the
	appropriate assessment	Resilience and Hazards SEPP, the land is
	against SEPP 55 shall be	suitable for the proposed development.
	supplied.	
2.15 - Waste	A detailed Waste	A Waste Management Plan has been
Management Plan	Management	provided.
	Plan (WMP) shall	
	accompany	
	development applications	
	for certain types of	
	development/land uses, as	
	detailed in Table 2.15.1.	

2.16 - Provision of	Availability of water and	Water and electricity are currently
Services	electricity supply.	supplied to the site.
	Sewer	Reticulated sewer can be made available.
2.17 - Work on,	Details of proposed works	The application proposes a vehicular
Over or Near	within public land.	crossing within public land. Conditions
Public Land		regarding this matter are recommended.
	CIAL DEVELOPMENT	
6.4.1 Building Form	and Character	
Design	a) All building facades,	Whilst situated on a battle-axe lot and,
Requirements	including rear and side	therefore, not orientated to the
	elevations visible from a	streetscape, the development involves
	public place or adjacent to	modulation and quality finishes to ensure
	residential areas, shall be architecturally treated to	suitable articulation and presentation.
	enhance the quality of the	
	streetscape.	
	b) Large buildings shall	
	incorporate the following elements to assist in	
	achieving a high quality	
	architectural outcome:	
	i) the provision of vertical	The development application is for a
	and/or horizontal offsets	community facility and has been
	in the wall surfaces at regular intervals,	designed around a central multi-use hall, which although lends itself to a generally
	including columns,	rectangular built form, has incorporated
	projections, and	vertical and horizontal design elements,
	recesses; variation to the	including projections and recesses, as
	height of the building so	well as varying window shapes, to create
	that the building appears to be divided into distinct	a building that appears to be divided into distinct massing elements.
	massing elements;	distillet massing elements.
	ii) articulation of the	The development represents a
	different parts of a	contemporary architectural form that
	building's facade by use	incorporates varying materials (brick,
	of colour, arrangement of	cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing)
	facade elements, or by varying the types of	and design elements.
	materials used; and,	and design cicinents.
	iii) maximising the interior	The development involves a main entry,
	and exterior interactions	as well as various access points to allow
	at the ground level.	for a relationship between the interior
		and exterior of the building.
	c) The main entry to the	The site involves an entry gate to identify
	building shall be easily	the premises from the street; the main
	identifiable from the street	entry is accessible through the front of
	and directly accessible	the building, at a point where both

through the front of the building.

pedestrians and vehicular occupants can easily identify it.

Given the details shown on the plans submitted with the development application are conceptual only, a condition is recommended for more detailed entry gate plans to be submitted to Council for approval prior to the issue of a construction certificate. The entry gate is to be designed in such a way that it does not conflict with waste and service vehicle requirements.

d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment. Side and rear elevations are appropriately treated via modulation and varying materials so as to result in suitable articulation.

e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements. A condition to this effect is recommended.

g) Buildings shall not incorporate highly reflective glass.

A condition to this effect is recommended.

h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings. A schedule of materials and finishes accompanies the development application, and shows the development will comprise of brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing.

j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.

Outdoor display/storage is not proposed.

k) Commercial development shall be designed to address both primary and secondary street setbacks.

The development is for a community facility on a battle-axe allotment.

n) The developer must allocate/set aside adequate space within the development to install a grease trap and mechanical ventilation, for any proposed food premises, in accordance with the Local Water Authorities recommendations and the following Australian Standards

Council's Environmental Health Officer reviewed the development application, as amended, and recommended conditions pertaining to ventilation, airconditioning, food preparation, etc.

The development application was

reviewed by Council's Senior

6.4.2 Car Parking and Access

6.4.2.1 General Requirements

a) Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.

Development Engineer, who raised no objection to the proposed car parking spaces. Nevertheless, a condition is recommended to ensure compliance with Australian Standard 2890 Parking Facilities.

Table 6.4.2.1 does not provide a specific car parking rate for community facilities

b) The minimum car parking rates shall be provided in accordance with Table 6.4.2.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the site and or the nature of the use, additional car parking spaces shall be provided as part of the development.

lable 6.4.2.1 does not provide a specific car parking rate for community facilities. In this regard, it is noted the development seeks consent for a 50 person visitor cap (on a regular basis) and an at grade car park involving 82 sealed spaces, inclusive of four (4) accessible car spaces, in addition to 26 overflow car park spaces, for a total of 108 car parking spaces.

The Traffic Impact Assessment accompanying the development application assumes a car occupancy rate of 2.5 persons. Using the following formula, the applicant's Traffic Engineer concludes 108 spaces are sufficient for the expected peak visitation of 300 person six(6) times a year:

300 patrons X 0.90 modal split for car X 0.40 car occupancy rate = 108 car spaces

c) All car parking spaces that are required under clause 6.4.2.1 b) shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time.

The development does not lock, obstruct or reserve car parking spaces.

d) Commercial development shall be designed to accommodate all related vehicle movements on site such that:

 all vehicles shall enter and exit the site in a forward direction;

AS 2890.1 requires two-way driveways to be designed at a minimum width of 5.5 m with 300 mm clearance from obstructions higher than 150 mm on either side. Accordingly, the proposed two-way driveway section that connects the carpark with Eagleview Road has been designed at >6.1 m width. It is, therefore, satisfied that all vehicles can enter and exit the site in a forward direction.

- ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;
- The site will be serviced by a Heavy Rigid Vehicle (HRV) that is 12.5 m long (for both waste collection and deliveries). At most, one or two trips by an HRV is expected per week. A HRV loading bay is provided within the site it measures 12.5 m long by 3.5 m wide, which complies with the minimum dimensional requirements in AS 2890.2.
- iii) cause minimal interference to the flow of traffic within the surrounding road network: and
- The Traffic Impact Assessment accompanying the development application concludes the proposed development is unlikely to have any material traffic impacts on the surrounding road network.
- iv) safe and convenient access is provided for pedestrians.
- The development provides for suitable pedestrian access, and includes a pedestrian crossing to facilitate uninterrupted access to the main entry of the premises.
- e) A Traffic Impact
 Assessment Report shall be
 prepared by a suitably
 qualified person and
 submitted as part of a
 development application
 addressing the following
 criteria if the development
 exceeds the relevant

A Traffic Impact Assessment accompanies the development application.

	thresholds within SEPP (Infrastructure) 2007.	
6.4.2.2 Loading and Unloading	a) Where practicable, loading bays shall be separated from parking and pedestrian access.	A loading bay is proposed at the rear of the site.
	b) All loading and unloading shall take place wholly within the site.	The development complies. Nevertheless, a condition to this effect is recommended.
	c) No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	The development complies. Nevertheless, a condition to this effect is recommended.
	d) Parking and loading bays shall be provided and clearly identified on site.	The development complies. Nevertheless, a condition to this effect is recommended.
	e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	The Traffic Impact Assessment report includes swept path diagrams of heavy rigid vehicle movements through the site, which show there will be no conflict with car parking.
	f) Each new commercial building/unit having a gross floor area: iii) more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	The development complies.
	g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.	A condition requiring additional landscaping along the boundary of the loading area is proposed, to ensure it is suitably screened from adjoining sites.
6.4.2.3 Access for People with Disabilities	a) Commercial development shall comply with the minimum access	Conditions pertaining to this matter are recommended.

	requirements contained within the BCA, the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	
	b) Notwithstanding Clause 6.4.2.2 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).	The development involves an at grade car park involving 82 sealed spaces, inclusive of four (4) accessible car spaces, in addition to 26 overflow car park spaces, for a total of 108 car parking spaces. The number of accessible car parking spaces are based on the 82 main car parking spaces only. However, accessible car parking spaces are to be provided with respect to the total number of car parking spaces. On this basis, six (6) accessible spaces are required. A condition to this effect is recommended.
6.4.4 Landscaping	a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new development.	The DA is accompanied by a Landscape Plan. Council's Environmental Officer has reviewed the Plan and recommends conditions regarding tree species and tree pot sizes.
	c) All landscaped bays shall be a minimum 2 metres wide and allow for deep soil planting.	The development complies.
	d) Landscaped areas shall be separated from driveways and car parking areas by a suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.	A condition to this effect is recommended.
	e) Landscaped area at ground floor level shall be incorporated within the car park at all the outer edges of car parking bays.	The development includes landscaping at all outer edges of the car parking bays.
L	1	

	f) High canopy trees shall be used to allow for clear lines of sight within car parking areas and to internal site access pathways.	The development complies.
6.4.5 Residential Interface	a) Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	The proposed community facility is setback 23 m from the adjoining site to the north west, 22 m from the adjoining site to the north east, and 11m from the adjoining site to the south west.
	b) Loading areas, driveways, waste storage areas and roof top equipment shall not be located adjacent to residential development.	Subject to compliance with the recommended conditions of consent, the loading area and waste storage area shall be appropriately screened from adjacent residential land uses.
	c) Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential premises.	Conditions pertaining to food preparation and ventilation are recommended.
	d) External lighting shall be positioned to avoid light spillage to adjoining residential development.	A condition to this effect is recommended.
	e) An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.	The DA is accompanied by a Noise Impact Assessment which concludes that based on the predicted noise levels, the proposed community facility is predicted to satisfy the relevant acoustic requirements of the EPA Noise Policy for Industry 2017 and Protection of the Environment Operations Act 1997.
6.7 Commercial Waste Management	a) Commercial development shall make provision for an enclosed onsite waste and recycling area that has adequate storage to accommodate the volume of waste and recycling generated at the development.	Plans accompanying the DA depict an onsite waste/recycling area at the rear of the premises.

- b) The waste storage area shall:
 - i) be no more than 30 metres from the point of collection;
 - ii) contain a hose connection:
 - iii) have an impervious floor that is connected to the sewer;
 - iv) be adequately ventilated;
 - v) incorporate appropriate design and construction materials (including colours and finishes) which complement the development;
 - vi) be appropriately screened from public view by a visual barrier of at least 1.5m high;
 - vii)provide an opening sufficient to allow egress of the maximum sized bin to be used at the development; and
 - viii) Ensure that the path for wheeling bins between the waste storage area(s) and the collection point is free of steps and kerbs and has a maximum gradient of 1V:8H.
- e) The development must be designed in such a way that an Australian Standard heavy rigid vehicle can provide waste collection services to the development. If on-site servicing is required, the site plan and layout shall consider how heavy rigid vehicles can access and move around the development, and make appropriate provisions for this to occur safely. All

The development application was reviewed by Council's Environmental Health Officer who recommends conditions regarding the construction and operation of the waste storage area.

In terms of collection, the applicant has noted in their Waste Management Plan that a private waste contractor will be engaged to collect and dispose of waste generated on site.

The Traffic Impact Assessment report includes swept path diagrams of heavy rigid vehicle movements through the site.

waste and recycling
generated from the business
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.

ATTACHMENT - PUBLIC PARTICIPATION RESPONSES

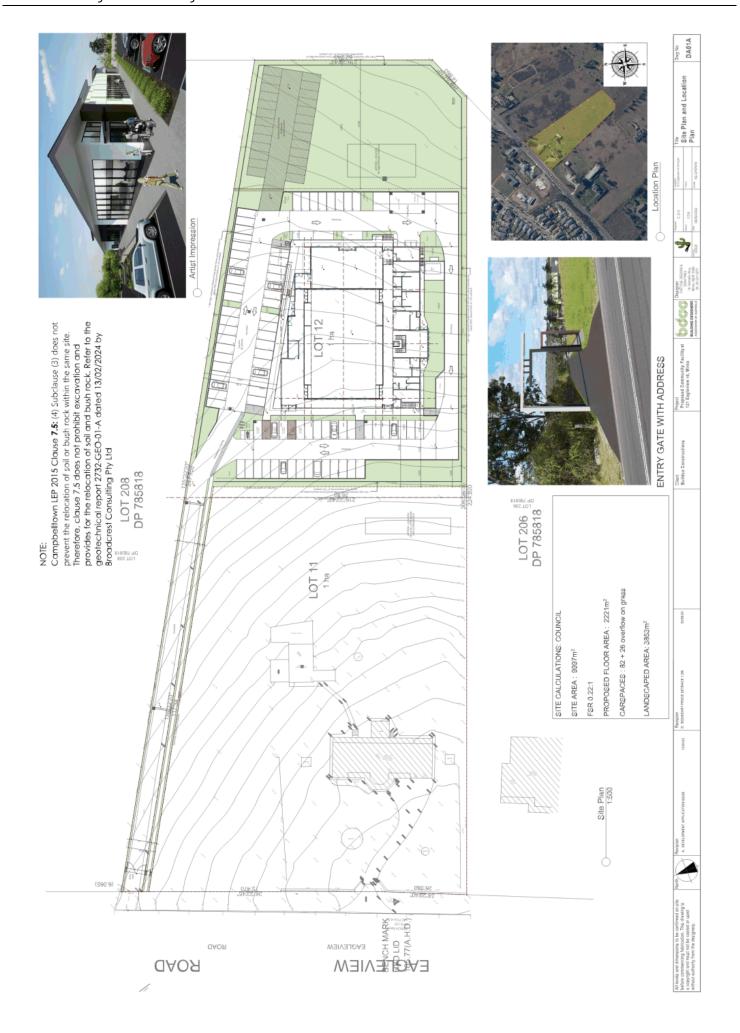
Issue	Comment
Traffic impact	A concern was raised with the proposed development and its impact on the local road network. In this regard, it is noted the application is accompanied by a Traffic Impact Assessment prepared by Fernway Engineering. The Report concludes the car park demands at peak visitation (capped at six times a year) will reach 108 spaces, which the development provides. This is based on a car occupancy rate of 2.5 people per vehicle. In terms of the development's relationship with the local road network, the Traffic Impact Assessment states that day-to-day traffic generated from the development will be sporadic and immaterial, and that during peak visitation (which will only occur six times a year), any increase in traffic will be outside general traffic peak periods and moderated by there being two routes to the site, one from the south and one from the north. Based on the conclusions of the Traffic Impact Assessment, it is considered the development is suitable from a traffic perspective.
Acoustic impact	A concern was raised with the proposed development and its acoustic impact. It is noted the development application was accompanied by a Noise Impact Assessment prepared by Broadcrest Consulting Pty Ltd. A site inspection was carried out by Broadcrest on the 31 March 2023 which involved a visual assessment of the site and identification of noise producing nodes. A noise logger was set up to record the ambient noise levels for seven days. Based on the predicted noise levels, the proposed development has a low risk of impacting nearby receptors. It was further noted that the noise level generated by any mechanical equipment including air conditioning must not exceed an LAeq(15min) of 5 dB(A) above background noise at the property boundary. Overall, the Noise Impact Assessment concludes the proposed community facility is predicted to satisfy the relevant acoustic requirements of the EPA Noise Policy for Industry 2017 and Protection of the Environment Operations Act 1997 without the need for further acoustic treatments.
Public interest	A concern was raised as to whether the proposed development is in the public interest. In this regard, it is noted the proposed facility is to be operated by Bondhon Initiatives Minto Inc, a non-profit community organisation registered with the Australian Charities and Not-for-profit Commission. Bondhon Initiatives Minto Inc was formed primarily to support the local Bangladeshi community by providing facilities from which culturally focused activities, physical/sporting facilities and education could be delivered. In this regard, the development is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community. Accordingly, it is

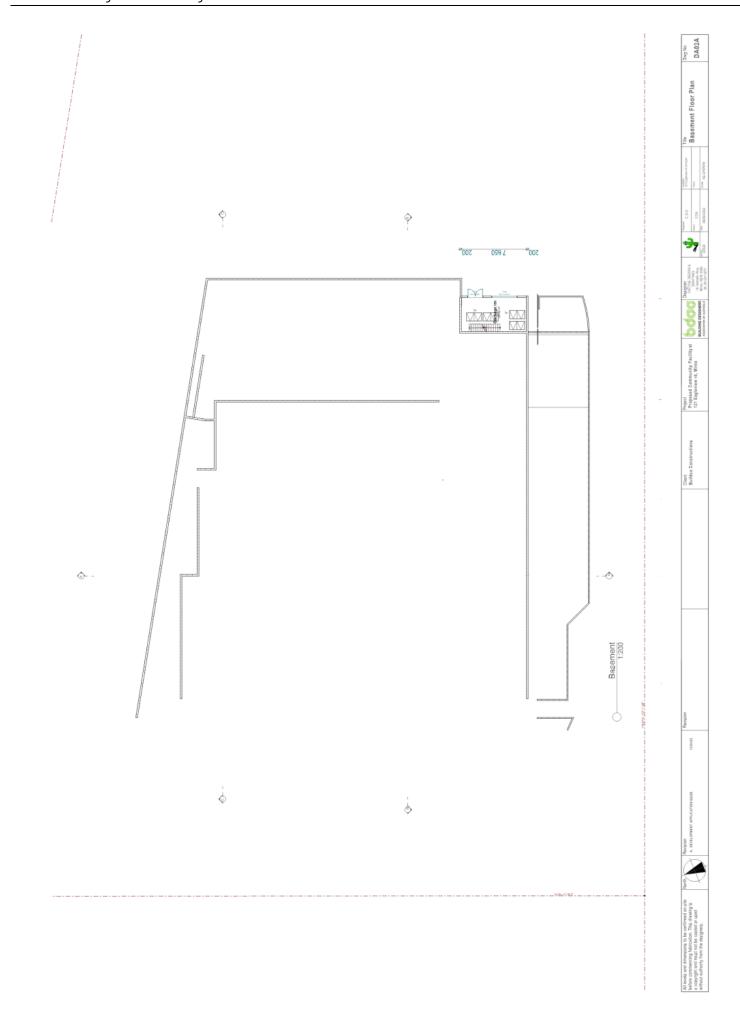
Issue				Comment
				considered that approval of the proposed development would be in
Obi ti	- £	41	07	the public interest.
Objectives zone	OT	tne	U4	A concern was raised regarding whether the proposed development is consistent with the objectives of the C4 Environmental Living zone under the Campbelltown Local Environmental Plan 2015, particularly with regard to providing for low impact residential development and conserving the rural and bushland character of land that forms the scenic eastern edge of the Campbelltown's urban area.
				Whilst it is acknowledged some of the objectives of the C4 zone speak to residential development only, the land use table in the Campbelltown Local Environmental Plan 2015 allows for non-residential land uses in the C4 zone, including community facilities. The following objectives apply to non-residential land uses:
				To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.
				Planners comment: The development seeks to maximise the development potential of the site with regard to current standards and controls and balances contemporary built form with landscaping to respect the rural character of the locality.
				To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
				Planners comment: As a non-residential land use, it is considered the development has responded suitably to the topography of the site, noting it's compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015.
				To maintain significant stands of native vegetation and wildlife and riparian corridors.
				Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015. Further, the site is currently vacant and cleared of vegetation.
				To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.
				Planners comment: As above.
				On this basis, it is considered the development is consistent with the relevant objectives of the C4 zone.

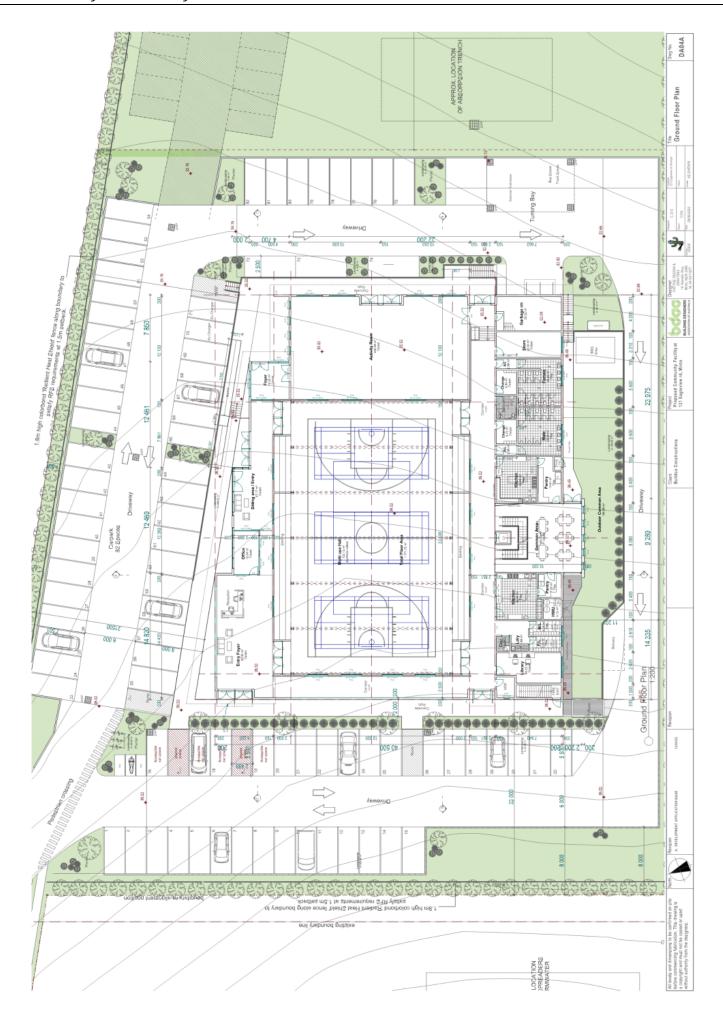
Issue	Comment
Land use definition	A concern was raised regarding whether the development meets the definition of community facility as provided in the Campbelltown Local Environmental Plan 2015, and whether it may be used as an educational establishment, place of public worship, entertainment facility, or recreation facility (indoor). In this regard, the following is noted:
	Education establishment
	An education establishment is defined in the Campbelltown Local Environmental Plan 2015 as follows:
	educational establishment means a building or place used for education (including teaching), being— (a) a school, or
	(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act
	The development application does not seek consent for the use of the site as a school or tertiary institution, nor is it considered the Plan of Management submitted with the development application details activities that would be commensurate with such land uses.
	Place of public worship
	A place of public worship is defined in the Campbelltown Local Environmental Plan 2015 as follows:
	place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.
	The development application does not seek consent for the use of the site as a place of public worship. Whilst the Plan of Management submitted with the development application refers to periodic cultural and religious festivals, they will be capped at six events per annum and will not characterise the day-to-day use of the premises.
	Entertainment facility
	An entertainment facility is defined in the Campbelltown Local Environmental Plan 2015 as follows:

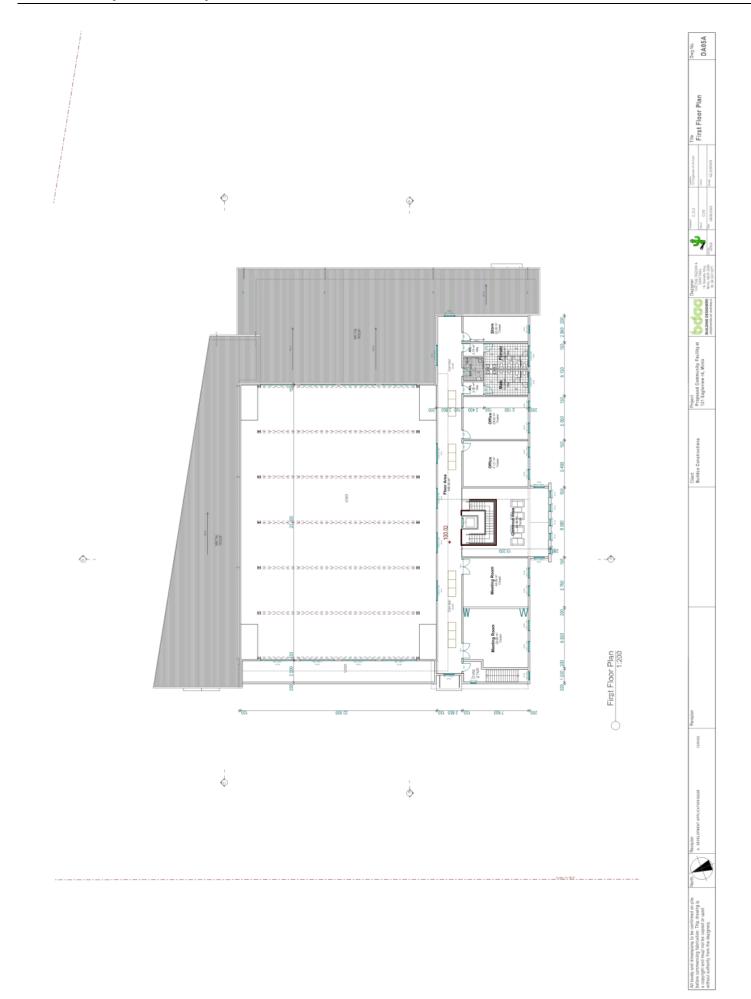
Issue	Comment
	entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.
	The development application does not seek consent for the use of the site as a theatre, cinema, music hall, concert hall, dance hall or the like.
	Whilst it is acknowledged the Traffic Impact Assessment submitted with the development application refers to the car parking rates for entertainment facilities to justify the amount of car parking proposed, it should be noted this characterisation of the proposed land use is incorrect; rather, it should be viewed as an attempt to reference suitable car parking rates given the Campbelltown (Sustainable Cities) Development Control Plan 2015 does not specify car parking requirements for community facilities.
	Recreation Facility (Indoor)
	A recreation facility (indoor) is defined in the Campbelltown Local Environmental Plan 2015 as follows:
	recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.
	The development application does not seek consent for the use of the site as a recreation facility (indoor).
	Reference was made to the prominence of the central multi-use hall and whether such a hall would characterise the proposed development as a recreation facility (indoor). Whilst the physical prominence of the multi-use hall is noted, it is unreasonable to equate physical prominence in this instance with land use dominance; a multi-use hall by its very nature is larger than an office, library or kitchen. It is satisfied sporting activities comprise only one function of the proposed community facility and that they do not form a dominant use in their own right.
Earthworks	A concern was raised with the extent of earthworks proposed as part of this development application. In this regard, it is noted the development seeks to generally balance cut and fill (net cut 2797 m3, net fill 2808 m3); 11 m3 of material is required to be imported to the site. It is not considered that the earthworks will detrimentally impact surrounding sites.

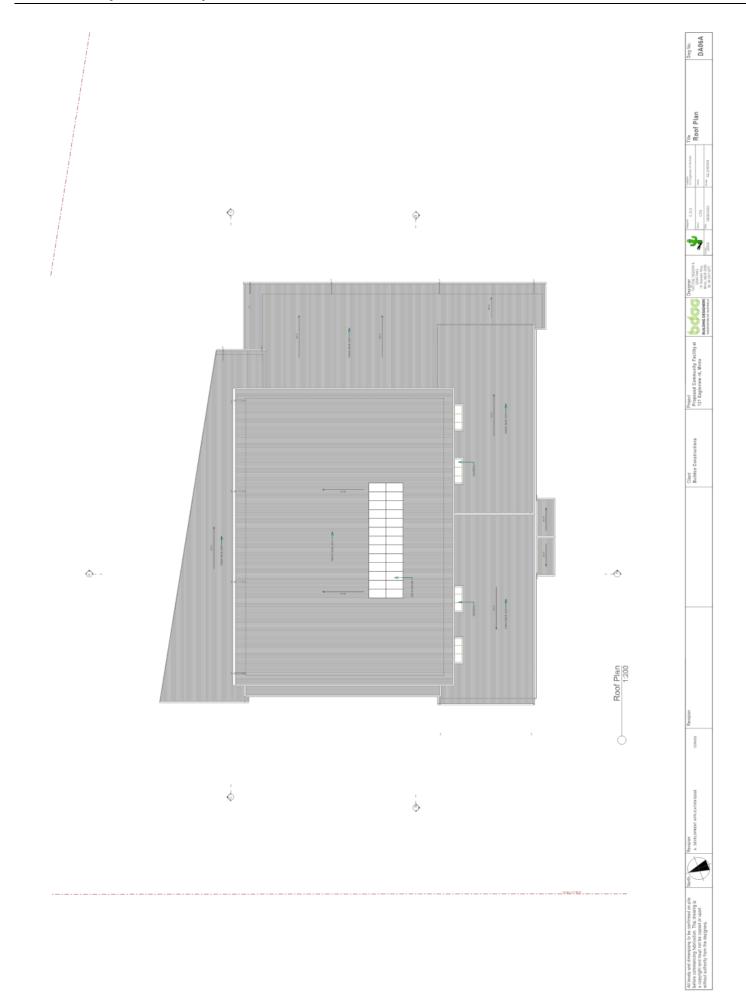
Issue	Comment
Preservation of wildlife habitat	A concern was raised with the preservation of the natural environment. In this regard, the following is noted:
	The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015. Further, the site is currently vacant and cleared of vegetation.
	The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries.
	Subject to compliance with the recommended conditions of consent, it is unlikely the proposed development will have an adverse impact on wildlife habitats or local waterways.
Road maintenance	A concern was raised with the cost to maintain Eagleview Road.
	It is noted Eagleview Road is a public road, owned and maintained by Campbelltown City Council. Roadworks are undertaken periodically, in response to road surface conditions. Any damage to the road surface during the construction phase of the development is required to be repaired by the applicant, at their expense, to Council's satisfaction. It is not expected that the ongoing operation of the community facility will have a direct, detrimental impact on the condition of the road surface.
Drainage	A concern was raised with drainage.
	It is noted that a condition is recommended to ensure a Section 73 Certificate is obtained from Sydney Water prior to the issue of an occupation certificate, confirming that the development is connected to water and sewer. Further, the proposed stormwater system has been assessed by Council's development engineer, and it is recommended the absorption trench is replaced with a level spreader. Subject to compliance with the recommended conditions of consent, the proposed stormwater and drainage system shall comply with Council's Engineering Design Guide for Development.

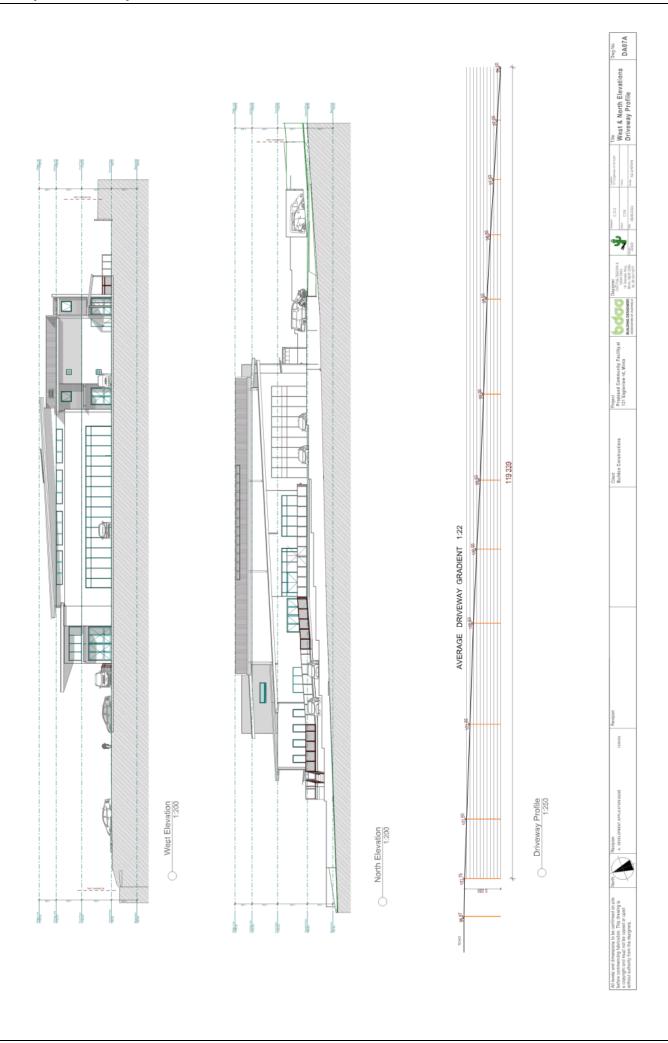


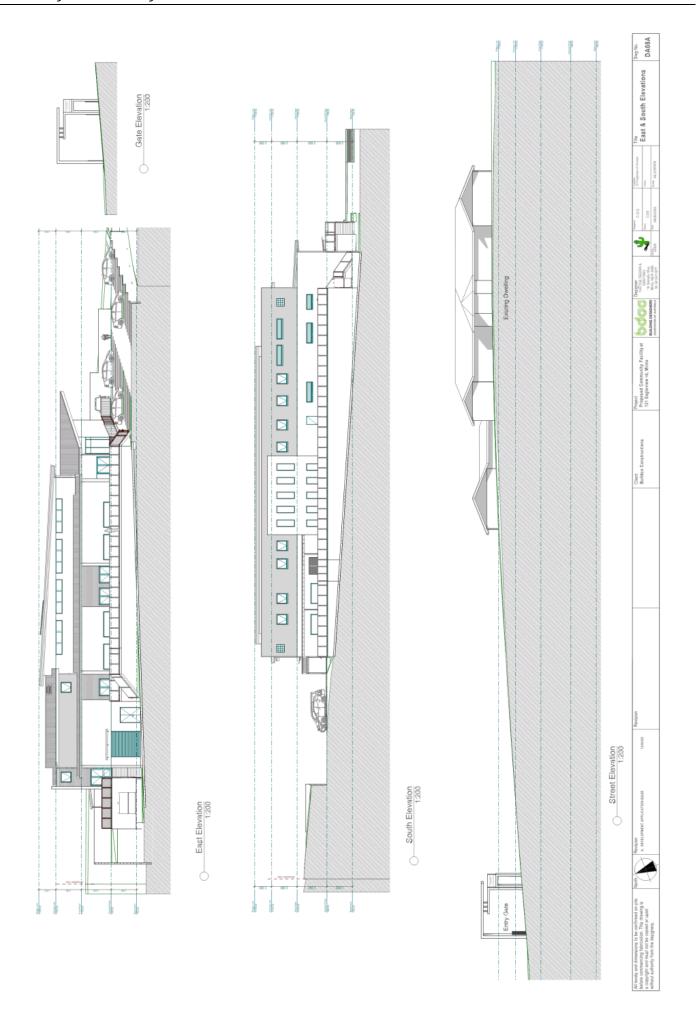


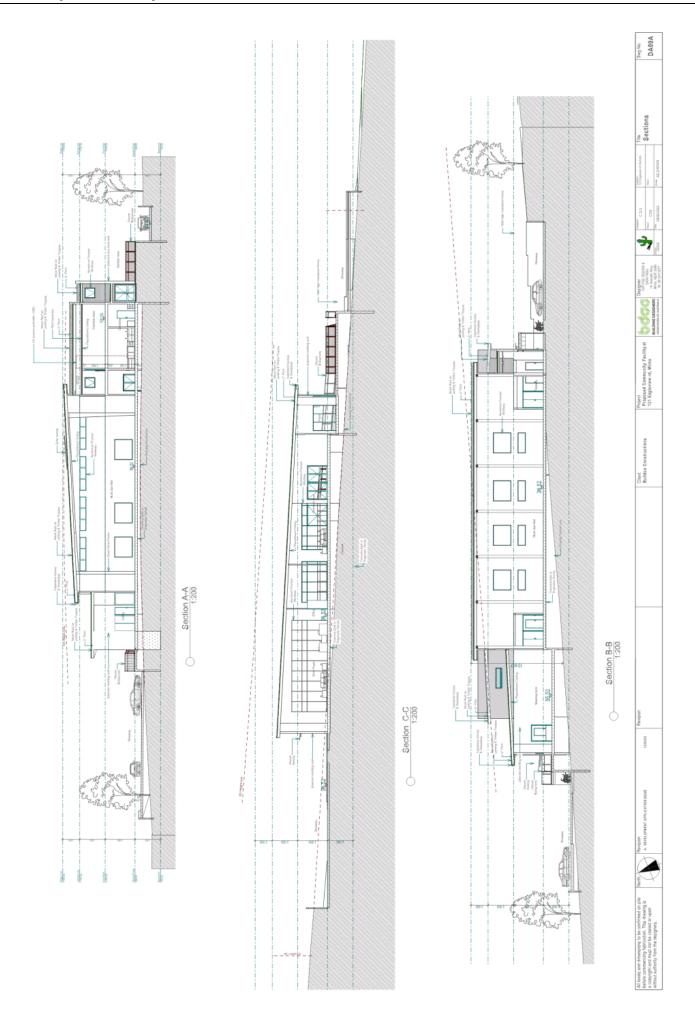


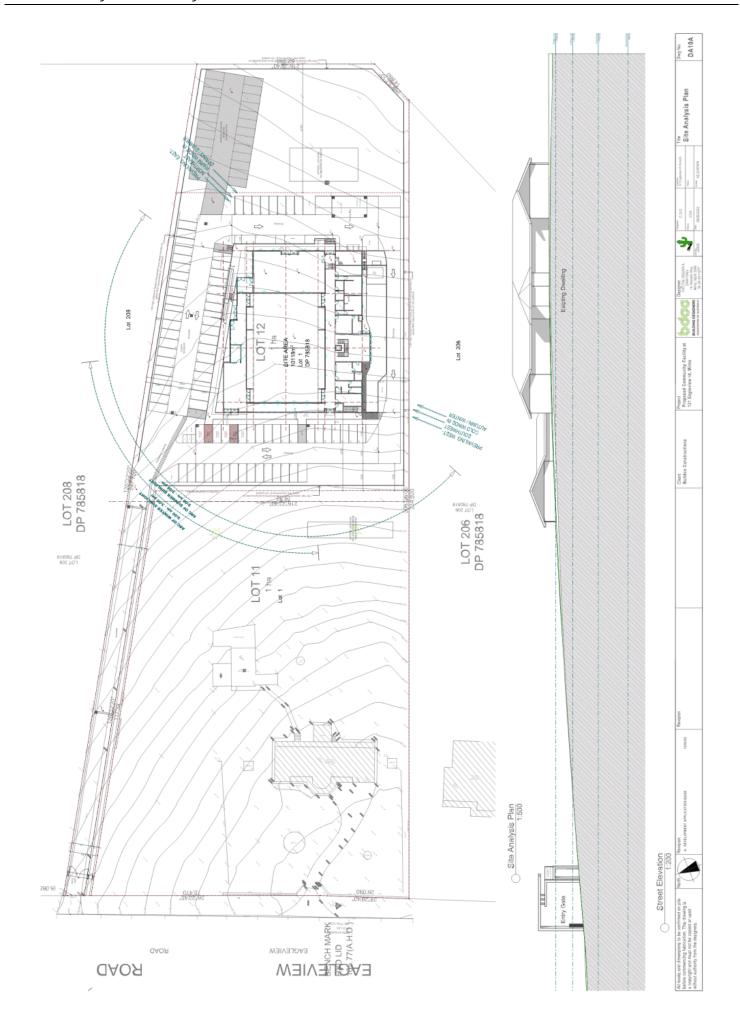


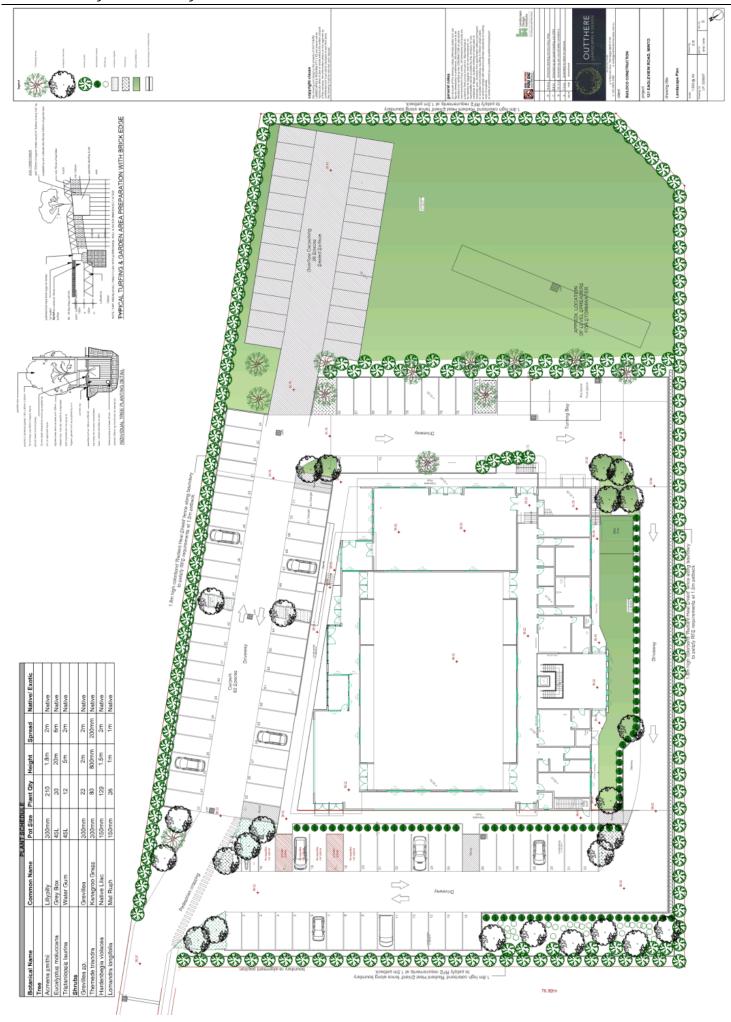


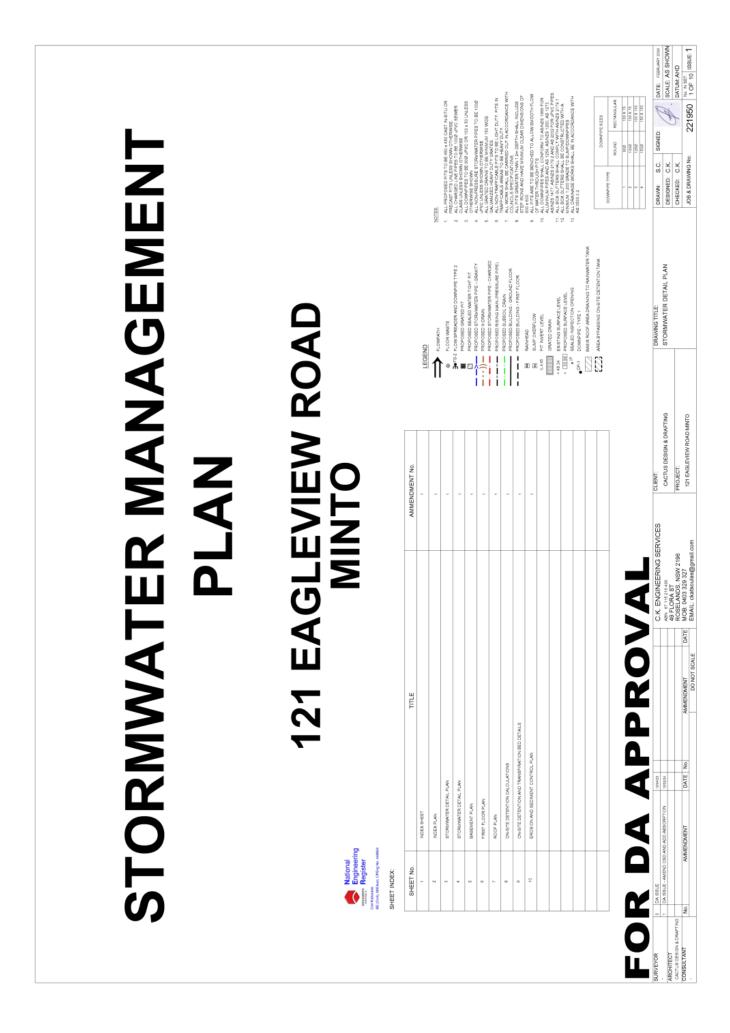


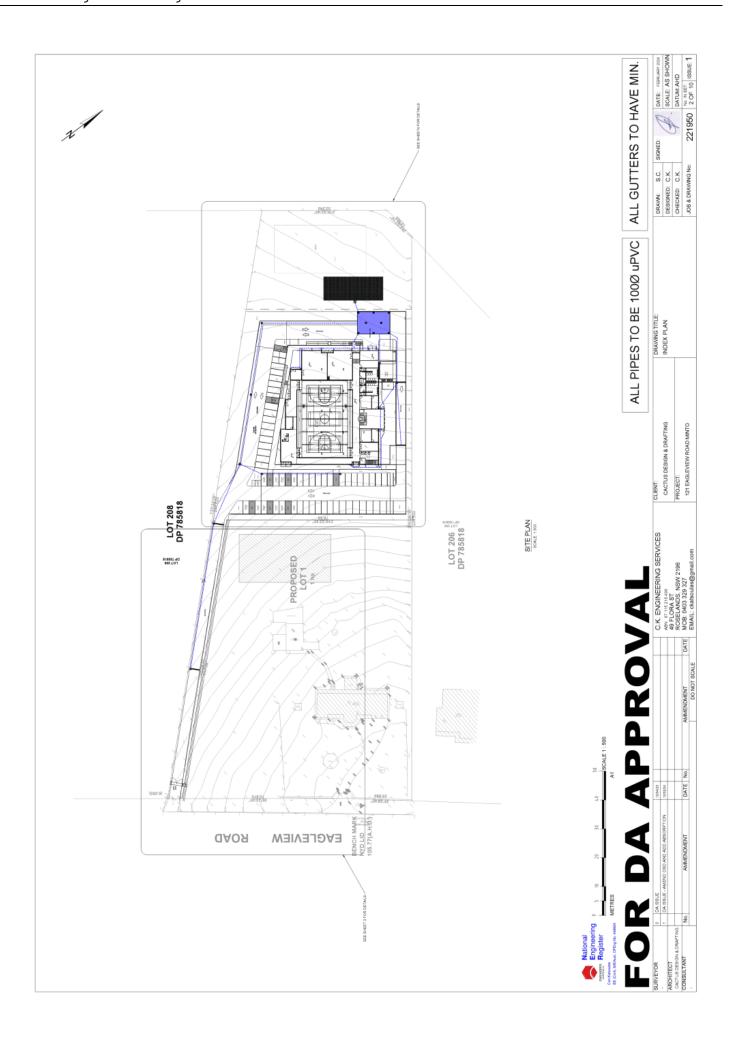


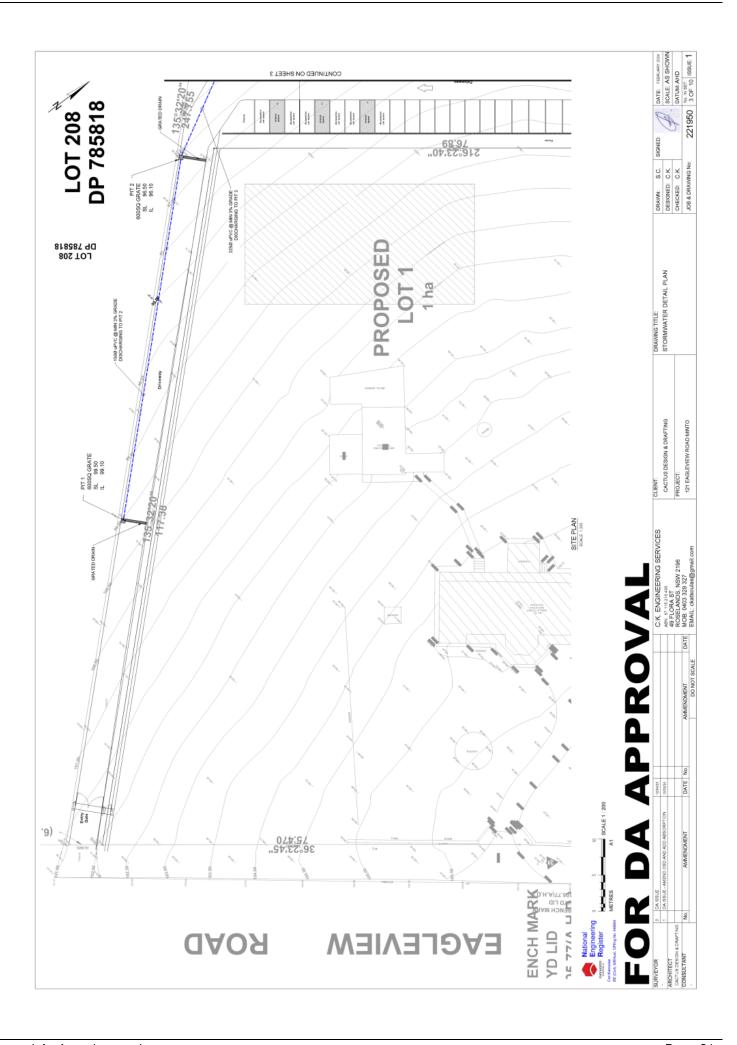


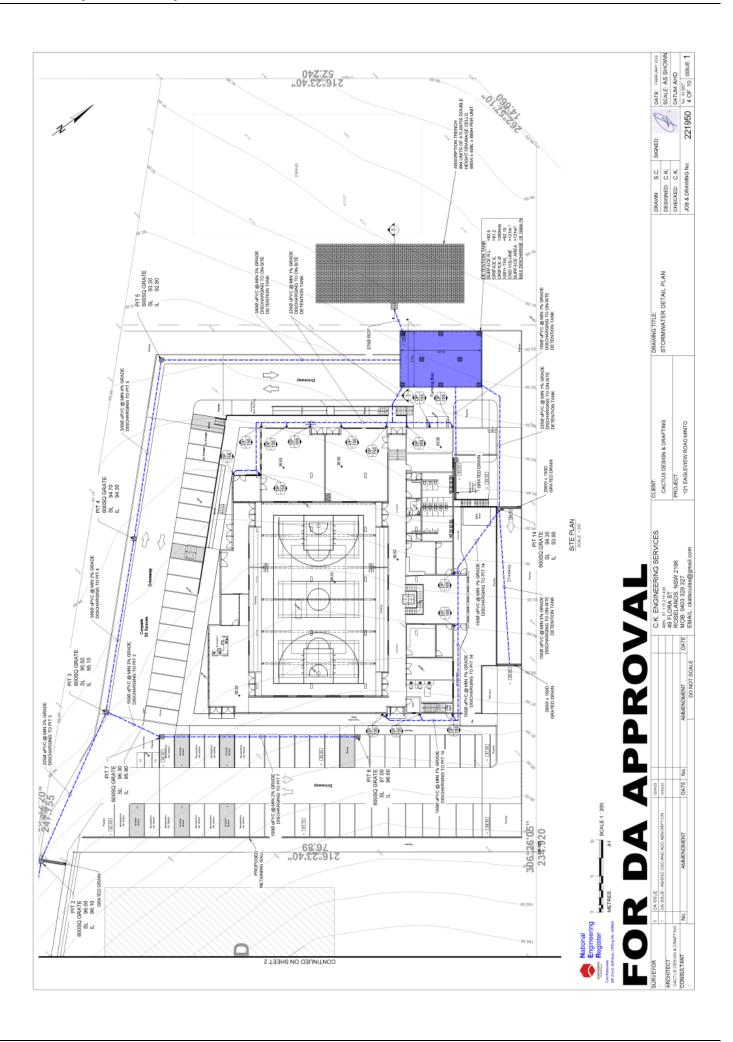


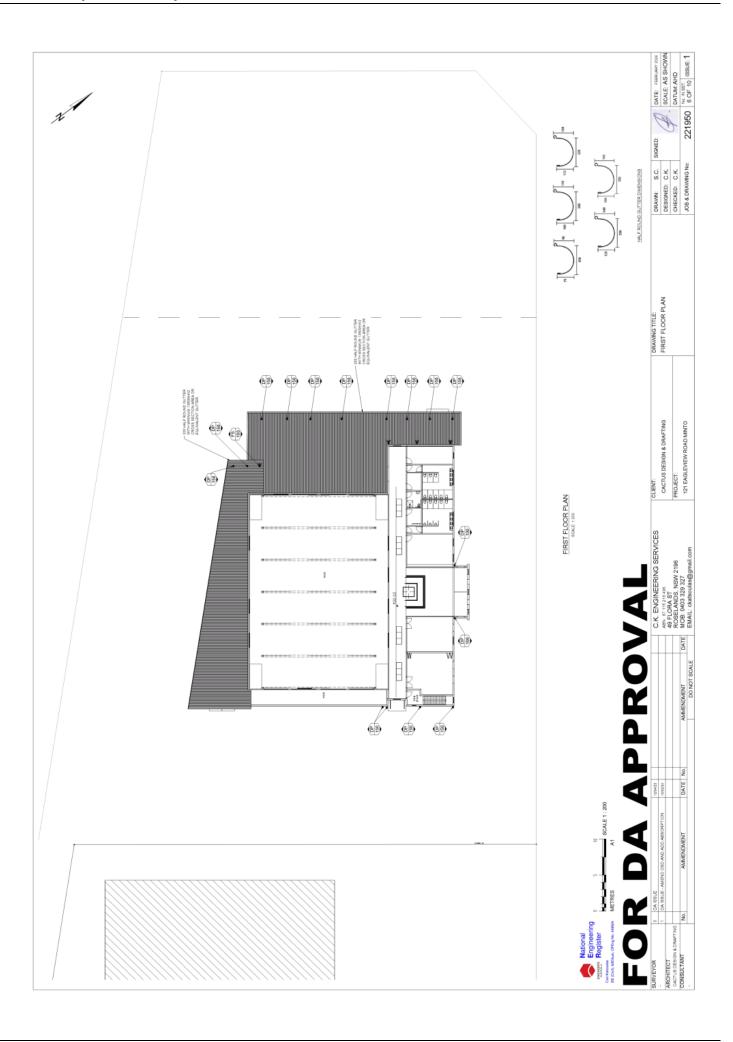


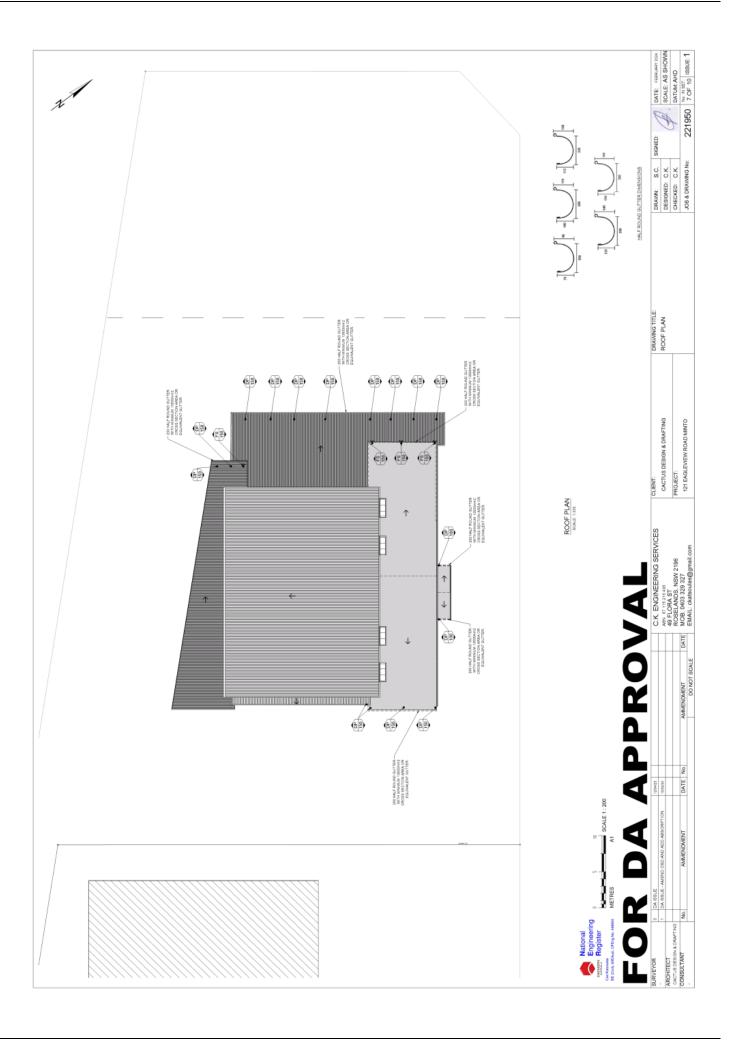


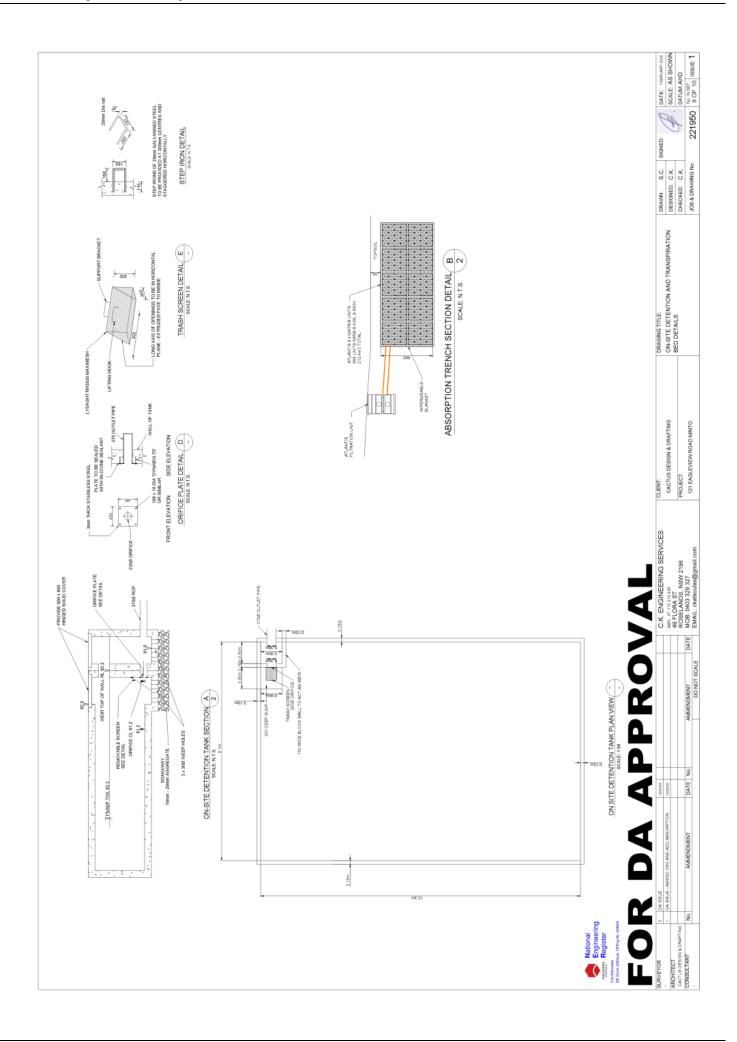


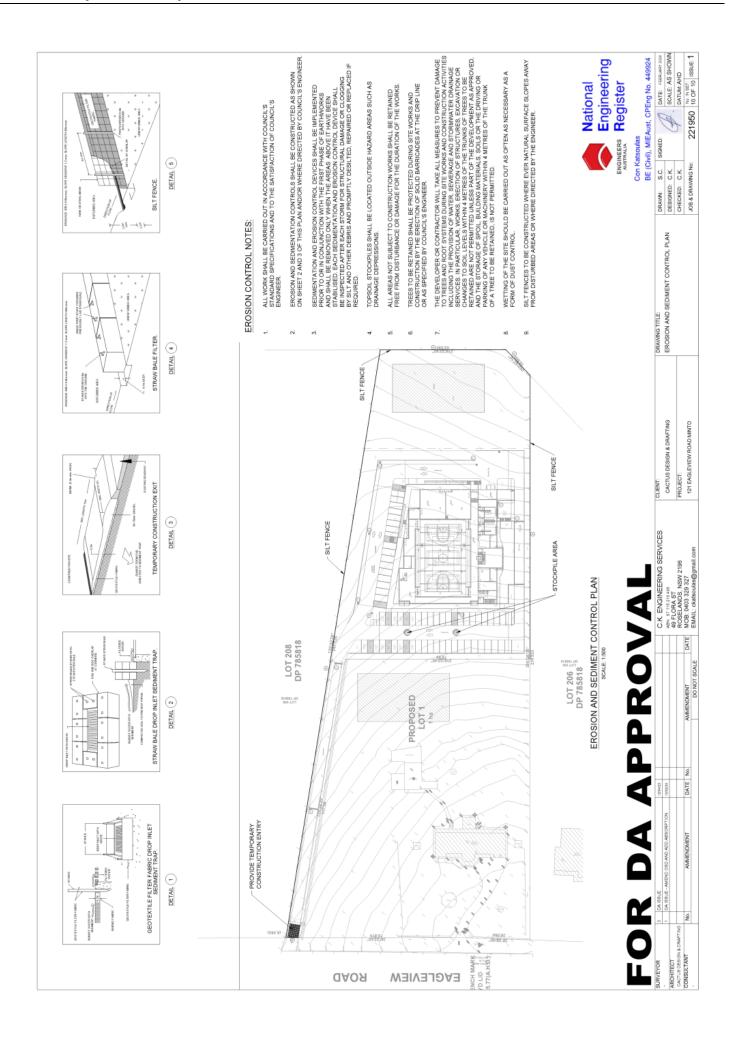


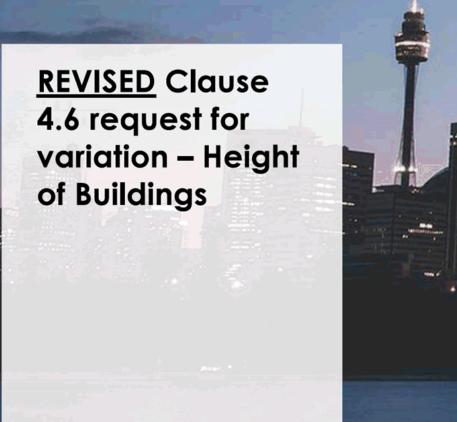












Lot 12, DP.1302331

121A Eagleview Road,

MINTO NSW 2566

This report has been prepared in support of the proposed Community Facility

22 May 2024





This report was prepared by and approved for release by Gilbert de Chalain.

Haskew de Chalain

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1 Introduction

This request has been prepared as the Applicant's Written Request for Variation to a Development Standard and is made in accordance with the provisions of clause 4.6 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

The Campbelltown Local Environmental Plan 2015 prescribes a maximum height of buildings development standard relevant to this proposal of 9 m. The project architect has provided plans and details showing the maximum height being exceeded over a minor portion of the uppermost level. The most significant exceedance is 1.677 metres as shown on the figure below.

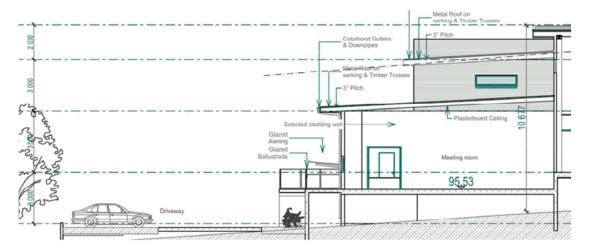


Figure 1: Section showing maximum height exceedance of 1.677m

This Request for Variation is made in respect of a proposed community facility development with a total floor area of 2221 sqm comprising:

- Multi use hall/sporting court;
- Offices and meeting rooms;
- Library and study spaces;
- Common areas and kitchen facilities;
- · Change rooms and toilet facilities; and,
- at grade car parking.

The subject site is officially described as Lot 12, DP.1302331, otherwise known as 121A Eagleview Road, MINTO NSW 2566. The proposed community facility will occur on C4 Environmental Living zoned land.

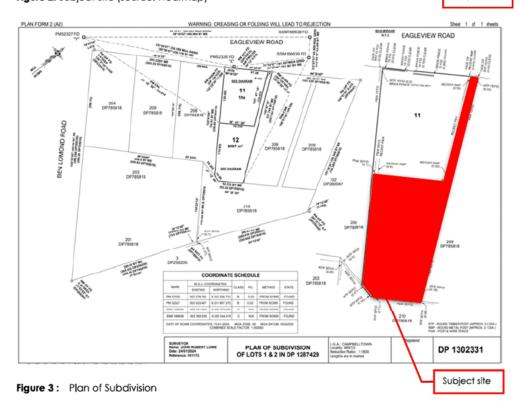
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Community facilities are permitted in this zone. The newly created allotment is vacant with no trees of vegetative significance. Reference should be made to figures 1-3 and site survey.



Figure 2: Subject Site (source: NearMap)



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The Request for Variation has been generally set out in accordance with the structure recommended by the Department of Planning in its publication entitled Varying Development Standards – A Guide.

In brief terms, this variation request says that:

- The extent of proposed non-compliance is not so significant as to have any demonstrable impacts
 on the intended scale of development appropriate to the locality; and,
- The portion over height standard does not create additional undesirable visual impact, disruption
 to views, loss of privacy and loss of solar access to existing and future development and to the
 public domain.

The proposed HOB is in the public interest because it is consistent and compatible with:

- the objectives of the HOB development standard; and,
- the objectives for development within the zone in which the development is proposed to be carried out.

Requiring strict compliance with the HOB development standard is unreasonable in the circumstances of the case. This is because:

- the relevant objectives of both the zone and standard are achieved notwithstanding noncompliance with the standard; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

1.1 SITE CONTEXT

The subject site is located within the suburb of Minto, within a C4 Environmental Living Zone, approximately 850m west of Minto Mall and 1.6 km from Minto Railway station. To the Northwest of the site is a R2 Low Density Residential Zone. Directly adjoining the subject site and on the North western side of Eagleview Road are larger lot residential developments.

Approval for the subdivision of the subject site has recently been issued. There are no existing structures upon the newly created lot. Residential development, in the form of a dwelling house is located upon the original allotment (noting this is now a new, separate allotment).

The site's location ensures that prominent vantage points toward the site are mainly limited to views from neighbouring residential premises. Views of the site from the public domain are limited due to the proposed development being located deep within a battle-axe lot. In essence, views to the site is enjoyed from a small catchment of viewpoints with little to no visibility of the site from Eagleview Road for passers-by.

The resultant design of the community facility has respected this semi-rural and human influenced, character of the locality. Positioning the building deep within a battle-axe lot provides for a substantial front setback from Eagleview Road and a single, entry point, echoes the interface that currently exists

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between properties and the Road. The single-entry point also minimises vehicular interference into the site and on traffic flow of Eagleview Road.



This development proposal is considered to be a complementary and modern addition to the area in which it sits. As demonstrated in the architectural package, the proposed building heights and setbacks of the proposed building will enable development that is suitably separated from development over adjoining sites.

The proposal is fully detailed in the architectural drawings, Operational Plan of Management and expert reports accompanying this application.

The most significant site opportunity presented to the subject site is the fact that it is a newly created battle-axe lot enabling the retention of the existing dwelling fronting the street. The retention of the exiting dwelling means that impact upon street level character is minimised by delivering minimal change to the existing Eagleview Road streetscape.

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2 The Request for Variation

This Clause 4.6 variation has been submitted to assess the proposed non-compliance with the Height of Buildings (HOB) standard provided under Clause 4.3 of the CLEP2015. A maximum HOB of 9.0 metres is applicable to the site.

This proposal has a maximum building height of 10.677 m. The maximum exceedance in building height is therefore 1.677m

The Request for Variation has been generally set out in accordance with the structure recommended by the Department of Planning in its publication entitled Varying Development Standards – A Guide.

Clause 4.6 of CLEP 2015 allows for variation to development standards. Components of Clause 4.6 relevant to the preparation of a Request for Variation are:

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note-

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)

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- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note-

When this Plan was made it did not include all of these zones.

- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(ba) clause 4.1D, 4.2A, 4.2B or 4.2C,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.2.

Clause 4.3 is not identified as being excluded from the operation of clause 4.6. Therefore a request to vary the development standard may be made by the applicant.

What is the name of the environmental Planning instrument that applies to the land?

Campbelltown Local Environmental Plan 2015.

What is the zoning of the Land?

The subject site is zoned C4 – Environmental Living.

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What Are the objectives of the zone?

The objectives of the zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To maintain significant stands of native vegetation and wildlife and riparian corridors.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

It is considered that the proposed community facility, while not residential will not prevent the satisfaction of the relevant zone objectives. That is, this proposal, being located upon a newly created allotment within an existing residential living zone, without any special ecological, scientific or aesthetic values will not cause an adverse impact on special ecological, scientific or aesthetic values. Furthermore, being a development proposal contained to a newly created battle-axe lot, this proposal will not impact upon the rural and bushland character. This proposal is located so as to have no impact upon scenic value nor located on prominent ridgeline. Land clearing is not required, hence no impact upon significant stands of native vegetation, wildlife or riparian corridors. The land is not mapped as being environmentally significant and/or environmentally sensitive land.

Furthermore, The Land and Environmental Court has considered numerous matters relevant to the determination of character and whether development is compatible with said character of the local area. In fact, there are clearly established planning principles that should be considered when examining compatibility of a development proposal with the character of a local area.

We argue that the understanding of rural landscape character is formed by a visual consideration of the landscape when viewed from the obvious vantage points, for instance, when viewed from Eagleview Road and then the question that should be posed by the observer is "what are the dominant characteristics within the landscape that forms ones understanding of rural landscape character and then making an informed judgement on the development's compatibility with the rural landscape character noting that Roseth makes the salient point in that "compatibility does not mean the same".

The key is to "respond to the essential elements that make up the character of the surrounding urban environment" and "the most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by <u>building height</u>, <u>setbacks and landscaping</u>"

In this regard, reference should be made to the architectural plans, landscape plan and images providing a visual assessment that accompanies this application and then consider if the proposed building design, building positioning and landscape treatments of the entire development suggests an appropriate relationship to character.

At street level, along Eagleview Road particularly, in the vicinity of the subject site, the dominant contributor to character is open, cleared front yards; driveways leading into large lots and some bordering lower density residential development. There is a sense of space. For residential development with views towards the subject site and locality, the dominate view is one of open

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cleared larger sized back yards and the occasional outbuilding building as demonstrated in the figure below.

Therefore, if a development was to be compatible with the rural landscape character, it need not be the "same" but should sit comfortably within the landscape. It should respond to the essential elements that make up the character, that is, the relationship of the proposed built form to elements such as building height, setbacks and landscaping.

In this regard, the site topography has been used effectively to mask the proposed community facility building when viewed from Eagleview Road. By setting the proposed development well back from the street, the natural fall of the land means that the proposed building is not the dominant feature, rather the dominant view will be an entrance gate/entrance treatment. Glimpses of the proposed building will not be obtrusive or jarring as building is not excessive in height, set well back from the street and "light" in design. While contemporary in design, the building design has considered design cues from other buildings in the locality and represented this in proposed materials and finishes.

Neighboring residential development will have views to the proposal sitting within a large expanse of land, not out of character when compared to other larger lot residential developments in the locality. While visually present, the question is whether the proposed development is compatible, or sits well within the landscape. In this regard, one needs to consider the dominant form or characteristic of the proposal and this is a larger detached building surrounded with open space, car parking and formal landscaping. The landscape treatment will ensure that views to the proposal are "softened". This proposal does not seek to hide the proposal completely, but introduce landscape treatment, site arrangement (setbacks, spacing and building location) and building design so that if the proposal is viewed from vantage point, the view across the existing landscape will not be disturbed by an incongruent development.

It is argued that the development site, being a large battle-axe lot, providing significant separation distances from adjoining residential development enables a development of the land that does not compromise the amenity of the surrounding area.

There is no doubt that development of the subject site as indicated in this application would satisfy the relevant zone objectives.

What Is the Development Standard Being Varied?

The subject Request for Variation relates to the maximum height of building standard pursuant to clause 4.3(2) of the CLEP2015. Therefore, the proposed development seeks exception to the 9.0m HOB standard.

What are the objectives of the Development Standard?

(a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,

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- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment 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.

With respect to the objectives of the development standard it is argued that this proposal satisfies the objectives. That is, while an exceedance in height is proposed the subject site is of proportions to enable significant building separation so as to not give rise to undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

What is the Numeric Value of the Development Standard in the Environmental Planning Instrument?

Clause 4.3 prescribes a maximum HOB of 9.0 m by reference to the HOB map.

What Is the Numeric Value Of The Development Standard In The Development Application?

The maximum height proposed of the building roof elements is 10.677 metres which exceeds the permitted building height by 1.677 m

What is the percentage variation between the proposal and the environmental planning instrument?

The maximum variation is 18.6 %.

The proposed maximum building height exceedance is confined to a small portion of the upper roof form. The site exhibits a cross fall west down to east, and the exceedance in height is not uniform. The following height blanket diagram graphically depicts the location and extent of non-compliance.

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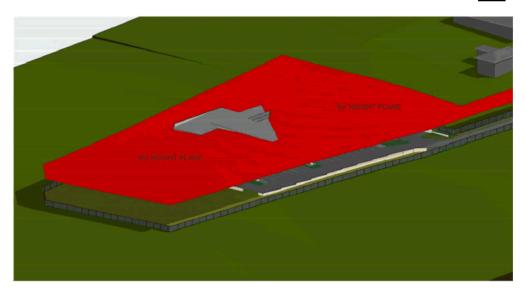


Figure 5: 3D height blanket diagram – 9 metres above existing ground level

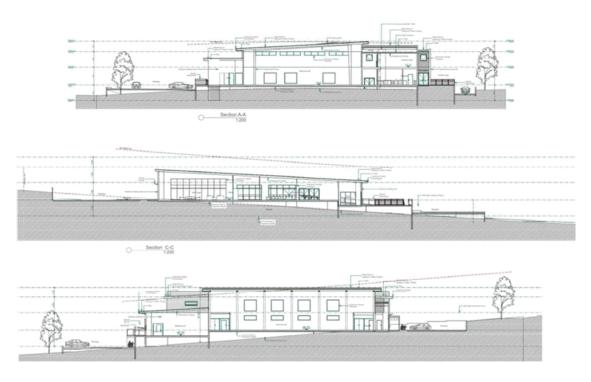


Figure 6: Sections depicting maximum building height

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Whilst the NSW Department of Planning and Environment includes a requirement to identify the percentage variation in its *Guide to Varying Development Standards* there are a number of case law examples that demonstrate that there is no constraint on the degree to which a consent authority may depart from a numerical standard.

The following examples relate to Floor Space Ratio and Height of Buildings development standards and assist in demonstrating that the degree of exceedance alone is not determinative in assessment of a Request for Variation to a development standard.

Clause 4.6 of the LEP is in similar terms to SEPP 1. Relevantly, like SEPP 1, there are no provisions that make necessary for a consent authority to decide whether the variation is minor. This makes the Court of Appeal's decision in Legal and General Life equally applicable to clause 4.6. This means that there is no constraint on the degree to which a consent authority may depart from a numerical standard.

Some examples that illustrate the wide range of commonplace numerical variations to development standards under clause 4.6 (as it appears in the Standard Instrument) are as follows:

- (a) In Baker Kavanagh Architects v Sydney City Council [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.
- (b) In Amarino Pty Ltd v Liverpool City Council [2017] NSWLEC 1035 the Land and Environment Court granted development consent to a mixed use development on the basis of a clause 4.6 request that sought a 38 per cent height exceedance over a 15-metre building height standard.
- (c) In Auswin TWT Development Pty Ltd v Council of the City of Sydney [2015] NSWLEC 1273 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a 28 per cent height exceedance over a 22-metre building height standard.
- (d) In Season Group Pty Ltd v Council of the City of Sydney [2016] NSWLEC 1354 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a 21 per cent height exceedance over a 18-metre building height standard.

In short, clause 4.6 is a performance-based control so it is possible (and not uncommon) for large variations to be approved in the right circumstances.

How is strict compliance with the development unreasonable or unnecessary in this particular case?

The matter of Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007) sets out five ways in which strict compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case.

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The 5 ways are:

- if the proposed development proffers an alternative means of achieving the [development standard] objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served);
- the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary
- the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable
- 4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable
- 5. "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

This clause 4.6 request for variation applies the first of the Wehbe Ways. That is, it seeks to demonstrate that strict compliance with the height of buildings development standard is unreasonable and unnecessary in the circumstances of the case because the proposed building height satisfies the relevant objectives of clause 4.3 of CLEP 2015 and the zone objectives.

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3 Sufficient environmental planning grounds to justify contravening the development standard

The term "environmental planning grounds" is not defined in NSLEP2013 nor any other environmental planning instrument. It is also not defined in the Department of Planning's Guide to Varying Development Standards

Nevertheless, given that demonstration of sufficient environmental planning grounds is a separate test under clause 4.6(3) to the test of "unreasonable or unnecessary in the circumstances of the case"; and that case law relevant to SEPP 1 such as Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007) and Winten Property v North Sydney (2001) 130 LGERA 79 deal with demonstration of "unreasonable and unnecessary in the circumstances of the case", it must therefore be concluded that "environmental planning grounds" are a different test which cannot necessarily rely on the same methodology as laid down in SEPP 1 relevant Court decisions.

The matter of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015) provides some helpful guidance on the subject of "environmental planning grounds", however it is in fact limited to defining some factors which are not environmental planning grounds. Paragraph 60 of Commissioner Pearson's decision states:

The environmental planning grounds identified in the written request are the public benefits arising from the additional housing and employment opportunities that would be delivered by the development, noting (at p 5) the close proximity to Ashfield railway station, major regional road networks and the Ashfield town centre; access to areas of employment, educational facilities, entertainment and open space; provision of increased employment opportunities through the ground floor retail/business space; and an increase in the available housing stock. I accept that the proposed development would provide those public benefits, however any development for a mixed use development on this site would provide those benefits, as would any similar development on any of the sites on Liverpool Road in the vicinity of the subject site that are also in the B4 zone. These grounds are not particular to the circumstances of this proposed development on this site. To accept a departure from the development standard in that context would not promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the "environmental planning grounds" referred to in cl 4.6(4)(a)(i) of the LEP. (emphasis added)

30. On Appeal in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (3 June 2015), the Court considered whether the Commissioner had erred in law in confining environmental planning grounds to those particular to a site or proposed development. The Court held at [29] and [30] that this was a matter which the Commissioner was entitled to consider in her exercising of discretion:

Turning to the first ground of appeal, it refers to a finding of the Commissioner at [60] in relation to the environmental planning grounds identified in the written request, as required by cl 4.6(3)(b). The Commissioner concluded that the grounds referred to were

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not particular to the circumstances of the proposed development on the particular site. Firstly, it is debatable that this ground of appeal couched as the misconstruction of subclause (4)(a)(i) does identify a question of law. The Commissioner's finding, that the grounds relied on in the written report were not particular to the circumstances of the proposed development on this particular site, is one of fact. That informed her finding of whether the grounds put forward were sufficient environmental planning grounds.

To the extent the issue raised can be described as a question of mixed fact and law, the Commissioner is exercising a discretion under subclause (4) (a) (i) in relation to the written report where the terms in subclause (3) (b) of sufficient environmental planning grounds are not defined and have wide import,

From this we interpret that particular circumstances of the site or development is an appropriate (although not exclusive) filter through which to view the sufficiency of environmental planning grounds.

In the absence of a legislative or other definition we adopt a definition for "environmental planning grounds" as 'any matter arising from consideration of either Section 4.15 of the EP&A Act 1979 or its Objectives which in the circumstances of the particular development on the particular site, warrants variation from the development standard'.

Based on that methodology, the environmental planning grounds which support variation to the HOB standard in this instance are:

3.1 REASON FOR VARIATION 1 — NEGLIGIBLE AMENITY OR VISUAL IMPACTS

Numerically, the HOB exceedance is not considered excessive or unreasonable in the context of the site or surrounding locality. This is especially the case given that the site is of significant proportions with expansive building separation. Furthermore, the exceedance in height is restricted to only a minor portion of the building and as such it is argued that the exceedance in height does not cause impact to amenity, visual character, solar access or privacy. In fact the non-compliance in building height will be indistinguishable from any vantage point. As such, it is considered that the particular design delivers appropriate and sufficient environmental planning grounds to support the additional HOB which is proposed. Reference should be made to shadow diagrams submitted with this application.

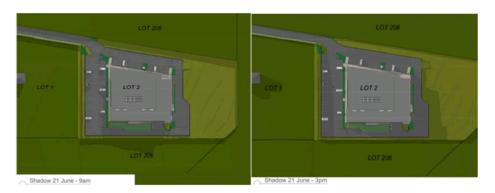


Figure 7: Shadow Diagrams -21 June 9:00am and 3:00pm

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3.2 REASON FOR VARIATION 2 – THE PROPOSED DEVELOPMENT DOES NOT IMPACT ON A TRANSITION IN BUILT FORM LAND USE INTENSITY OR INTENDED SCALE AND IS CONSISTENT WITH OBJECTIVES (A) AND (B) OF THE STANDARD.

The height of buildings map provides sets a single, blanket building height of 9 metres and the minor variation sought in this instance does not impact on building height transition. Accordingly, the proposed development is consistent with Objective (a) of clause 4.3(1) of CLEP 2015. As such strict compliance is unreasonable and unnecessary in the circumstances of the case.

3.3 REASON FOR VARIATION 3 – THE PRIVACY IMPACTS ARE COMMENSURATE WITH WHAT THE PLANNING CONTROLS ANTICIPATE SUCH THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE (D) OF THE STANDARD.

Given site context, there is no potential for privacy impact that can be attributed to the portion of the building over permitted building height. As such, strict compliance with the height of buildings development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

3.4 REASON FOR VARIATION 4 – NO IMPACT ON ACHIEVING OBJECTIVE (C) OF THE STANDARD.

The proposed building height has no impact on the hierarchy and role of centres.

4 Public Interest

The proposed development will be in the public interest because it is consistent with the objectives of clause 4.3 and the objectives of the zone. As the Court recently reminded in *Initial Action* (2018) at [26] – [27], this is what is required, rather than broad statements about general 'public interest' considerations at large.

The arguments outlined earlier in relation to consistency with clause 4.3 and C4 zone objectives of the CLEP 2015 are relied upon as detailed above.

The proposed development is squarely aligned with these objectives. There are no aspects of the proposed non-compliance with the height of buildings development standard which derogate from the zone objectives. Accordingly, the proposed variation to the development standard does not offend the public interest.

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In this matter, for the reasons outlined above – and particularly having regard to the minimal adverse amenity impacts arising from the non-compliance – there is nothing about this proposed variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site.

5 Conclusion

For the reasons outlined above, the objection to Clause 4.3 of CLEP 2015 is considered well-founded on the basis that the development in fact demonstrates achievement of the objectives of the development standard and the objectives of the zone. In this regard, strict compliance with the development standard is considered unreasonable or unnecessary, particularly noting the following:

- there are no unreasonable impacts associated with the proposed development with respect to
 environmental or ecological protection, overshadowing, amenity and privacy concerns;
- the proposed development is consistent with the existing and future character of the area in relation to the building height.

As demonstrated within this submission and the Architectural plans, the overall built form of the proposed development is considered appropriate to the locality.

Council can be satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify contravening the development standards.

It is therefore requested that the Council not withhold development consent for the proposed development due to a noncompliance with the HOB development standard.

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REVISED

Operational Plan of Management

Community Facility

Lot 12, DP.1302331 121A Eagleview Road, MINTO NSW 2566

This Plan will be reviewed and updated annually and submitted to Council for approval.

13 November 2024

Introduction

The Bondhon Initiatives Minto Inc seeks to operate its Community Facility without giving rise to adverse impact to the local environment or neighbourhood amenity.

The Community Facility will include indoor multi-purpose hall/sporting court to be used for indoor sporting activities such as basketball, badminton and gymnastics. Meeting rooms, flexible teaching spaces and library are provided for community use and education. A fully equipped kitchen and amenities are also provided for community uses.

Physical development of the community: The main Hall Room will be allocated for sporting activities. There will be 1 basketball court, 2 badminton courts and 1 tennis court. Multi use courts for badminton, basketball and tennis will be painted on the main hall floor. Above mentioned sporting activities by different demographic people relate to the physical development of the community.

The purpose of the Community Facility is as follows:

- Educational / intellectual development Activities: The Library located at the ground floor is
 provided for the educational activities and intellectual development. There will be books,
 magazines, computers with Wi-Fi internet, printers and painting equipment for children. It will be
 accessible and open for all types of people.
- Social Development activity: Social gathering / meeting will take place at meeting rooms located
 on 1st floor. Activities such as meeting and greeting by different cultural groups/communities to
 facilitate the social development of the community.
- Cultural development & welfare of the community: Celebrating Moon night festival, Cultural new
 year, religious festival, Eid, Christmas gathering, Ramadan Night Festival, National day celebration,
 cultural food fair, international food festival and cultural cloth fair are related to the Cultural
 development & welfare of the community.

These activities or special events will take place at the Main Hall of the facility. These activities are day and date specific, therefore a pre booking will be maintained and physical activities will not be performed on these specific days and time.

Activities such as meeting and celebrating on these days by different community groups relate to the social, cultural development of the community.

In addition, we may include a tea/coffee spot and an outdoor BBQ area to celebrate Anzac Day, Australia Day, Christmas Eve and so on.

This document is called an Operational Plan of Management and sets out how the Community Facility is to be operated and the steps to be taken to ensure that the Community Facility operation does not interfere with its neighbours. The Plan aims to ensure that the rights of residents to enjoy a peaceful, quiet and safe rural residential neighbourhood is maintained. At the same time, the Plan aims to ensure that the responsibilities of the Facility Management and those using the Community Facility are understood and acknowledged.

Person Responsible for Plan of Management Implementation and Compliance

POSITION OF RESPONSIBLE PERSON

The **Bondhon Initiatives Minto Inc** is responsible for the implementation of this Plan. At the date of commencement, the person responsible is:

Mohammed ALAM

Phone: 0420848218

Position: Public officer

DELEGATION OF CERTAIN FUNCTIONS

Certain functions and responsibilities under this Plan are to be delegated to other individuals. The **Public officer** is responsible for clearly communicating the functions and responsibilities of the delegate and, where applicable, that the delegate possesses appropriate skills, training and qualification to carry out the delegated function.

Normal Activities

USE OF COMMUNITY FACILITY

Subject to strict adherence with the terms of this Plan, the community facility may be used by the community for casual sporting activities, community meeting and community educational purposes.

HOURS OF OPERATION

The hours of operation of the Community Facility will be:

Monday to Wednesday	11:00am to 5:00pm
Thursday and Friday	11:00am to 10:00pm
Saturday	9:00am to 11:00pm
Sunday	CLOSED

SPORTING/PHYSICAL ACTIVITIES - MAIN HALL

Mondays to Wednesday

Activity	Time
Basketball/Tennis/Badminton	11:00 am to 5:00 pm

Saturdays

Activity	Time
Badminton	9:00 am to 4:00 pm

CULTURAL/EDUCATIONAL ACTIVITIES

Mondays to Wednesdays

Activity	Time
Social gathering/meeting	11:00 am to 5:00 pm
Cultural meeting, Children craft and painting activities	11:00 am to 5:00 pm

Thursdays and Fridays

Activity	Time
Moon night festival, Cultural new year	9:00 pm to 10:00 pm
Religious festival, Eid, Christmas gathering	9:00am to 10:00pm
Ramadan Night Festival	4:00 pm to 10:00 pm

Saturday

Time
9:00am to 11:00pm

MAXIMUM ATTENDANCE - NORMAL OPERATION

The maximum attendance at the site, during normal community facility operations is 50 people.

The normal population limit is applied to ensure that regular activities do not result in any reliance on onstreet parking or give rise to amenity impacts. The normal population limit should be included as a condition of the development consent.

Monitoring and Recording Maximum Attendance – Normal Operation

An Attendance Log is to be maintained and made available to Council officers upon request.

CAR PARKING

All parking spaces are to be kept clear of obstructions. Visitors to the Community Facility are to park in the designated spaces. On street parking is to be avoided.

On-Street Parking After Normal operation

This Plan of Management has been prepared on the basis that compliance with the maximum normal population limit of 50 people will ensure that Normal operation does not result in any demand for onstreet parking. To ensure this outcome, and for the purposes of monitoring and review, at the conclusion of each normal day of operation, Eagleview Road will be inspected to determine if any vehicles are observed to have been parked in, the make, colour and number plate of the vehicle is to be recorded in the Attendance Log.

Actions to be Taken If On-Street Parking is recorded within the Attendance Log to be Occurring more frequently than rarely

In the event that on-street parking is recorded to be occurring on anything but a rare and isolated basis, steps are to be taken to prevent continuation of that situation. This may involve:

- Identification of individual(s) who is / are parking within the street despite vacant spaces being
 available in the off street parking area and taking corrective action including
- Announcements about the importance of not parking within the street and encouraging the community to use the parking provided on site.
- Encouraging the community to car pool;
- · Voluntary reduction in maximum population limit.

Communication with Campbelltown City Council

If on-street parking is being recorded as occurring more frequently than a rare or isolated basis, the Public Officer is to liaise with Council officers. The Attendance Log is to be presented to Council. Additionally, Council is to be advised of the proposed corrective measure. Any advice, recommendations or feedback from Council officers in relation to the proposed correction measure are to be considered and implemented at the discretion and responsibility of the Public Officer.

NOISE MANAGEMENT

Signage is to be displayed in prominent locations to remind those attending the community facility to be considerate of neighbouring residences and keep their voices down when entering or leaving the premises.

Special Events

The Community facility will experience higher attendance on major religious/culturally significant days. In addition, the community facility will occasionally host domestic and international dignitaries or performers. Due to the higher number of people visiting the Community Facility on these occasions, additional actions need to be undertaken to ensure impact to neighbours is minimised.

MAXIMUM NUMBER OF SPECIAL EVENTS PER ANNUM

The maximum number of special events which are permitted to be held under the Development Consent is six (6) Special Events per annum. This includes religious/culturally significant days, visits by dignitaries involving more than 50 attendees, but no more than 300 attendees.

SPECIAL EVENT OPERATING HOURS (6 TIMES PER YEAR)

The hours of operation of special events are – 9:00am to 11:00pm.

MAXIMUM POPULATION ATTENDANCE

The maximum attendance for Special Events is limited to 300 people.

NEIGHBOURS TO BE INFORMED

Four (4) weeks prior to a Special Event, the Community Facility Public Officer is to arrange a letter box drop to each of the residences within a 1 km radius with a single page letter which advises:

- The date, day and time(s) of the special event;
- The nature of the special event.
- Name and contact number of the Public Officer available for the whole of the Special Event operating hours.

PARKING MANAGEMENT ON SPECIAL EVENT DAYS

During special events there may be a need for limited on-street parking. This section sets out a number of requirements to ensure that traffic generated during Special Events does not unreasonably interfere with the amenity of the neighbourhood or with traffic safety and efficiency.

On-Street Parking Management – Events Which Do Not Require Pre-Registration

The Community Facility is to hire, or obtain from within its membership a person holding current and valid RMS Accreditation for Traffic Control Management. This person is to be nominated as the "Parking Attendant".

Thirty (30) minutes prior to the commencement of a Special Event, The Parking Attendant is to count the number of cars parked within the on-site parking area.

The Parking Attendant must then stand at the site entry and count the number of cars entering the onsite parking area.

When the total number of parked cars reaches capacity, the Parking Attendant is to chain off the entry to the car park with a light weight plastic chain or similar. A sign is to be affixed to the chain stating "Car Park Full".

The Parking Attendant must then direct those attending the special event to the overflow parking areas on site.

In the event that the onsite overflow parking is full, on-street parking shall be accessed.

On Street Parking

The Parking Attendant is to take all reasonable measures to identify the driver of any vehicle parked incorrectly. If known, the driver of an incorrectly parked vehicle is to be requested to relocate their vehicle.

If the owner cannot be identified, or the driver of an incorrectly parked Vehicle declines to relocate their vehicle, the number plate and make/model of the vehicle, together with the time and location of the parking incident is to be recorded in writing, copies of which shall be made available to Council officers upon request.

Neighbour Relations and Dispute Handling

In the event of a complaint being received, the Public Officer is to document the time and source of the complaint and detail the response which has been taken to address the complaint. A Complaint Register is to be maintained and may be inspected by Council officers on request.

In the event that a complaint is received which cannot be satisfactorily mediated between the Public Officer and the resident, the Public Officer is to write to Council detailing the nature of the complaint and the actions which have been taken to respond to that complaint.

Emergency Response Plan and Evacuation Strategy

EMERGENCY TELEPHONE NUMBERS

For All Emergencies Dial 000

IMPORTANT WEBSITES

Rural Fire Service - Fires Near Me: http://www.rfs.nsw.gov.au/fire-information/fires-near-me

Fires Near Me is also available as a smartphone app.

Bureau of Meteorology NSW Weather Warnings: http://www.bom.gov.au/nsw/warnings/

EMERGENCY RADIO BROADCASTS

ABC Radio: Frequency: ABC News Radio:

AM 702 AM 630

EMERGENCY ASSISTANCE VOLUNTEER PERSONNEL

Any able bodied person who volunteers to assist in community events must also act as an Emergency Assistance Volunteer. Emergency Assistance Volunteers are to be provided with a copy of the Plan of Management and are to be acquainted with the Emergency Response Plan and Evacuation Strategy. Emergency Assistance Volunteers will be responsible for ensuring that elderly and disabled people are

assisted during the event of an evacuation. They will also be responsible for relaying any specific instructions issued by Emergency Services Personnel.

EMERGENCY MUSTERING POINTS

There are two emergency mustering points. These are:

- Primary emergency mustering point: the northwestern corner of the open car park.
- Secondary emergency mustering point: Eagleview Road footpath at the site entrance, being sure to keep off the road pavement to ensure it is clear for emergency service vehicles.

EMERGENCY REQUIREMENTS VOID HOURS OF OPERATION

If an emergency event requires people to shelter in place, then hours of operation detailed at Section 3 have no effect.

FIRE AND SMOKE EMERGENCIES

- Activate the manual fire alarm
- Initiate evacuation procedures for any occupants of the affected building(s)
- Call 000 (move to a safe area before making this call).
- If you know how to use a fire extinguisher and feel the best course of action is to attempt to extinguish the fire, locate an extinguisher and, without risking injury attempt to extinguish the fire.
- If the fire is beyond the point of a safe attempt to extinguish it, isolate the fire by closing doors in the area before evacuating.

SEVERE WEATHER EMERGENCY

The Bureau of Meteorology has severe storm warning service on its website. In the event that a severe storm is appears likely, the most staff member present shall consult with the BOM website regarding issued Storm Warnings. In the event that it will be unsafe to leave the community facility building, persons present should shelter in in place.

Emergency Assistance Volunteers must ensure that people are sitting or standing well clear of windows and doors.

Shelter in place until you hear an announcement from the Emergency Assistance Volunteers that it is safe to leave.

The Community Facility must keep on premises a minimum of 10 LED torches with a spare battery for each torch. Emergency Assistance Volunteers must be informed of the location of the torches and must be able to access them in the dark (including by use of their own light source such as LED flashlight on a mobile phone).

BUSHFIRE EMERGENCY

If there is a bushfire in the area, the Public Officer or delegate is to monitor the threat by observation and use of the 'Fires Near Me' website.

The bushfire threat needs to be monitored from the perspective of both threat to the building as well as threats to escape routes.

In the event that fire present a risk to the community facility building or a risk of cutting off access, the site shall be evacuated.

Shelter in place is a last resort bushfire response. It presents significantly greater risk to human life. Even if fire does not enter the building, there are significant risks of smoke inhalation or heart attack or stroke brought on by stress.

Only in the event that evacuation is not possible, persons trapped on the site are to take shelter in the community facility building. All windows and doors must remain closed.

The Public Officer or delegate is to immediately attempt to phone 000 and advise that the community facility has been cut off and to provide emergency services with an estimate of the number of people trapped in the building.



4.2 Development Application for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto

Community Strategic Plan

Objective		Strategy	
1	Community and Belonging	1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people	
2	Places For People	2.1.2 Provide public places and facilities that encourage leisure, recreation, and physical activity	
3	Enriched Natural Environment	3.1.2 Ensure urban development is considerate of the natural environment	
4	Economic Prosperity	4.2.1 Support the growth, productivity and diversity of the local economy	

Delivery Program

Principal Activity	
1	Deliver initiatives that encourage social inclusion, community connections and te our cultural diversity
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* and the Ministerial Local Planning Panels Direction, this application is to be determined by the Campbelltown Local Planning Panel as prescribed in Schedule 1 of that direction due to the development involving a variation to a development standard greater than 10 per cent.

Executive Summary

A development application has been received for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto.

The subject site is zone C4 Environmental Living under the *Campbelltown* Local Environmental Plan 2015. The proposed community facility is permissible with consent within the C4 Environmental Living zone.

The application was publicly notified and exhibited between 28 July and 21 August 2023. 11 submissions were received in total; 6 of which are considered unique submissions.

Item Page 1

Based on an assessment of the application against Section 4.15 of EP&A Act, the application has been found to be satisfactory and is recommended for approval.

Officer's Recommendation

That pursuant to Section 4.8 of the *Environmental Planning and Assessment Act 1979*, the Campbelltown Local Planning Panel:

- Support the variation to Section 4.3 Height of Buildings of the Campbelltown Local Environmental Plan 2015.
- Grant development consent to Development Application 2467/2023/DA-C subject to conditions of consent.

Purpose

To assist the Campbelltown Local Planning Panel (the Panel) in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act* 1979 (EP&A Act).

Property Description 121A Eagleview Road, Minto

Application No 2467/2023/DA-C

Applicant Mr Mohammed Shafiul Alam

Owner Mr Mohammed Shafiul Alam

Provisions Environmental Planning and Assessment Act 1979

State Environmental Planning Policy (Resilience and Hazards) 2021\ State Environmental Planning Policy (Biodiversity and Conservation)

2021

State Environmental Planning Policy (Industry and Employment) 2021

Campbelltown Local Environmental Plan 2015

Campbelltown (Sustainable Cities) Development Control Plan 2015.

Date Received 17 July 2023

Site and Surrounds

The site is legally defined as Lot 12 in Deposited Plan 1302331 and is commonly known as 121A Eagleview Road, Minto. The site is a battle-axe lot and has variable width between 52.235 m and 82.44 m, and depth of approximately 114.9 m excluding the access handle. The site has a total area of 9997 m².

The site is currently vacant.

The locality is characterised by detached residential dwellings, rural housing, a place of public worship, and a community facility.

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



Figure 1: Locality Map

Proposal

Approval is sought for the construction and operation of a community facility with associated car parking, landscaping and civil works.

Specifically, the development proposes:

- A 2 storey community facility with a multiuse hall, offices and meeting rooms, a library and study spaces, kitchen facilities, change rooms, and toilet facilities.
- At grade car park involving 82 sealed spaces, inclusive of 4 accessible car spaces, in addition to 26 overflow car park spaces, for a total of 108 car parking spaces.
- Entry gate (5.35 m (h) x 7.65 m (w)) and associated identification signage (2.55 m (w) x 0.78 m (h)). Note: signage is not within property boundaries. Given the Development Application relates to works within 121A Eagleview Road only, a condition is recommended to ensure no signage is erected on the adjoining property, and that plans are amended prior to the issue of a construction certificate.
- Landscaping including the planting of 183 trees and 212 shrubs.

Item Page 3

 Civil works, including driveway construction, installation of an on-site detention tank and level spreader.

It is noted the proposal originally involved a basement car park however this was removed via the submission of amended plans.

The community facility will operate as follows:

Monday - Wednesday	11 am – 5 pm
Thursday and Friday	11 am - 10 pm
Saturday	9 am – 11 pm
Sunday	Closed

The facility will be operated by the Bondhon Initiatives Minto Incorporation and will involve 6-8 staff members, and on average, host a maximum of 50 community members.

Up to 6 times a year, it is expected the community facility will host special events for up to 300 patrons, between 9 am and midnight. The Plan of Management submitted with the Development Application specifies that 4 weeks prior to an Event, the Community Facility will arrange a letter box drop to residences within one kilometre radius, detailing the date, day and time of the Event, the nature of the Event, and the contact details of the Community Facility.

The proposal involves a variation of 18.6 per cent to Section 4.3 'Height of Buildings' of the Campbelltown Local Environmental Plan 2015 (CLEP 2015); the maximum building height permitted is 9 m, whereas the maximum building height proposed is 10.677 m.

A Section 4.6 variation statement accompanies the Development Application.

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.

Planning Provisions

Section 4.14

Section 4.14 of the EP&A Act relevantly states:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural

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residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

- a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or
- b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Comment: The Development Application is accompanied by a Bushfire Report prepared by a BPAD Level 2 bushfire consultant. It concludes that the development can comply with the relevant provisions and requirements of Planning for Bushfire Protection 2019.

The Development Application was referred to the NSW Rural Fire Service under s4.14 for advice regarding bushfire protection. The NSW RFS considered the information submitted and recommended conditions of consent regarding emergency and evacuation, asset protection zones, construction standards, access requirements, and water and utility services. These conditions shall form part of the development consent.

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

An assessment against the requirements of Section 4.6 of the Resilience and Hazards SEPP is included in attachment 2. In accordance with Section 4.6 of the Resilience and Hazards SEPP, the land is considered suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 - Water Catchments

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

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The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6 of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 - Advertising and Signage

Section 3.6 of the Industry and Employment SEPP states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1)(a), and,
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Plans submitted with the Development Application are conceptual only and appear to show signage within the adjoining site, 121 Eagleview Rd. Given the Development Application relates to works within 121A Eagleview Road only, a condition is recommended to ensure no signage is approved as part of the development consent.

Campbelltown Local Environmental Plan 2015

The subject site is zoned C4 Environmental Living under CLEP 2015.

The development is characterised as a community facility which is defined under the CLEP 2015 as:

community facility means a building or place-

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

public worship or residential accommodation.

The proposed facility is to be operated by Bondhon Initiatives Minto Inc, a non-profit community organisation. Bondhon Initiatives Minto Inc was formed primarily to support the local Bangladeshi community by providing facilities from which culturally focused activities, physical/sporting facilities and education could be delivered.

A community facility is permitted with consent on land zoned C4 Environmental Living, and it is satisfied the development as proposed meets the criteria of the definition.

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Whilst it is acknowledged some of the objectives of the C4 zone speak to residential development only, the land use table in the CLEP 2015 allows for non-residential land uses in the C4 zone, including community facilities. The following objectives apply to non-residential land uses:

 To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.

Planners comment: The proposal represents the development potential of the site with regard to current development standards and controls and seeks to balance contemporary built form with landscaping to both conserve and enhance the established rural and bushland character of the locality.

 To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.

Planners comment: As a non-residential land use, it is considered the proposal has responded suitably to the topography of the site, noting it's compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015 (SCDCP). The bulk and scale of the structure will ensure it does not impact on the prominent ridgelines and the scenic value and visual amenity are protected and enhanced with the introduction of landscaping.

• To maintain significant stands of native vegetation and wildlife and riparian corridors.

Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the CLEP 2015. Further, the site is currently vacant and cleared of vegetation.

 To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the CLEP 2015. Further, the site is currently vacant and cleared of vegetation. The proposed development would therefore not impact environmentally significant or environmentally sensitive land.

Additional matters for consideration under CLEP 2015 are addressed in attachment 2.

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

Campbelltown (Sustainable City) Development Control Plan 2015

The SCDCP is to be considered and read in conjunction with CLEP 2015. Pursuant to Clause 4.15(1)(a)(iii) of the EP&A Act, Council is required to consider the relevant provisions of the applicable development control plan of the Campbelltown Local Government Area (LGA), being the SCDCP.

Whilst generally compliant with the relevant development controls within Parts 2, 6 and 16 of the SCDCP, the proposal seeks minor variations as detailed below.

Fencing

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Part 6.4.1.3 of the SCDCP specifies the use of sheet metal fencing is not permitted. The proposal involves the use of colorbond fencing along the side and rear boundaries, as per NSW Rural Fire Service requirements. In their correspondence dated 22 May 2024, the NSW Rural Fire Service recommended a condition to this effect, noting the fencing type would act as a radiant heat shield. On this basis, the variation sought to fencing type is considered acceptable on merit.

Loading dock

Part 6.4.2.2 of the SCDCP specifies that loading docks shall be suitably screened from adjacent properties. Whilst not compliant in its current form, a condition is recommended requiring additional landscaping along the boundary of the loading area to ensure it is suitably screened. Subject to compliance with this condition, the variation sought is considered acceptable.

Accessible carparking spaces

Part 6.4.2.3 of the SCDCP specifies that accessible carparking spaces are to be provided at a rate of one for every 20 parking spaces. The proposal provides 4 accessible spaces based on 82 car parking spaces. However, the development is to provide accessible car parking spaces with respect to the total number of spaces, including overflow. Given a total of 108 car parking spaces are proposed, the development is to provide 6 accessible spaces. A condition to this effect is recommended to ensure the development complies.

Signage

Part 16.5 of the SCDCP specifies that only wall signs, window signs and freestanding pylon and directory board signs are permitted on land zoned for residential, rural and environmental protection zones. The proposal seeks consent for a ground-level business identification sign attached to the entry gate. However, the sign appears to be located on the adjoining site, 121 Eagleview Road. Given the Development Application relates to works on 121A Eagleview Road only, a condition is recommended to ensure no signage is erected on the adjoining property, and that plans are amended prior to the issue of a construction certificate.

Further matters for consideration under SCDCP are addressed in attachment 2.

Section 4.15(1)(a)(iiia) The provisions of any Planning Agreement

The developer has not offered to enter into a Planning Agreement with Council.

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

The proposal does not contravene the Environmental Planning and Assessment Regulation 2021.

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

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

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural

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environment. Significant landscaping is proposed and results in the planting of 183 trees and 212 shrubs, which is a significant improvement on current site conditions. The development also includes the installation of solar panels, which reduces dependency on the energy grid and results in an energy efficient building.

The proposed development represents a contemporary architectural form that contributes to design excellence in the broader locality. The building incorporates varying materials (brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing) and architectural design elements including vertical and horizontal offsets in the wall surfaces to ensure it is suitably articulated, thereby having a positive impact on the built environment. Only minor variation to building height has been proposed and the budlings are to be located on land notably lower than Eagleview Road, ensuring it is not a prominent feature on the locality.

In delivering a facility designed to promote the physical, social, and cultural development of the community, the proposal will have a positive impact on the social wellbeing of the community. It will generate employment during the construction phase of the project, provide employment opportunities for up to 8 staff during the operating phase of the development, and contribute positively to the overall economic activity within Minto and the broader locality.

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

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site when determining a development application.

The site is considered to be suitable for the proposed development. In this regard, it is noted the site is currently vacant, does not accommodate significant vegetation or ecological communities, nor is burdened by easements and rights of way which would obstruct the redevelopment of the site. Further, the site is of a size that can accommodate the proposed land use, including the provision of 108 car parking spaces, up to 300 visitors during special events, and a building which complies with the relevant development controls pertaining to built form. Therefore, the site is considered suitable for the proposed development.

Section 4.15 (1)(c) The public interest

Section 4.15 (1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application.

In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community. The development provides for a community facility as place of community growth and development through a range of activities and education, and provides facilities for recreation and physical activity, thereby contributing to the social and physical wellbeing of the community. Accordingly, it is considered that approval of the proposed development would be in the public interest.

3. Public Participation

The application was notified in accordance with the Campbelltown Community Participation Plan (CPP) between 28 July and 21 August 2023. 11 submissions were received in total; 6 of which are considered unique submissions.

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Ministerial Direction 'Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents' issued on 30-06/2020 states:

A unique submission means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contained the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submission.

In accordance with the ministerial direction noted above, it is satisfied the application is in receipt of 6 unique submissions.

Issues raised within those submissions include the development's environmental, traffic, and acoustic impact, it's bulk and scale, wastewater response, and whether it is consistent with the objectives of the C4 zone, and the land use definitions for a community facility and outdoor recreation facility.

Subject to compliance with the recommended conditions of consent, it is considered the development will not have an adverse environmental, traffic, or acoustic impact. A condition has also been recommended to ensure a Section 73 Certificate is obtained prior to the issue of an occupation certification.

It is satisfied the proposal is consistent with the objectives of the C4 zone and the land use definitions for a community facility and outdoor recreation facility. Further, the development responds suitably to the natural topography of the site and complies with the development controls pertaining to built form, thereby its bulk and scale is considered appropriate.

These issues are addressed in further detail in attachment 3.

Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that it be approved subject to the attached conditions.

Attachments

- 4.2.1 Recommended Conditions of Consent (contained within this report)
- 4.2.2 Compliance Table (contained within this report)
- 4.2.3 Public Notification Reponses (contained within this report)
- 4.2.4 Architectural, Landscape and Stormwater plans (contained within this report)
- 4.2.5 Clause 4.6 Variation (contained within this report)
- 4.2.6 Plan of Management (contained within this report)

Reporting Officer

Manager Development Assessment

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Campbelltown City Council PO Box 57 CAMPBELLTOWN NSW 2560

Your reference: (CNR-68779) 2467/2023/DA-C Our reference: DA20230803003409-CL55-1

ATTENTION: CNR Team Date: Wednesday 22 May 2024

Dear Sir/Madam,

Development Application s4.14 - Other - Community Facility 121A Eagleview Road Minto NSW 2566, 11//DP1302331, 1//DP1287429, 2//DP1287429

I refer to your correspondence dated 10/05/2024 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

General Conditions

Emergency and Evacuation

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

- **1.** A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the NSW RFS document A *Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The plan must also include the following:
 - contact details for the local Macarthur Rural Fire Service District Office;
 - procedures for coordinated evacuation of the site in consultation with local emergency services;
 - entry and exit to be through the main front entrance door only.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

Postal address

NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142 Street address

NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127 T (02) 8741 5555 F (02) 8741 5550 www.rfs.nsw.gov.au



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- **2.** From the commencement of building works and in perpetuity, the entire property must be managed as an asset protection zone (inner protection area) in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2 m above the ground;
 - tree canopies should be separated by 2 to 5 m;
 - preference should be given to smooth-barked and evergreen trees;
 - large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress
 of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
 - leaves and vegetation debris should be removed regularly.
- **3.** Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
 - a minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
 - planting is limited in the immediate vicinity of the building;
 - planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
 - landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
 - avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - avoid climbing species to walls and pergolas:
 - locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - low flammability vegetation species are used.
- **4.** A minimum 1.8 metre high radiant heat shield made of non-combustible materials must be constructed along all boundaries of the subject site. All posts and rails must be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

Construction Standards

The intent of measure is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

5. New construction must comply with section 3 and section 5 (BAL 12.5) of the Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.







Access - Internal Roads

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

- **6.** Access roads for special fire protection purpose (SFPP) developments must comply with the following general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:
 - SFPP access roads are two-wheel drive, all-weather roads;
 - access is provided to all structures;
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - access roads must provide suitable turning areas in accordance with Appendix 3 of Planning for Bush
 Fire Protection 2019; and
 - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - minimum 5.5m unobstructed carriageway width;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas
 - curves of roads have a minimum inner radius of 6m;
 - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

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

- **7.** The provision of water, electricity and gas services must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:
 - reticulated water is to be provided to the development where available;
 - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419 1-2021
 - hydrants are and not located within any road carriageway;
 - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
 - all above-ground water service pipes are metal, including and up to any taps;
 - where practicable, electrical transmission lines are underground;
 - where overhead, electrical transmission lines are proposed as follows:
 - o lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - o no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
 - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;







- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.
- **8.** An additional static water supply is to be provided on the site, subject to the following requirements:
 - A 10,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
 - an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
 - 65mm Storz connection with a ball valve is fitted to the outlet.
 - the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
 - underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
 - a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
 - above-ground tanks are manufactured from concrete or metal,
 - raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber.
 The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
 - unobstructed access can be provided at all times,
 - underground tanks are clearly marked,
 - tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
 - all exposed water pipes external to the building are metal, including any fittings,
 - fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
 - A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and
 positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - O Markers must be fixed in a suitable location to be highly visible, and
 - o Markers should be positioned adjacent to the most appropriate access for the water supply.
 - where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter.

General Advice - Consent Authority to Note

The NSW RFS was not able to verify the assessment set out in the bush fire report submitted with the application. In order to progress the application, the NSW RFS has therefore undertaken an independent assessment of the proposal to determine compliance with *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Nika Fomin

Manager Planning & Environment Services Built & Natural Environment







Campbelltown City Council PO Box 57 CAMPBELLTOWN NSW 2560

Your reference: (CNR-58445) 2467/2023/DA-C Our reference: DA20230803003409-S38-1

Date: Tuesday 10 September 2024

ATTENTION: CNR Team

Dear Sir/Madam,

Development Application s4.14 - Other - Community Facility 121A Eagleview Rd Minto NSW 2566, 12//DP1302331

I refer to your correspondence dated 20/08/2024 seeking advice regarding bush fire protection for the above Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amendments and raises no objections subject to compliance with our previous advice dated 22/05/2024.

For any queries regarding this correspondence, please contact Bryce Pascoe on 1300 NSW RFS.

Yours sincerely,

Joshua Calandra

Supervisor Development Assessment & Plan Built & Natural Environment

Postal address

NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142 Street address

NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127 T (02) 8741 5555 F (02) 8741 5550 www.rfs.nsw.gov.au



_1

Local Planning Panel Meeting

4.2 Demolition of existing structures, tree removal, civil and bulk earthworks, Torrens Title subdivision into 12 lots and construction of 2 local roads - 540 Campbelltown Road, Glenfield

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

Princip	al Activity
РА	Building Development and Controls

Referral Criteria

In accordance with section 4.8 of the *Environmental Planning and Assessment Act 1979* and the Local Planning Panels Direction this application is to be determined by the Local Planning Panel as prescribed in Schedule 1 of that direction due to a departure from a development standard greater than 10 per cent.

Executive Summary

- Council is in receipt of a development application for the demolition of existing structures, tree removal, civil and bulk earthworks, Torrens Title subdivision into 12 lots and construction of 2 local roads at 540 Campbelltown Road, Glenfield.
- The subject site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015.
- The development application was notified from 1 April 2025 to 1 May 2025, as required by the Campbelltown Community Participation Plan 2015. Two public submissions were received objecting to the proposal.
- On 30 April 2025, the applicant commenced proceedings in the NSW Land and Environment Court appealing against the deemed refusal of the development application.
- The proposal fails to adequately avoid and minimise impacts to biodiversity and is not consistent with Council's Comprehensive Koala Plan of Management.
- The submitted clause 4.6 request seeking to vary the minimum subdivision lot size fails to adequately address how Council has abandoned the development standard.

• The application has been assessed against Section 4.15 of the *Environmental Planning and* Assessment Act 1979 and is recommended for refusal for the reasons provided in attachment 1.

Officer's Recommendation

That the development application 1051/2025/DA-SW for the demolition of existing structures, tree removal, civil and bulk earthworks, Torrens Title subdivision into 12 lots and construction of 2 local roads at 540 Campbelltown Road, Glenfield be refused for the reasons listed in attachment 1.

Purpose

To assist the Local Planning Panel in its determination of the subject application in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Property Description Lot 40 DP 706911

540 Campbelltown Road, Glenfield

Application No 1051/2025/DA-SW
Applicant Develop 8888 Pty Ltd
Owner Miss Marie Freeman

Provisions Biodiversity Conservation Act 2016

State Environmental Planning Policy (Biodiversity and Conservation)

2021

State Environmental Planning Policy (Transport and Infrastructure)

2021

State Environmental Planning Policy (Resilience and Hazards) 2021

Campbelltown Local Environmental Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015

including Volume 2 Part 2: Glenfield Site DCP.

Date Received 18 March 2025.

History

There is no previous development history on the site.

The Site

The subject development site is known as, Lot 40 in DP 706911, 540 Campbelltown Road, Glenfield. The site is on the south-eastern side of Campbelltown Road. The site is rectangular in shape with a north-western frontage of 35.24 m to Campbelltown Road, a north-eastern side boundary of 192.735 m, a rear south-eastern boundary of 35.43 m and a south-western side boundary of 193.835 m.

The site has an area of 6,828 m².

The site slopes from the southeast to the northwest by approximately 2 m.

The site consists of a large, undeveloped land parcel and lies amongst an established and subdivided residential area.

The site has environmental constraints which include native flora and fauna.



Figure 1: Aerial image of the subject site and surrounding area.

Proposal

The subject application seeks development consent for:

- Demolition of the existing structures on site
- Tree removal
- Civil and bulk earthworks
- Torrens title subdivision of the land into 12 lots
- Construction of 2 local roads Sovereign Circuit (13.5 m wide and Brothers Lane (13.5 m wide)

The proposed lots within the subdivision have lot sizes ranging from 332 m^2 to $1,453 \text{ m}^2$ (larger residue lot) and frontages ranging from 8.8 m to 11.8 m, as detailed in the table below:

Lot Number	Site Area	Road Frontage
1	332m ²	8.84m to Sovereign Circuit
2	332m ²	8.813m to Sovereign Circuit
3	332m ²	8.813m to Sovereign Circuit
4	332m ²	8.813m to Sovereign Circuit
5	529.9m ²	17.647m to Sovereign Circuit
6	529.4m ²	17.647m to Sovereign Circuit
7	530.8m ²	17.647m to Brothers Lane
8	529.4 ²	17.647m to Brothers Lane
9	324m ²	11.79m to Brothers Lane
10	324m ²	11.79m to Brothers Lane
11	324m²	11.79m to Brothers Lane
12	1,451.9m ²	-

Report

1. Vision

Campbelltown 2032 is the Community Strategic Plan for the City of Campbelltown. The Strategic Plan 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 proposed development is not consistent with Outcome 3 as the proposed development would not protect and rehabilitate biodiversity and ensure urban development is considerate of the natural environment.

2. Planning Provisions

2.1 Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

The site is identified to have native vegetation of NSW plant community type Cumberland Plains Woodland (CPW). This plant community type on the site is listed as a threatened ecological community (TEC) under the BC Act as a critically endangered ecological community (CEEC). The proposal involves the removal of 0.16 ha of Cumberland Plains Woodland (CPW).

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme.

Part 6 of the BC Act outlines the details of the NSW Biodiversity Offset Scheme and details the requirements of the Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by Southeast Environmental as attachment 7 was submitted with the application. The proposed development is inconsistent with the "avoid, minimise and offset" hierarchy under the BC Act. It fails to demonstrate any measures to avoid or minimise impacts on the site's biodiversity values prior to proposing offsets. Specifically, the development involves the complete removal of all CPW CEEC and potential Koala habitat on the site.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.8 Development assessment process-approved koala plan of management for land

- (1) This section applies to land which this Chapter applies and to which an approved koala plan of management applies.
- (2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land

Council's records indicate the site contains potential koala habitat. The proposed development is inconsistent with Clause 6.4.2 of the Campbelltown Koala Plan of Management (CKPoM), as it involves the removal of a significant number of potential koala food trees without proposing compensatory measures in accordance with Part 7 of the CKPoM. Furthermore, the BDAR does not adequately address the other development controls outlined in Part 6.4 of the CKPoM. Approval of the development would not be consistent with the CKPoM as required by section 4.8 pf SEPP B&C.

Chapter 6 - Sydney Water Catchment

The subject land is located within a regulated catchment area and the Georges River Catchment is identified within this area, as such the provision of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application.

The chapter sets out various controls that a consent authority must consider when determining a development application. A table summarising the controls set out in chapter in 6 is provided below.

Division 2 Controls on development generally				
Section 6.6 Water quality and quantity	Comment			
In deciding whether to grant development consent to development on land in a regulated				
catchment, the consent authority must consider the following:				
Whether the development will have a neutral or				
beneficial effect on the quality of water	network and water quality basin to have			
entering a waterway	beneficial effect on quality of water entering a			
	waterway.			
·	No adverse impact on water flow in a natural			
impact on water flow in a natural waterbody	waterbody.			
Whether the development will increase the	Will be managed effectively.			
amount of stormwater run-off from a site				
Whether the development will incorporate on-	No on site stormwater retention proposed.			
site stormwater retention, infiltration or reuse				
The impact of the development on the level	No adverse impact.			
and quality of the water table				
The cumulative environmental impact of the	No adverse impact.			
development on the regulated catchment				

Whether the development makes adequate	Adequate provisions proposed.			
provision to protect the quality and quantity of				
ground water				
In deciding whether to grant development co	insent to development on land in a regulated			
catchment, the consent authority must consider the following:				
	There are no waterways adjoining the subject			
natural waterbody will be as close as possible	sites.			
to neutral or beneficial				
The impact on water flow in a natural	There are no waterways adjoining the subject			
waterbody will be minimised	sites.			
Section 6.8 Flooding	Comment			
In deciding whether to grant development	Subject site is impacted by minor flooding			
consent to development on land in a regulated	however council is satisfied the development			
catchment, the consent authority must	will not adversely impact on wetlands and			
consider the likely impact of the development	other riverine ecosystems.			
on periodic flooding that benefits wetlands and				
other riverine ecosystems.				
Development consent must not be granted to	Subject site is impacted by minor flooding			
development on flood liable land in a regulated	however council is satisfied the application will			
catchment unless the consent authority is	not result in the release of pollutants that may			
satisfied the development will not—	have an adverse impact on the water quality of			
a) if there is a flood, result in a release of	a natural waterbody and natural recessions of			
pollutants that may have an adverse impact	floodwaters into wetlands and other riverine			
on the water quality of a natural waterbody,	ecosystems.			
or				
b) have an adverse impact on the natural				
recession of floodwaters into wetlands and				
other riverine ecosystems.				
Section 6.10 Total catchment management	Comment			
In deciding whether to grant development	The proposal has demonstrated that there			
consent to development on land in a regulated	would be no adverse environmental impact on			
1	adjacent or downstream local government			
with the council of each adjacent or	area.			
downstream local government area on which				
the development is likely to have an adverse				
environmental impact.				

2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Chapter 4, Clause 4.6 of the SEPP is provided in the table below.

STATE ENVRIONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021			
CONTROL	REQUIREMENT	PROPOSED	COMPLIES
4.6 Contamination and remediation to be considered in determining development application	1)(a) A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.	A Preliminary Site Investigation report (PSI) was submitted. The report detailed property constraints and previous uses that were undertaken to understand the likelihood of contamination issues. The report revealed there are no constraints or past uses that give rise to concerns or the need for further investigation. The land is considered to be suitable for the proposed development from a contamination perspective.	Yes

Based on the above assessment the provisions of Chapter 4, Clause 4.6 of the SEPP have been considered, and the site is suitable for the intended use.

2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

2.119 - Development with a frontage to a classified road

The consent authority is required to consider development types which are sensitive to traffic noise or vehicle emissions and measures to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The application is satisfactory in regard to the requirements of this clause.

Section 2.120 - Impact of road noise or vibration on non-road development

This section applies to development for any of the following purposes, that is on land in or adjacent to the road corridor for a freeway. Before considering a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

Comment:

The submitted acoustic report submitted by Day Design Pty Ltd considers section 3.6 of the NSW Department of Planning document "Development near rail corridors and busy roads – interim guidelines (2008) which recommends many noise criteria for residential buildings.

Council is satisfied that the development addresses the appropriate clauses as set out in SEPP (Transport and Infrastructure) 2021.

3. Planning Assessment

3.1 Campbelltown Local Environmental Plan 2015

The site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Clause 2.3 of the LEP requires the consent authority must have regard to the

objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R2 Low Density Residential are:

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

The proposed development is not consistent with the objective of the zone to facilitate a sustainable means of access and movement as the proposal would not provide the road to connect each end of Northampton Drive in accordance with the Revised Masterplan for the Glenfield Road Urban Release Area.

Clause 2.6 - Subdivision - consent requirements

Clause 2.6 provides that the subdivision of land to which this plan applies may be subdivided, but only with development consent. The application seeks consent to subdivide land and create 12 Torrens title lots.

Clause 2.7 - Demolition requires development consent

Clause 2.7 provides that demolition of a building or work may be carried out only with development consent. The application seeks consent to demolish the existing structures on site.

Clause 4.1 - Minimum subdivision lot size

Clause 4.1 provides minimum lot size requirements for the site. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum lot size shown on the lot size map in relation to that land. The minimum lot size established for the site is $450 \, \text{m}^2$. The proposed subdivision plan indicates 7 of the 12 lots do not comply with minimum lot size requirements for the site. A 4.6 variation statement was submitted with the application and its justification is not supported. Refer to table above for lot size details.

Clause 4.6 Exceptions to development standards

Clause 4.6 provides an appropriate degree of flexibility in applying certain development standards to particular development, to achieve better outcomes for and from development by allowing flexibility in particular circumstances. A clause 4.6 variation request has been submitted as part of this application with regard to clause 4.1 minimum subdivision lot size, which is not expressly excluded from the operation of this clause. The submitted clause 4.6 variation request as attachment 4 has been provided and has not satisfied council that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravention of the development standard.

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 a variation to Clause 4.1 of the CLEP 2015 with respect to the minimum lot size. The applicant has provided a Clause 4.6 variation request which is assessed in detail below

The objectives of Clause 4.6 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.

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard. Clause 4.1 of the Campbelltown Local Environmental Plan 2015 limits minimum lot sizes to be no smaller than $450 \, \text{m}^2$. The subject application proposes 7 lots which are smaller than the $450 \, \text{m}^2$ requirements, which can otherwise be expressed as a $26.2 \, \text{per cent} - 28 \, \text{per cent}$ exceedance.

The applicants Clause 4.6 variation submission details that the development standard has been "virtually abandoned or destroyed by council's own actions in granting consents departing from the standard". Council does not agree with this statement as there was no development standard relating to minimum lot size in force to abandon at the time previous subdivision applications were approved.

To conclude, the submitted cl4.6 variation request at attachment 4 indicates several of the proposed lots do not comply with the minimum lot size development standard in clause 4.1 of CLEP 2015 and council is not satisfied that the applicant has demonstrated the matters in clause 4.6(3) of CLEP 2015 vis;

- (i) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (ii) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Clause 6.2 - Public Utility Infrastructure

Clause 6.2 provides requirements for public utility infrastructure that is essential for development. The proposed subdivision can be appropriately serviced by water, sewer and gas. Utility providers can be provided to satisfy requirements ahead of the release of a subdivision certificate.

Clause 7.1 - Earthworks

Clause 7.1 ensures that earthworks requiring approval will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Should consent be granted, a condition should be imposed requiring the implementation of an erosion and sediment control plan to mitigate impacts from arising in the locality of the development. Council is satisfied that the development will not likely cause disruption, or any detrimental effect on drainage patterns and soil stability in the locality.

Clause 7.10 - Essential Services

Clause 7.10 ensures the consent authority is satisfied that essential services for the development are available or that adequate arrangements have been made to make them available when required. Council is satisfied that essential services are available given the area surrounding the development site is existing.

Clause 7.20 Terrestrial biodiversity

Clause 7.20 ensures the protection of native flora and fauna, protection of ecological processes necessary for their continued existence, encouraging conservation and recovery of native fauna and flora and their habitats. It is considered the proposal is likely to have:

- an adverse impact on the condition, ecological value and significance of the fauna and flora on the land
- an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna
- potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- adverse impact on the habitat elements providing connectivity on the land, and

The application proposes insufficient measures to avoid and minimise impacts of the development and fails to adequately demonstrate how the development would be sited, designed, constructed and managed to avoid adverse impacts on native biodiversity.

3.2 Section 4.15(1)(a)(ii) The Provisions of any Draft Provisions

There are currently no draft provisions relevant to the subject application.

3.3 Section 4.15(1)(a)(iii) The Provisions of any Development Control Plan

The provisions of the SCDCP apply to the subject land. An assessment against Volume 1 Part 2 – Requirements Applying to All Types of Development, Part 3 – Low and Medium Density Residential, and Volume 2 Part 2 – Glenfield Site DCP, has been undertaken with full details included in attachment 2 of this report.

The proposed development is not consistent with SCDCP as the proposal would not provide the Northampton Drive connection in accordance with the Revised Masterplan for the Glenfield Road Urban Release Area. The proposal would not provide direct vehicular access and maximise connectivity through the estate for motorists and pedestrians.

3.4 Section 4.15(1)(a)(iiia) 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.

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

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

3.6 Section 4.15 (1)(b) The likely Impacts of the Development

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

The proposal would have a negative impact on the natural environment due to the removal of all CPW CEEC and potential Koala habitat from the site. The removal of CPW CEEC on the site is likely to contribute to the risk of the CPW CEEC becoming extinct.

The proposal would have a negative impact on the built environment as the Northampton Drive connection would not be provided. The proposal would result in increased traffic on Category B Minor cul-de-sac roads which are not designed to cater for such traffic volumes and would not provide safe and convenient access to meet the needs of visitors and residents.

3.7 Section 4.15 (1)(c) The suitability of the development

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

The site is not suitable for the proposed development as impacts to biodiversity values have not been adequately avoided and minimised.

3.8 Section 4.15 (1)(e) public interest

The proposed development is not in the public interest. The submitted clause 4.6 request seeking to vary the minimum subdivision lot size is not well founded. The proposal would cause unacceptable impacts on biodiversity values and would not provide the Northampton Drive connection.

3.9 Contributions

Section 7.11 development contributions and Housing and Productivity contributions apply to the development should consent be granted.

4. Public Participation

Section 4.15(1)(d) of the EP&A Act require that the consent authority must consider any submissions made in relation to a development proposal.

The application was publicly exhibited for a period of 28 days in accordance with Campbelltown Community Participation Plan 2018, between 1 April 2025 – 1 May 2025. Two public submissions were received objecting to the proposal. The issues of objection are summarised and discussed below.

Issue	Detail	Response
Northampton drive connection	The Northampton Drive connection will not be provided which is important for pedestrian and vehicular traffic. People currently jump the fence at each dead end to shorten their trip time.	The Northampton Drive connection would not be provided. The proposal is not convenient or safe for motorists and pedestrians.
Redundant Ianeways	The temporary laneways connecting Brothers Lane and Sovereign Circuit should be acquired and removed under this DA. The laneway was provided with the intention that when these roads are extended the laneways will be removed. If these laneways remain they may become an area for antisocial behavior and crime due to lack of visual surveillance. No CPTED report has been submitted to support the proposal.	The applicant has not demonstrated the privately owned laneways would not become isolated and are capable of accommodating suitable building envelopes.
Setbacks and	Concern is raised regarding future building	This development

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Issue	Detail	Response
privacy	setbacks and potential privacy impacts to	application does not include
	neighbouring property.	the construction of any
		dwellings. The indicative
		building envelope which
		shows a potential future
		dwelling on proposed Lot 12
		is not supported as it
		conflicts with the
		Northampton drive
		connection. Potential
		privacy impacts would be
		assessed under future
		applications.

Conclusion

The subject development application (1051/2025/DA-SW) proposing the demolition of existing structures, tree removal, civil and bulk earthworks, Torrens Title subdivision into 12 lots and construction of 2 local roads at 540 Campbelltown Road, Glenfield has been assessed under the matters of consideration of Section 4.15 of the *Environmental Planning and Assessment Act* 1979.

The development proposed is not consistent with *Biodiversity Conservation Act 2016*, SEPP (Biodiversity and Conservation) 2021, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.

The development application is recommended for refusal for the reasons provided in attachment 1.

Attachments

- 4.2.1 Reasons for Refusal (contained within this report)
- 4.2.2 Compliance Table (contained within this report)
- 4.2.3 Architectural Plans (contained within this report)
- 4.2.4 Traffic Report (contained within this report)
- 4.2.5 Acoustic Report (contained within this report)
- 4.2.6 cl4.6 Variation Statement (contained within this report)
- 4.2.7 BDAR Report (due to size) (distributed under separate cover)

Reporting Officer

Senior Town Planner

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Reasons for refusal

- Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the application is likely to have unacceptable, and potentially serious and irreversible, impact on the CPW CEEC and the Koala and fails to avoid or minimise. The application fails to demonstrate consistency with Part 7 of the NSW Biodiversity and Conservation Act 2016.
- 2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the application is inconsistent with councils adopted, comprehensive koala plan of management (CKPoM). Council can therefore not be satisfied that the development complies with the required controls and standards arising from chapter 4 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- 3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the lots proposed do not comply with the minimum lot size development standard in clause 4.1 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and the consent authority is not satisfied that the Applicant has demonstrated the matters in clause 4.6(3) of CLEP 2015.
- 4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the application is inconsistent with the Campbelltown Local Environmental Plan 2015 with respect to section 7.20 Terrestrial Biodiversity.
- 5. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed subdivision layout is unsatisfactory with regard to the desired future character of the estate and does not represent orderly and economic development of the land in accordance with part 2.1 of Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015.
- **6.** Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979, the submitted DRAINS model and stormwater management strategy are inconsistent. As a result, it has not been adequately demonstrated that the proposed development will avoid adverse environmental impacts on the natural and built environments.
- 7. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979, the development poses significant environmental impacts on the built and natural environments and economic impacts in the locality.
- **8.** Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979, the application fails to demonstrate that the site is suitable for development.
- **9.** Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act,* 1979, the proposed development is not in the public interest.

CAMPBELLTOWN SUSTAINABLE CITY DEVELOPMENT CONTORL PLAN 2015		
CONTROL	PROPOSED	COMPLIES
PART 2 REQUIREMENTS APPLYING TO A	LL TYPES OF DEVELOPMENT	
Clause 2.5 Landscaping		
a) Landscape design shall enhance the	A landscape plan is not required to be	N/A
visual character of the development	submitted with a subdivision	
and complement the design/use of	application.	
spaces within and adjacent to the site.		
Clause 2.6 Weed Management		
a) A Weed Management Plan shall be	The site does not trigger a	N/A
submitted with any DA within land	requirement for a weed management	
zoned for rural, environmental	plan as the site is not 2 hectares,	
protection or waterways purposes	significant infestation of noxious	
that:	weeds and is not within 100m of a	
i) is proposed on site of two (2) or more	watercourse.	
hectares in area; or		
ii) have a significant infestation of		
noxious or environmental weeds		
present		
iii) is within 100 metres of a		
watercourse;		
Clause 2.7 Erosion and Sediment Contro	ol .	
a) An Erosion and Sediment Control	All excavated and disturbed soils will	Yes
Plan (ESCP) shall be prepared and	be suitably stored on site to prevent	
submitted with a development	soil erosion and spill into the	
application proposing construction	waterways in accordance with the	
and/or activities involving the	Sediment Control and Waste	
disturbance of the land surface.	Management Plan submitted with this	
	DA.	
Clause 2.8 Cut and Fill		
a) a Cut and Fill Management Plan	The proposed development includes	Yes
(CFMP) shall be submitted with a	demolition of existing structures and	
development application where the	subdivision only. A cut and fill plan	
development incorporates cut and/or	was provided and is satisfactory.	
fill operations.		
Clause 2.9 Demolition		
a)i)a detailed work plan prepared by a	A demolition plan has been included	Yes
suitably qualified person, in	as part of the development	
accordance with AS2601-2001 - The	application and satisfies this clause.	
Demolition of Structures.		
Clause 2.10.3 Stormwater Drainage		
a) A Stormwater Drainage Concept Plan	The proposed development has been	No
shall be prepared by a suitably qualified	referred to Council's Engineers and is	
person, and submitted with all	unsatisfactory. The DRAINS model is	
development applications, involving	inconsistent with the stormwater	

construction (except for internal	management strategy and lots 1-4 are	
alterations/fitouts), demonstrating to	proposed to drain via an inter-	
Council how the stormwater will be	allotment drainage system over lot	
collected and discharged from the site.	200 in DP270660 . The applicant must	
	demonstrate that the site benefits	
	from a drainage easement.	
Clause 2.14.1 Salinity		
a) Shall be designed in accordance with	Council is satisfied that the	Yes
Section 5.8 Council's Engineering	development complies with the	
Design Guide for Development.	requirements of this clause.	
Clause 2.15 Waste Management		
a) A detailed Waste Management Plan	A waste management plan	Yes
(WMP) shall accompany development	accompanies this application and is	
applications.	acceptable.	
Part 11 Vegetation and Wildlife Manager		
b) A Native Flora and Native Fauna	The application has been referred to	No
Assessment Report prepared in	the Council's Environmental officer	
accordance with the Office of	for comment. The submitted	
Environment and Heritage's	biodiversity development assessment report (BDAR) and submitted AIA does	
Threatened Species Survey and	not address councils CKPOM and as	
Assessment Guidelines and Field	the development is likely to	
Survey Methods is required to be	significantly affect threatened	
lodged with the development	species for the purposes of Part 7 of	
application where one or more of the	the BC Act as the development	
following criteria is met:	exceeds the biodiversity offsets	
i) the site contains: - native vegetation;	scheme threshold and the biodiversity	
and – sensitive environmental areas	offset scheme applies to the	
likely to contain important habitat	development on biodiversity values in accordance with section 6.3 of the BC	
resources for native fauna (although	Act. No avoidance and minimise has	
these may not be vegetated) such as	been undertaken and therefore the	
	development is not supported and it is	
riparian areas, rivers, creeks, wetlands	recommended that the application be	
or swamps, rocky outcrops, caves and	refused.	
cliffs;		
ii) there are proposed direct or indirect		
impacts on native vegetation or other		
native fauna habitats;		
iii) there is a potential impact on		
threatened species, populations		
ecological communities or their		
habitats either directly or indirectly.		

CAMPBELLTOWN SUSTAINABLE CITY DEVELOPMENT CONTORL PLAN 2015			
CONTROL	PROPOSED	COMPLIES	
PART 3 LOW AND MEDIUM DENSITY RES	IDENTIAL		
3.8.1 Design Requirements			
a) Subdivision shall have appropriate regard to orientation, slope, aspect and solar access.	Council determines that the subdivision layout is not appropriate or in accordance with council's requirements.	No	
b) Subdivision design shall comply with the requirements specified in Councils Engineering Design Guide for development.	•		
c) Where relevant, roads shall be designed to provide satisfactory level of services for the evacuation of occupants in the event of an emergency.	The proposed subdivision pattern will have negative adverse impacts on emergency services and efficiency of evacuation in the event of an emergency.	No	
d) Subdivision shall promote through street access and minimize the number of cul-de-sacs.			
e) Roads/access handles shall be provided to separate allotments from any park, reserve, waterway and the like	The proposed subdivision does not create through street access and minimise the number of cul-de-sacs. The current layout relies on temporary arrangements for council waste vehicles.	No	
f) All allotments within a subdivision that are located adjacent to the intersection of local public roads (existing or proposed) shall provide a splay in accordance with Council's Engineering Design Guide for to ensure adequate sight distances and maintain footpath widths.	The site is not located adjacent to any intersections.	N/A	
g) Residential subdivision shall be designed to address the public domain.			
h) Wherever possible, subdivision design shall avoid the creation of allotments that have rear boundaries (and fencing) that adjoin the public	The proposed subdivision scheme	No	
domain.	does not address the public domain.	No	

road where alternative access can be made available via the non-classified road network. I) Extensive use of battleaxe configuration in the subdivision of new areas shall be avoided, where possible. 3.8.9 Subdivision and Waste Manageme a) Where a staged development is proposed and the full length of road will not be completed as part of the initial	Access is not proposed to a classified road No battle-axe blocks are proposed. nt The proposal is not staged development.	N/A N/A
j) For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is subject to bushfire, flooding or other risk (excluding mine subsidence) shall not be included within the calculated area of land unless it is demonstrated to Council's satisfaction that the site can be appropriately managed in a manner that retains the ability to be developed for the purpose to which it is intended under the zone. k) Access to residential subdivisions shall not be permitted to any classified road where alternative access can be	The site is not impacted flooding or bushfire. Minimum lot sizes are established in the LEP, and the lots do not comply with the requirements of this provision. Access is not proposed to a classified	No N/A
i) For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is part of an environmental corridor as specified by the Office of Environment and Heritage or any other government agency shall not be included within the calculated area of land unless the relevant public agency is satisfied that that part of the allotment is capable of being developed.	The subject site has known environmental constraints and a has a heritage item in close proximity to the site. Council is unaware of the potential impacts the proposed development will have on an adjoining heritage item. Minimum lot sizes are established in the CLEP 2015, and the lots do not comply with the requirements of this provision.	No
i) For the nurnose of calculating the	The subject site has known	

constructerigid collected dimension removed w	ary turning areas should be ed to accommodate heavy ction vehicles (see indicative as at Table 2.15.2), and be when a through road is d into the next stage of the ent.	The development proposes the removal of previous temporary arrangements from the previous subdivisions on either side of the property. The turning circles on Northampton drive are proposed to	No
	sion shall be designed and ed so that upon completion:	be retained which council does not support.	
i)	kerbside waste and recycling collection vehicles are able to access bins from the kerbside at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin (refer to indicative vehicle dimensions at Table 2.15.2);	Kerb side waste collection will be improved on Sovereign Circuit and Brothers Lane however no improvements to Northampton Drive which council does not support	No
ii)	at least 1.5 metres of clear and unobstructed footpath area is provided within the confines of each lot (not impeding driveways or neighbouring lots) to allow for the presentation of bins and kerbside clean up material.		
iii)	where it is not possible to provide bin collection points immediately in front of each allotment, a concrete pad shall be constructed at the closest practical location to the allotment for garbage collection;		
iv)	any concrete pad constructed for the purpose of providing a bin collection point must be designed to provide adequate space to accommodate the number of bins presented each week and the design and		

	location approved by Council prior to construction.		
v)	the location for kerbside presentation provides a minimum 5.2 metres overhead clearance for the operation of the collection vehicle (eg. no trees or transmission lines overhanging the bins).		
vi)	collection vehicles are not required to make a reverse movement to service bins.		
vii)	a minimum carriageway width of 5.5m is provided, allowing for a total width of 8m (face of kerb to face of kerb) allowing access by heavy rigid class waste vehicles to pass between two cars parked on the street.		
they shall	battle-axe lots are proposed, be designed and constructed on completion:		
i)	The width of the access handle must be sufficient to allow bins and kerbside clean up material to be presented for collection without restricting vehicle movements; or	The proposed subdivision will not create battle-axe allotments.	N/A
ii)	Where sufficient space cannot be provided at the access road, the neighbouring lot must be able to accommodate sufficient area for the presentation of bins and kerbside clean up material. The applicant shall demonstrate to Council that an appropriate mechanism (e.g. an easement) is in place to		

lawfully facilitate such an	
arrangement.	

Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 2: Glenfield Site DCP.

PART 2 - Criteria for Development			
Control	Requirement	Proposed	Complies
2.1 Masterplan	 Development must proceed in accordance with a comprehensive master plan. The urban form and layout of the new residential area is to create a distinct and positive identity, by responding to site characteristics, the natural setting, landmarks and views and through clearly readable street and open space networks. While allowing for the creation of its own identity the new residential area is to retain important linkages with surrounding established areas, and is not to result in any amenity impacts upon these areas. 	The proposal is not in accordance with the masterplan and the proposal will not implement important road links.	No
2.2 Streetscape and urban character.	 To create high quality masterplanned residential estate. To ensure vehicular access is simple, safe and direct and creates a pleasant environment. To provide maximum connectivity through the estate for pedestrians, with a central pedestrian/cycle network, which takes advantage of the attractiveness of the proposed open space corridor, to encourage pedestrian/cycle movements throughout the estate, connecting to Glenfield Railway Station and shops. 	The result of this subdivision pattern will not create a high-quality master planned estate. Vehicular access is not considered simple, safe and direct, and the subdivision layout will not provide maximum connectivity through the estate for pedestrians.	No
2.3 Subdivision Design	Lot size and dimensions should be capable of accommodating a dwelling or multi-unit housing development where	It is currently unclear if the future lots currently used	No

	consistent with the masterplan in a	as a laneway on	
	manner which complies with all other	sovereign circuit	
	requirements of this DCP, inclusive of the	are capable of	
	provision of adequate landscaped area,	accommodating a	
	private open space and car	dwelling.	
	accommodation		
2.6 Ecological	Subdivisions are to facilitate maximum	Solar access is	No
Sustainable	solar access to future residential	satisfactory.	
Development	development.	The proposed	
	2. Development should not affect threatened	development	
	species, populations or ecological	impacts on	
	communities and their habitats in any	threatened	
	way.	ecological	
		communities which	
		is not supported.	
2.8 Water	Stormwater runoff generated by new	The application was	No
Management	development should be managed to	referred to councils'	
	protect any potential damage to persons	development	
	and property.	engineer who	
		determined that the	
		development is	
		unsatisfactory with	
		regards to	
		stormwater.	

LOCAL GOVERNMENT AREA:

540 Campbelltown Road, Glenfield

CLIENT DETAILS: Diabcorp

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Campbelltown Council

DRAWING TITLE: COVER PAGE

540 CAMPBELLTOWN ROAD, GLENFIELD

DEVELOPMENT APPLICATION PROPOSED SUBDIVISION

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Item 4.2 - Attachment 3

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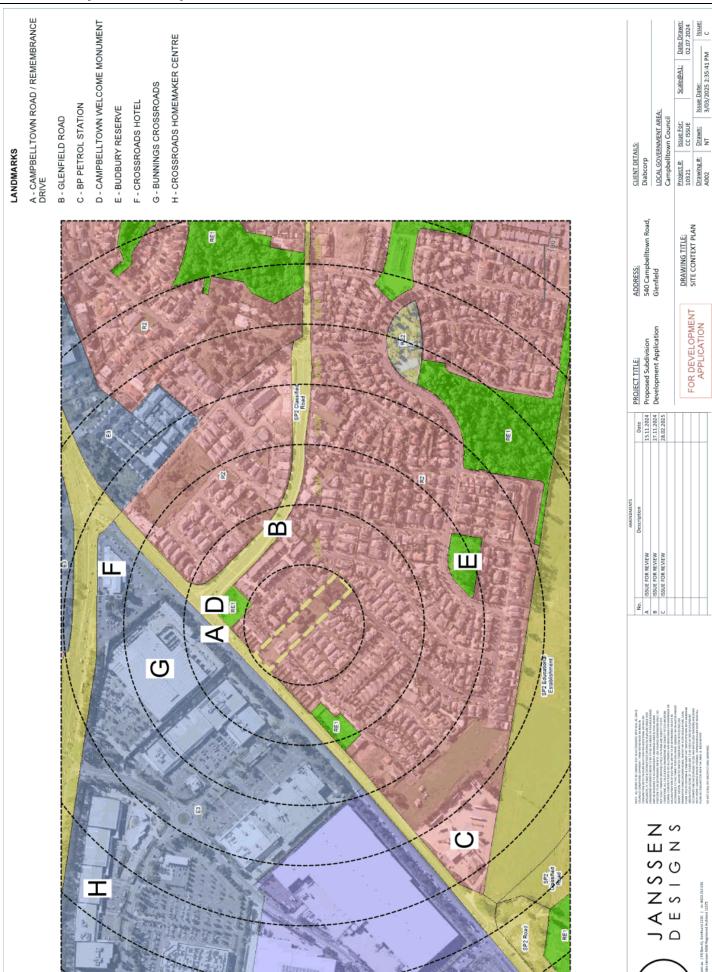
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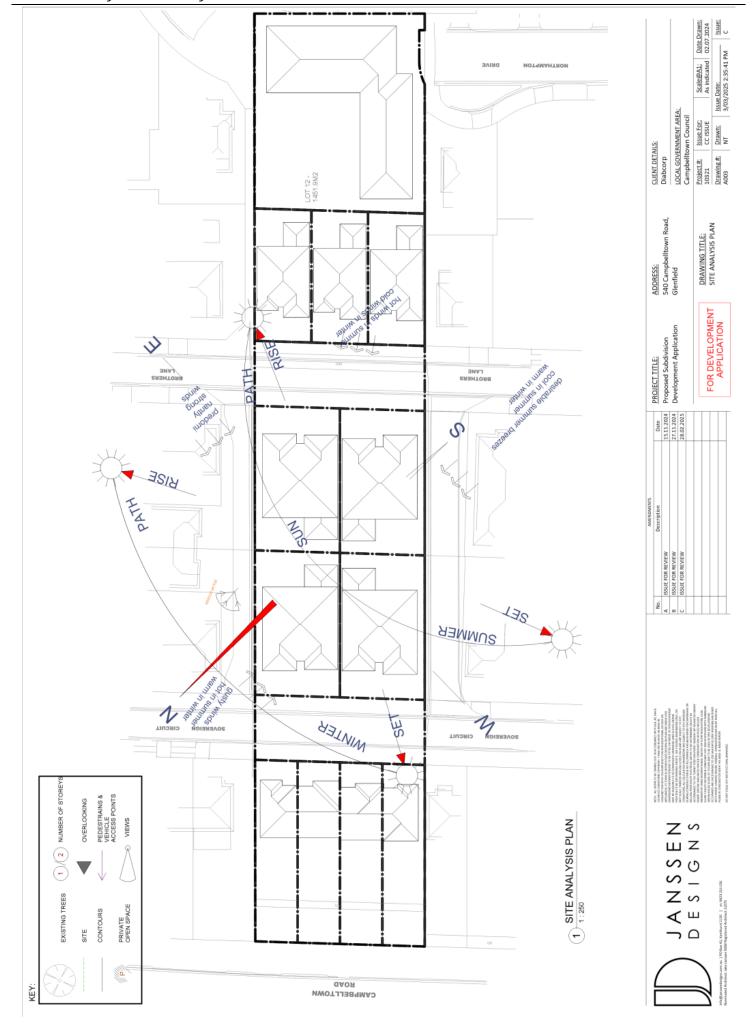
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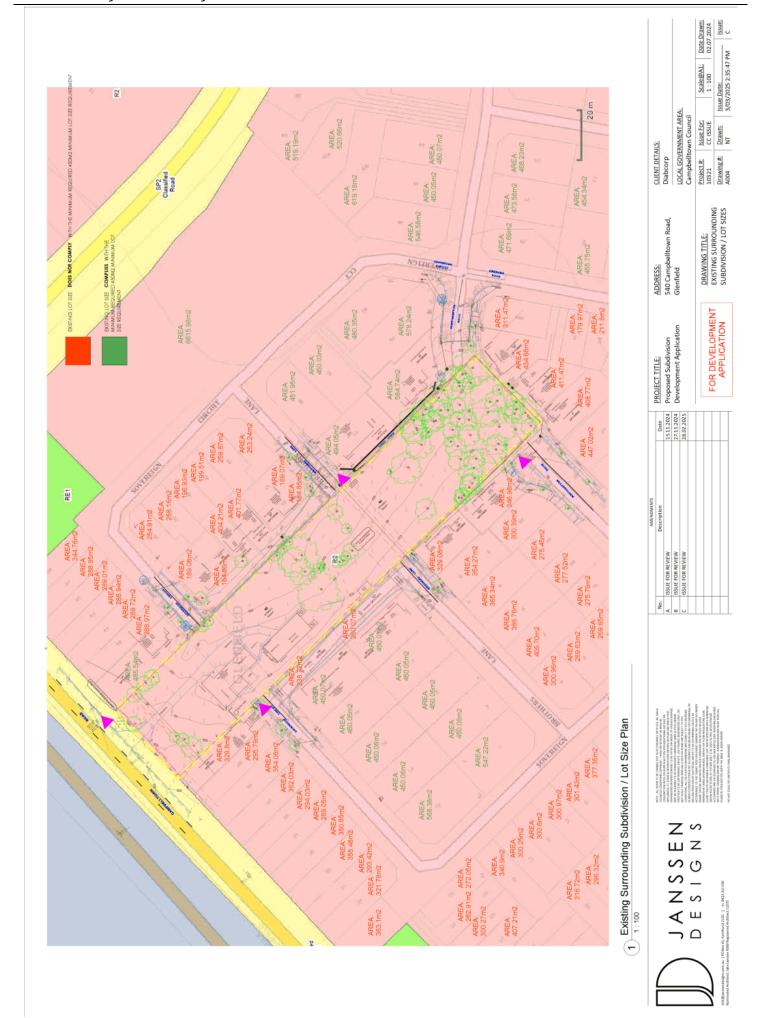




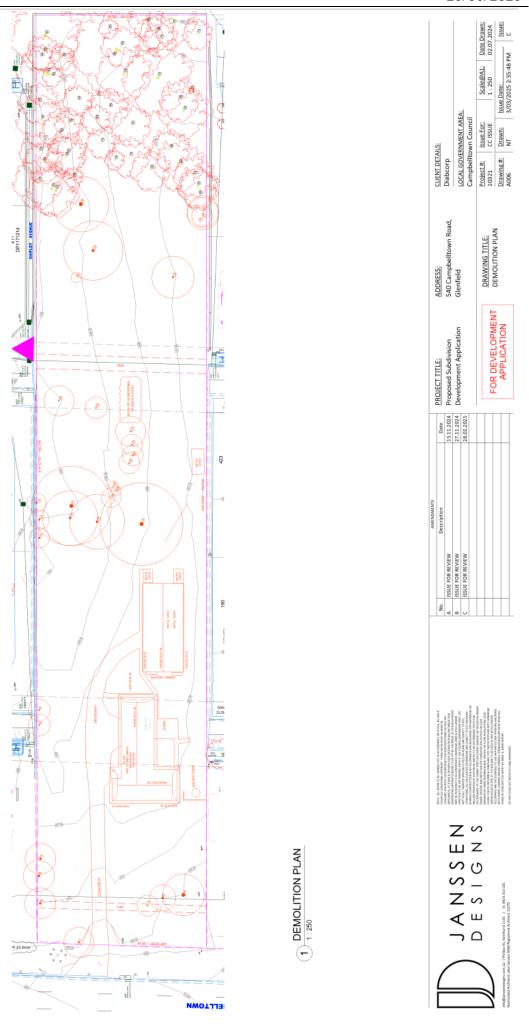
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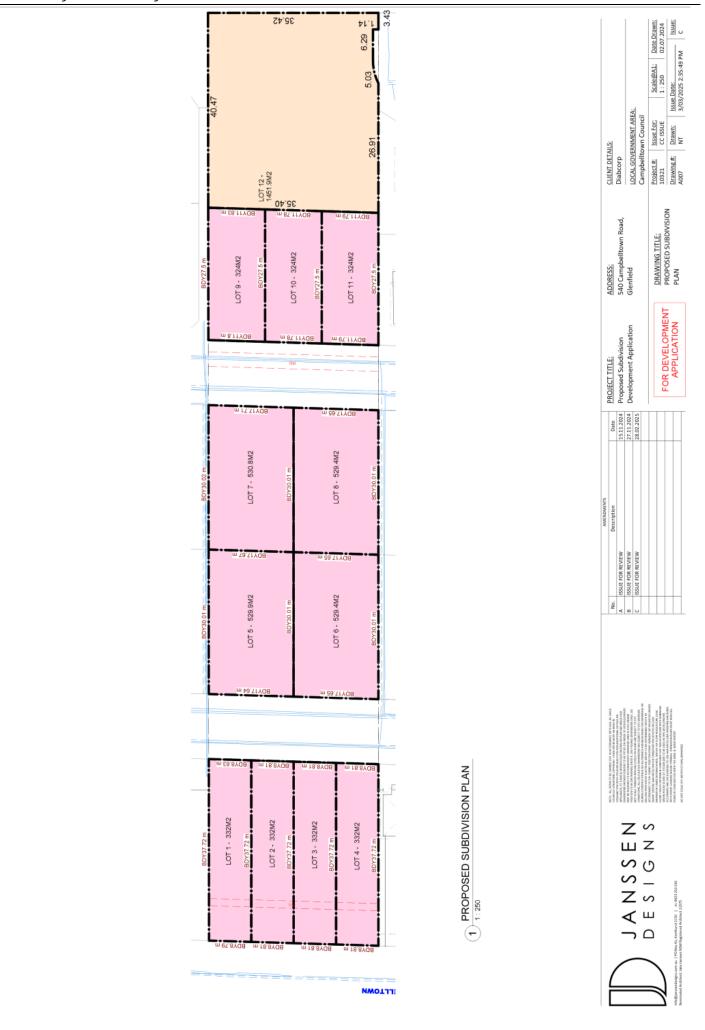


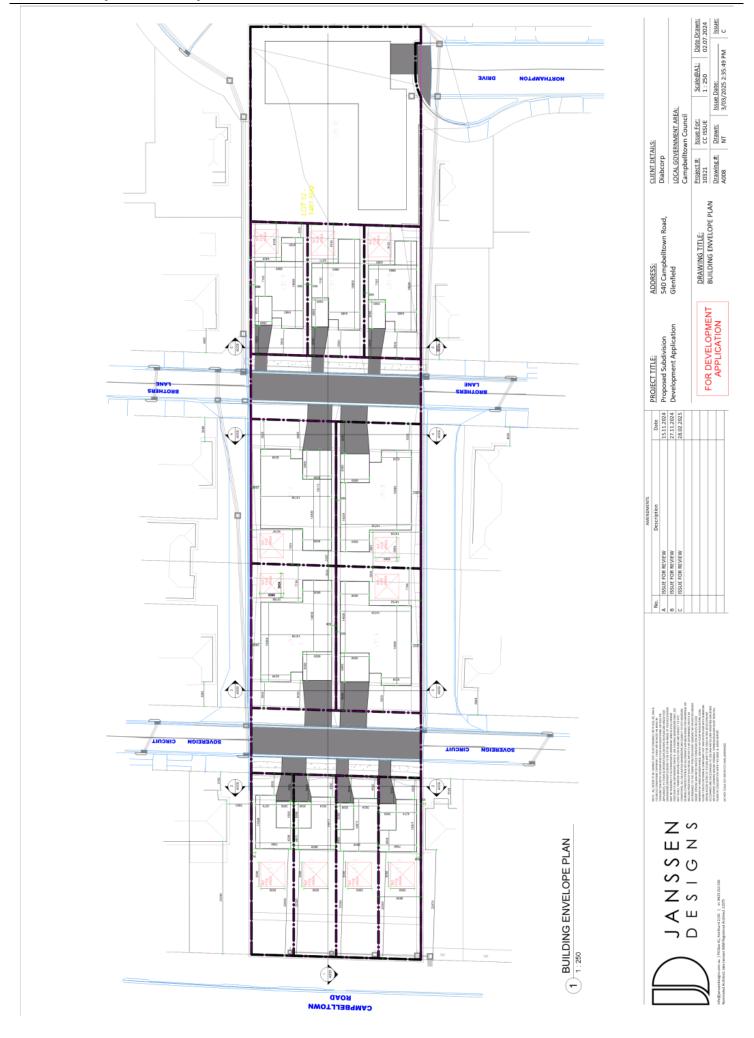


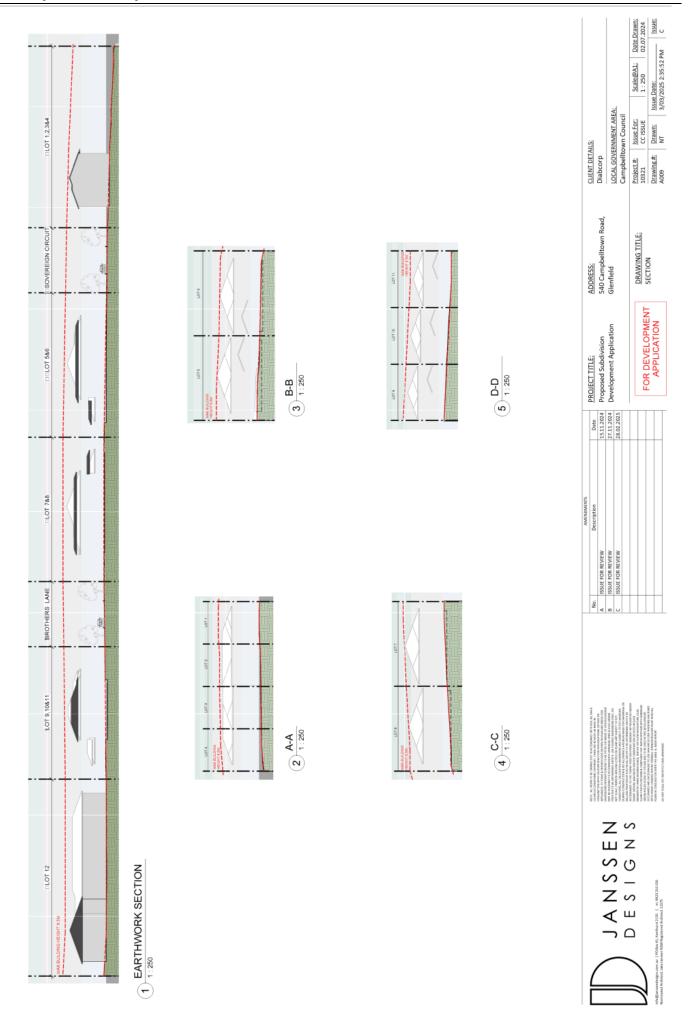


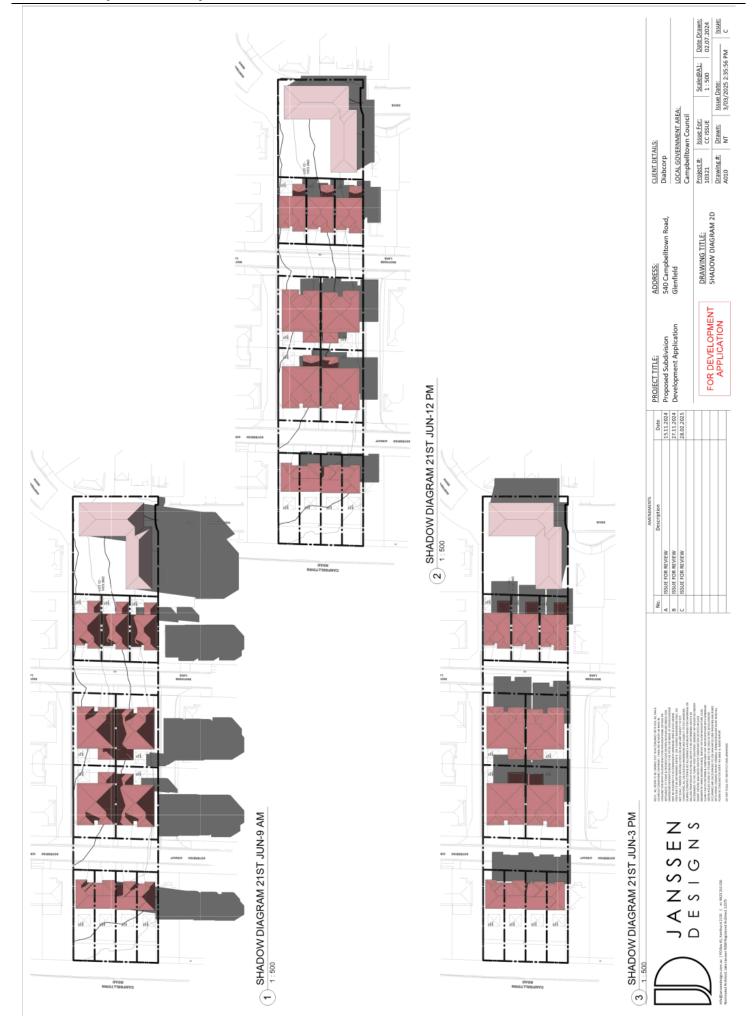


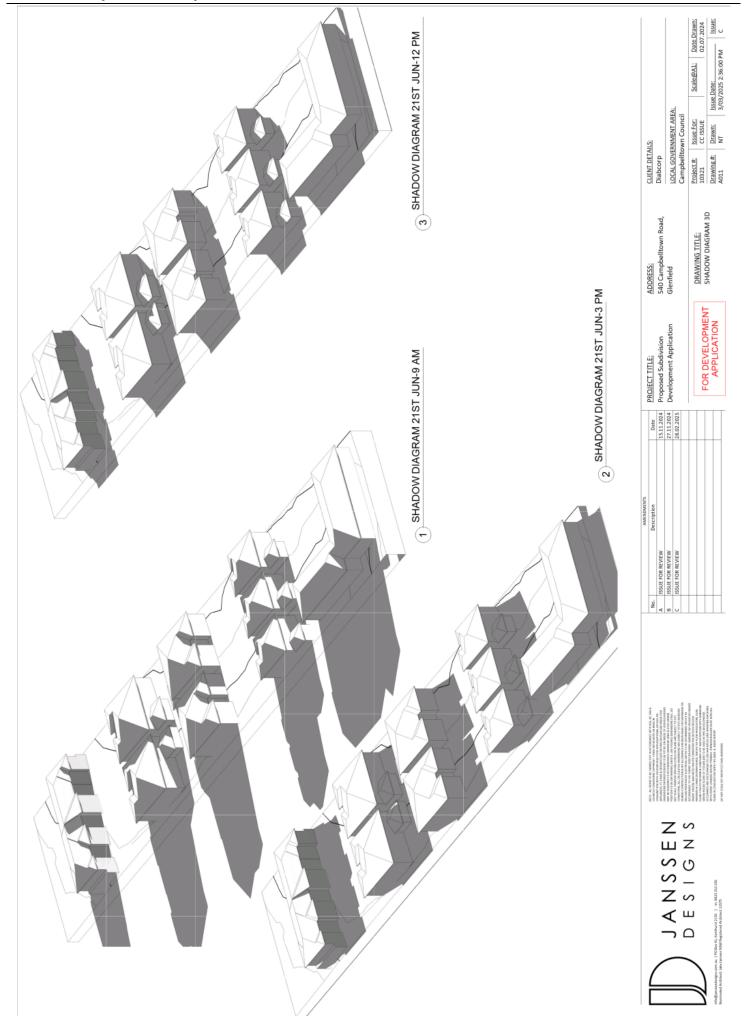


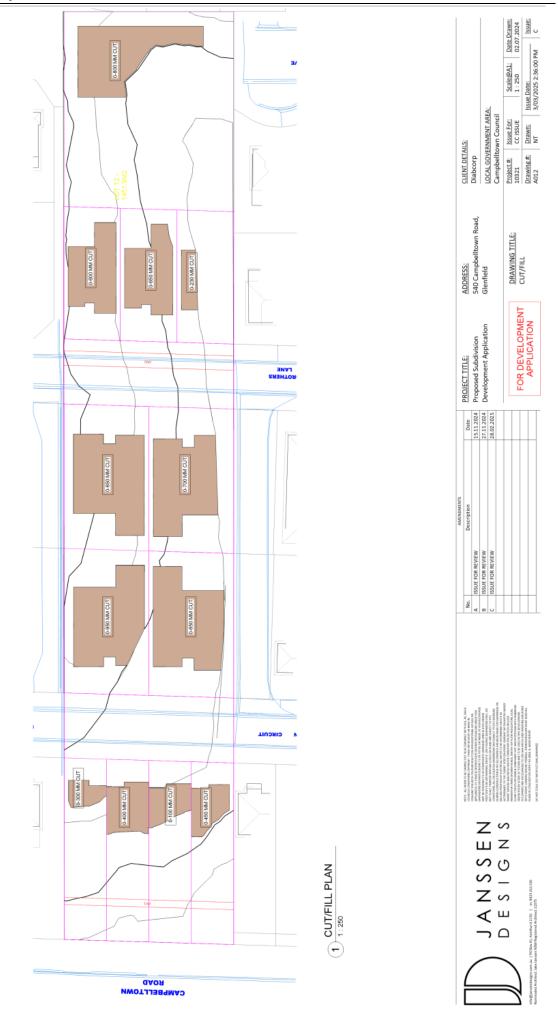
















PROPOSED TORRENS TITLE LAND SUBDIVISION

540 CAMPBELLTOWN ROAD, GLENFIELD

TRAFFIC ASSESSMENT REPORT

28TH OCTOBER 2024

REF 24059

Prepared by

Terraffic Pty Ltd Traffic and Parking Consultants

Terraffic Pty Ltd ABN 83 078 415 871 PO Box 563 Sylvania Southgate, NSW 2224 Tel: 0411 129 346 Email: logan@terraffic.com.au Web: www.terraffic.com.au



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1. INTRODUCTION

This report has been prepared to accompany a Development Application to Campbelltown City Council for a proposed Torrens Title land subdivision at 540 Campbelltown Road, Glenfield (Figures 1 and 2).

The development site is located on the eastern side of Campbelltown Road approximately 120m south of Glenfield Road. It has a total site area of 6,828m² with a frontage of 35.24m to Campbelltown Road. The existing site development comprises a single detached dwelling that gains vehicular access to Campbelltown Road via single width access driveway.

The site survey is reproduced in the following pages showing the development site separating Sovereign Circuit, Brothers Lane and Northampton Drive. These 3 roads currently terminate at the subject site.

A 3.8m wide single lane access road called Shipley Avenue connects Sovereign Circuit to Brothers Lane along the northern site boundary. A 5.8m wide unnamed temporary access road connects Sovereign Circuit to Brothers Lane along the southern site boundary. It is understood this road is on privately owned land. Both of these access roads were primarily constructed to facilitate waste collection vehicle manoeuvring through the subdivision and remove the need for expansive cul-de-sacs.

Development Proposal

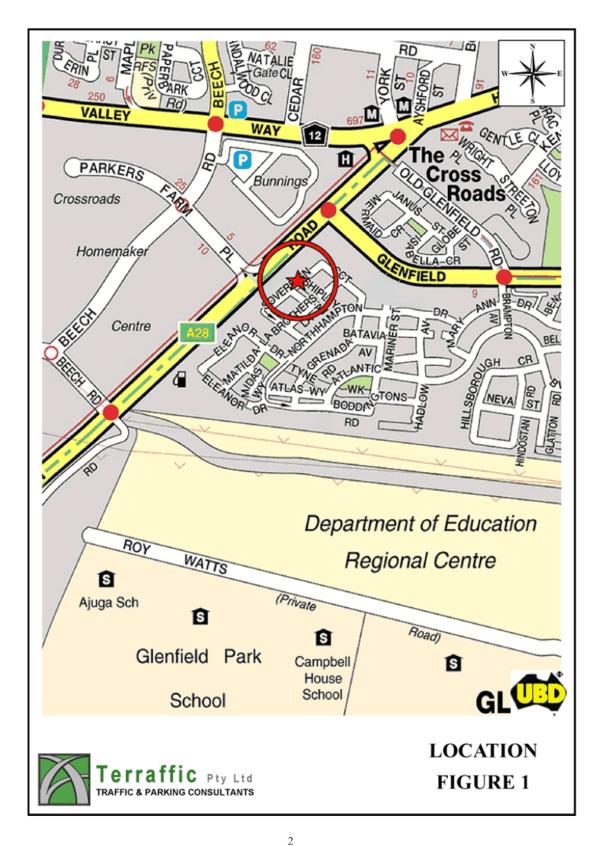
The proposed development comprises a 12 Lot Torrens Title subdivision of the existing Lot. A plan of the proposed subdivision is also reproduced in the following pages and shows:

- · 6 residential Lots with a frontage to Sovereign Circuit
- 5 residential Lots with frontages to Brothers Lane
- A 12th residual lot at the rear of the site with a frontage to Northampton Drive

As can be seen on the subdivision plan, both Sovereign Circuit and Brothers Lane will be connected while Northampton Drive will continue to be closed to through traffic.

1



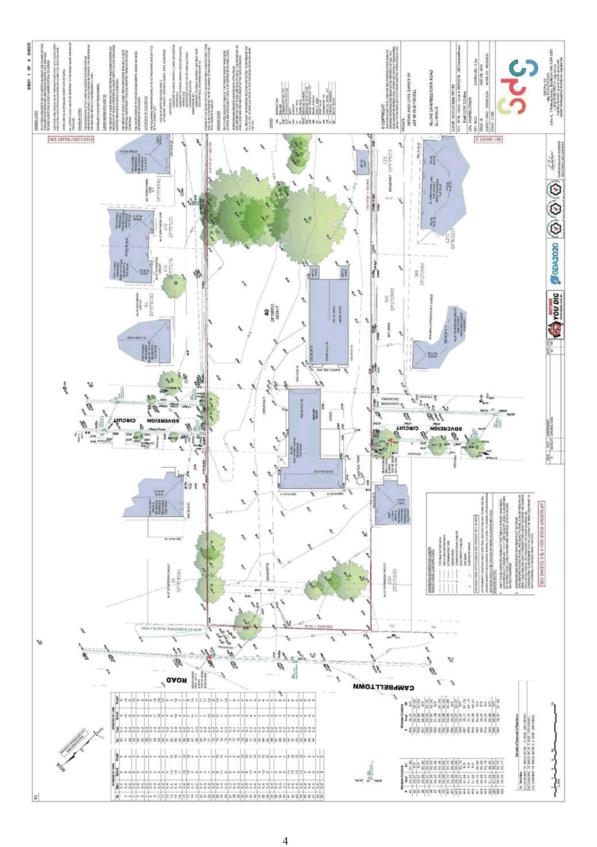






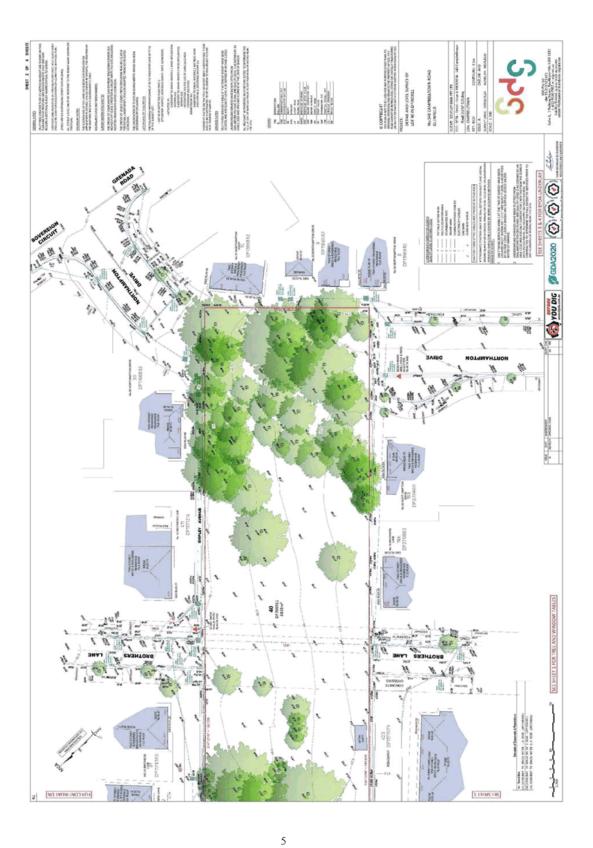
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Public Transport Accessibility

The subject site has convenient access to the following bus routes that have stops on Glenfield Road approximately a 230m from the site:

Route 864	Glenfield Station to Carnes Hill via Horningsea Park. Service operates weekday peaks only
Route 867	Glenfield Station to Prestons. Service operates weekday peaks only
Route 870	Campbelltown to Liverpool via Leumeah Station, Minto, Ingleburn, Glenfield Station and Casula. Service operates daily
Route 871	Campbelltown to Liverpool via Leumeah Station, Minto, Ingleburn, Glenfield Station and Casula. Service operates daily
Route 872	Campbelltown to Liverpool via Leumeah Station, Minto, Ingleburn, Glenfield Station and Casula. Service operates daily

Cycling Routes

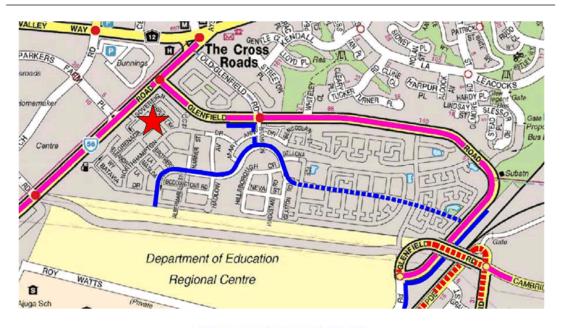
An extract of the Campbelltown LGA Cycleway Plan is reproduced in the following pages. As can be seen, the site has convenient access to the existing on road and off road paths in the vicinity of the site.

The purpose of this report is to assess the traffic implications of the proposed development.









CYCLEWAY LEGEND

---- EXISTING ON ROAD

- EXISTING OFF ROAD

----- PROPOSED ON ROAD

----- PROPOSED OFF ROAD



2. TRAFFIC IMPLICATIONS

Road Network

The road hierarchy allocated to the road network in the vicinity of the site by the Roads and Maritime Services is illustrated on Figure 3. As can be seen, Campbelltown Road is a classified *State Road* performing an arterial road function. It connects Casula and Prestons to the north with Campbelltown to the south. It carries three lane of traffic in each direction in the vicinity of the site and is restricted to a speed limit of 70km/h.

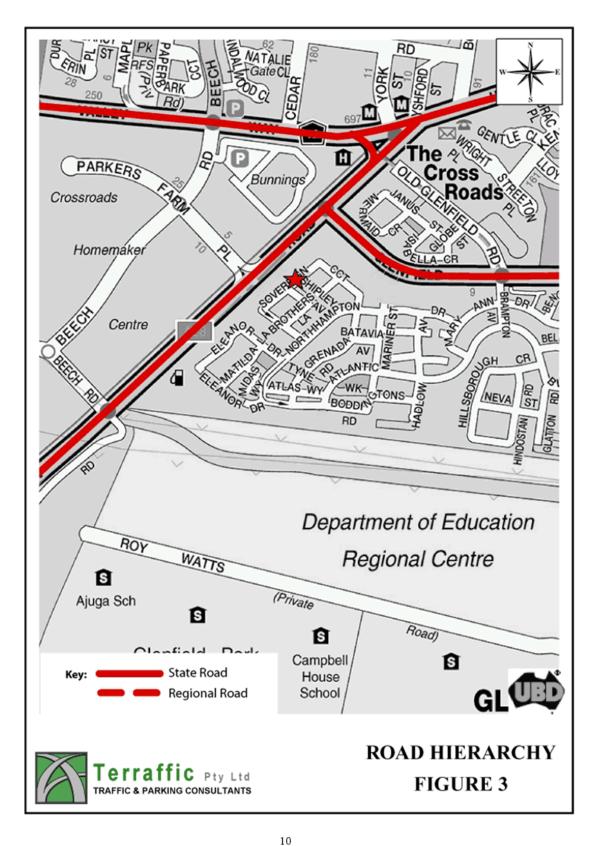
Glenfield Road is also a classified *State Road* performing an arterial road function. It connects Campbelltown Road to the west with Canterbury Road to the east. It carries 2 lanes of traffic in each direction and is restricted to a speed limit of 60km/h.

Sovereign Circuit and Brothers Lane are unclassified *Local Roads* with a primary function of providing access to properties that front them. They have pavement widths of approximately 6.3m with kerbside parking permitted along both alignments. As is common on narrow roads, vehicles travelling in opposing directions give way to each between parked cars.

The proposed development site forms part of a larger residential subdivision that is bounded by Campbelltown Road to the west, Glenfield Road tho the north and east and an undeveloped lot to the south that is zoned SP2 for educational purposes. As vehicle access to the entire subdivision is restricted from Campbelltown Road, all access to the subdivision is off Glenfield Road via the following major intersections:

- The traffic signals at the intersection of Glenfield Road and Brampton Avenue/Old Glenfield Road, and
- 2. The traffic signals at the intersection of Glenfield Road and Atlantic Boulevarde







TERRAFFIC PTY LTD

Projected Traffic Generation

An indication of the traffic generation potential of the proposed development is provided by reference to the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments – Technical Direction TDT 2013-04a (August 2013). The traffic generation rates specified in the updated Guidelines are based on extensive surveys of a wide range of land uses throughout Sydney and regional NSW and nominate the following traffic generation rates for low density residential dwellings:

AM Peak (1 hour) vehicle trips per unit 0.95 PM Peak (1 hour) vehicle trips per unit 0.99

For the purposes of this assessment, a traffic generation of 1 vehicle trips per hour (vtph) per dwelling will be adopted for the proposed dwellings.

Application of this traffic generation rate to the proposed development yields a traffic generation potential of 11vtph during the AM and PM peak periods as set out below:

AM Peak Period

11 dwellings @ 1vtph per dwelling 11vtph (3 in / 8 out)

PM Peak Period

11 dwellings @ 1vtph per dwelling 11vtph (8 in / 3 out)

Traffic Impacts of Proposed Development

It will be readily appreciated that the traffic generated by the proposed development is relatively minor (11vtph) which will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect.

In the circumstances, it can be concluded that the proposed development has no unacceptable traffic implications.

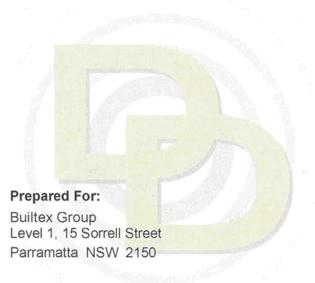


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Road Traffic Noise Intrusion Assessment

Proposed Residential Subdivision Lot 40 DP 706911, 540 Campbelltown Road, Glenfield, NSW

REPORT No 8093-1.1R REV A



DATE ISSUED 19 May 2025

Attention: Mr Harry Bazouni



Builtex Group

Road Traffic Noise Intrusion Assessment

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Revision History

Report	Date	Date Prepared Checked		Comment
Final	29/11/2024	Benjamin Lamont	Stephen Gauld	
Rev A	19/05/2024	Benjamin Lamont	Stephen Gauld	Updated Section 4.5 and added Section 5.4

Document R\8093-1.1R Rev A, 19 pages plus attachments

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Recommendations made in this report are intended to resolve acoustical problems only. No claims of expertise in other areas are made and no liability is accepted in respect of design or construction for issues falling outside the specialist field of acoustical engineering including but not limited to structural, fire, thermal, architectural buildability, fit for purpose, waterproofing or other aspects of building construction. Supplementary professional advice should be sought in respect of these issues.

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19-May-25



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1.0 CONSULTING BRIEF

Day Design Pty Ltd was engaged by Builtex Group to carry out a road traffic noise intrusion study for a proposed subdivision development at Lot 40 DP706911, 540 Campbelltown Road, Glenfield, NSW.

The scope of work is as follows:

- Inspect the proposed development site in Glenfield
- Measure the road traffic noise level from Campbelltown Road
- Carry out noise propagation and intrusion analysis using the architectural drawings
- Design sound insulation of the residences to meet the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021
- · Provide recommendations for noise control
- Prepare a Road Traffic Noise Intrusion Report.

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2.0 PROJECT DESCRIPTION & SUMMARY OF FINDINGS

It is proposed to subdivide the land at Lot 40 DP706911, 540 Campbelltown Road, Glenfield, NSW, into 12 separate lots with access via two internal roads.

The development site is located on land zoned R2 – Low Density Residential under Campbelltown Local Environmental Plan (LEP) 2015, and is adjacent to Campbelltown Road.

Campbelltown Road is an arterial road which carries heavy traffic volumes. The site and proposed subdivision, as well as Campbelltown Road, are shown within Figure 1. Campbelltown City Council requires a road traffic noise assessment to assess the noise impacts of traffic noise from Campbelltown Road on the proposed lots.

Long term road traffic noise measurements have been taken at the site as shown in Figure 1. Road traffic noise levels are presented in Section 5 of this report.

Acceptable intrusive noise levels from road traffic noise are based on the requirements of the *State Environmental Planning Policy (Transport and Infrastructure) 2021.*

The acoustic assessment was based on proposed subdivision drawings by Janssen Designs dated 27 November 2024.

Noise controls are required to reduce the traffic noise intrusion to within acceptable internal noise levels and are detailed in Section 6 of this report.

Once the noise controls in this report have been implemented, the internal noise level from road traffic will be within the acceptable limits required by the SEPP (Transport and Infrastructure) 2021 and considered acceptable.

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Builtex Group

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Figure 1: Location Plan - Lot 40 DP706911, 540 Campbelltown Road, Glenfield, NSW.

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3.0 NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis were made with instrumentation as follows in Table 1:

Table 1 Noise Instrumentation

Description	Model No.	Serial No. A2A-20928-E0	
NTi Audio Noise Logger	NTi XL2		
Preamplifier	MA220	9801	
0.5" diameter Capsule	MC2230	A20653	
Microphone Calibrator	B & K 4231	2721949	

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The NTi Audio XL2 noise monitors are a Type 1 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 0.3 dB during attended measurements and less than 1 dB for unattended noise monitoring. No adjustments for instrument drift during the measurement period were warranted.

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4.0 ACCEPTABLE NOISE INTRUSION LEVELS

4.1 Campbelltown City Council Development Control Plan 2015

In Part 2: Glenfield Road Urban Area DCP, Volume 2 of Campbelltown (Sustainable City) DCP 2015, it states the following with regard to traffic noise:

'2.10 Security, Privacy and Acoustic Amenity

OBJECTIVES

- a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces.
- b. To provide personal and property security for residents and visitors and enhance perceptions of community safety.
- c. To ensure that all future occupants are provided with appropriate acoustic amenity.

Performance Criteria

Noise

P2. The transmission of noise between adjoining properties should be minimised.

Development Requirements

- D2.1 New dwellings should be protected from existing and likely future noise sources emanating from adjoining residential properties and other high noise sources (such as busy roads, railway lines and industries) and minimise the transmission of intrusive noise to adjoining residential properties.
- D2.2 No occupation of residential dwellings will be permitted until the construction of noise abatement barriers as specified upon the adopted Masterplan. The noise abatement barriers and dwellings will need to be designed to comply with the recommendations of the noise planning report prepared by Atkins Acoustics (ref: 31.5316.R1:DD21, Nov 2001) as part of the Local Environmental Study, except that noise walls will not generally be permitted along Glenfield Road. Where dwellings are constructed adjacent to Glenfield Road, acoustic measures will need to be designed as part of the design of the dwelling.
- D2.3 Compliance with the provisions of the Environmental Noise Control Manual published by the NSW Environment Protection Authority.'

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4.2 Australian Standard AS3671:1989

Australian Standard AS3671:1989 "Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction" recommends that an appropriate L_{Aeq} or L_{A10} criterion be used to assess the type of occupancy under consideration. We recommend the use of L_{Aeq} in favour of L_{A10} for residential traffic noise intrusion assessment, because the L_{Aeq} descriptor is applicable to both high and low level traffic noise. AS3671:1989 recommends the use of AS2107:2016 "Acoustics – Recommended design sound levels and reverberation times for building interiors" for determination of appropriate noise levels inside the buildings.

4.3 Australian Standard AS2107:2016

Australian Standard AS2107:2016 *Recommended design sound levels and reverberation times for building interiors* recommend the following internal noise levels for residential premises:

Table 2 AS2107 Recommended Indoor Noise Levels

Type of occupancy/activity	Design sound level range, $L_{Aeq,t} dB(A)$
	Satisfactory
Houses and apartments near major roads –	
Living areas	35 - 45
Sleeping areas	35 - 40

4.4 NSW Department of Planning

Section 3.6 of the NSW Department of Planning document "Development Near Rail Corridors and Busy Roads – Interim Guidelines" (2008), recommends the following internal noise criteria for residential buildings, as shown in Table 3 below.

Table 3 Required Indoor Noise Levels - Residential Buildings

Type of Occupancy	Noise Level, dBA	Applicable Time Period
Sleeping areas (bedrooms)	35	Night 10 pm to 7 am
Other habitable rooms (excl garages, kitchens, bathrooms & hallways)	40	At any time

Note: airborne noise is calculated as $L_{\rm eq}$ (9h)(night) and $L_{\rm eq}$ (15hr)(day). Ground borne noise is calculated as $L_{\rm max}$ (slow) for 95% of rail pass-by events.

In addition, it also states that:

"if internal noise levels with windows or doors open exceed the criteria by more than 10 dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia".

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4.5 NSW State Environmental Planning Policy (Transport and Infrastructure) 2021

The NSW State Environmental Planning Policy (Transport and Infrastructure) 2021 details the following in Section 2.120 with regards to road noise and vibration:

'2.119 Development with frontage to classified road

- (1) The objectives of this section are—
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

2.120 Impact of road noise or vibration on non-road development

- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between $10.00 \, \text{pm}$ and $7.00 \, \text{am}$,
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- (4) In this section, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.

Ref: 8093-1.1R REV A



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4.6 Project Specific Internal Noise Criteria

Taking into consideration the above documents and policies, we recommend that the acceptable noise criteria for this development be as follows:

With windows closed:

- Leq. 9 hr 35 dBA inside bedrooms at night (10 pm to 7 am); and
- Leq. 15 hr 40 dBA inside other habitable rooms during the day (7 am to 10 pm).

With windows open:

- Leq. 9 hr 45 dBA inside bedrooms at night (10 pm to 7 am); and
- $L_{eq, 15 hr}$ 50 dBA inside other habitable rooms during the day (7 am to 10 pm).

Ref: 8093-1.1R REV A



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5.0 ROAD TRAFFIC NOISE LEVELS

5.1 Measured Road Traffic Noise Levels

The proposed development is affected by road traffic noise from Campbelltown Road, which carries heavy traffic volumes.

A noise monitor was placed adjacent to the site at 540 Campbelltown Road. The noise monitor was placed approximately 20 metres from Campbelltown Road, shown in Figure 1 as Location 'A'. Over a period of eight days, from 12 to 21 November 2024, noise data was gathered to determine the road traffic noise levels. The following noise levels, shown in Table 4, were measured during the day time and night time periods:

Table 4 Long Term Road Traffic Sound Pressure Levels (Fast response)

Location	Daytime L _{Aeq, 15 hour} Noise Level	Night Time L _{Aeq} , 9 hour Noise Level		
Logger Location 'A' – 540 Campbelltown Road, Glenfield	65 dBA	62 dBA		

Meteorological conditions during the long term monitoring typically consisted of clear skies with temperatures ranging between 14° C to 31° C.

Analysis of this long term monitoring was carried out to ascertain the noise level and spectral characteristics during both day time and night time periods.

The resultant noise levels including octave band frequencies are shown in Table 5.

Table 5 Measured Road Traffic Sound Pressure Levels

Description								els (dB cies (H	
Description	dBA Leq	63	125	250	500	1k	2k	4k	8k
Location 'A' – Day 15 hour Ground Floor	65	70	68	62	59	62	58	53	45
Location 'A' - Night 9 hour Ground Floor	62	67	63	57	55	59	55	48	38

We are of the opinion that the noise levels in Table 5 above will be typical for this area, and have adopted these values in the design of noise insulation for the proposed subdivision.

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Based on the measured road traffic sound pressure levels at Location A and noise modelling of the site, the predicted traffic noise levels for the subdivision lots are detailed in Table 6.

Table 6 Traffic Noise Levels

Doggwintion	Road Traffic Noise Levels, Leq, period				
Description	Day (7 am - 10 pm)	Night (10 pm - 7 am)			
Lots 1-4 First Floor	62 dBA	59 dBA			
Lots 1-4 Ground Floor	53 dBA	51 dBA			
Lots 5-8 First Floor	57 dBA	54 dBA			
Lots 5-8 Ground Floor	52 dBA	50 dBA			
Lots 9-11 First Floor	48 dBA	45 dBA			
Lots 9-11 Ground Floor	52 dBA	50 dBA			

5.2 Required Road Traffic Noise Reduction

Based on the acceptable noise levels established in Section 4 of this report, the required noise reduction from road traffic is shown below in Table 7.

Table 7 Required Road Traffic Noise Reduction (TNR)

Location	Room Description	Required TNR	
Lots 1-4	Living Areas	Up to 22 dB	
(Windows Closed)	Sleeping Areas	Up to 24 dB	
Lots 1-4	Living Areas	Up to 12 dB	
(Windows Open)	Sleeping Areas	Up to 14 dB	
Location	Room Description	Required TNR	
Lots 5-8	Living Areas	Up to 8 dB	
(Windows Closed)	Sleeping Areas	Up to 10 dB	
Lots 5-8	Living Areas	Nil	
(Windows Open)	Sleeping Areas	Nil	

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Table 7 Required Road Traffic Noise Reduction (TNR) - Continued

Location	Room Description	Required TNR	
Lots 9-11	Living Areas	Up to 3 dB	
(Windows Closed)	Sleeping Areas	Up to 5 dB	
Lots 9-11	Living Areas	Nil	
(Windows Open)	Sleeping Areas	Nil	

5.3 Required Road Traffic Noise Reduction

The highest external noise levels for the closest residential lots, Lots 1-4 are 62 dBA in the day time and 59 dBA at night.

For natural ventilation, with 20% of the windows and external doors open, the level of noise inside the rooms from road traffic should not exceed 10 dB above the internal noise criteria.

In this instance, this equates to 52 dBA during the day and 49 dBA at night.

It can be seen that the acceptable day time noise limit of (40 + 10 =) 50 dBA (with windows and doors partially open is exceeded by up to 2 dBA inside living areas and the acceptable night time noise limit of (35 + 10 =) 45 dBA (with windows and doors partially open) is exceeded by up to 4 dBA in sleeping areas. Therefore, additional ventilation is required for the Lots closest to Campbelltown Road.

5.4 Development with frontage to classified road

Provided the required Traffic Noise Reduction as detailed in Table 7 is achieved, the development design includes measures, to ameliorate potential traffic noise or vehicle noise emissions within the site of the development arising from the adjacent classified road as required by SEPP 2.119(2)(c).

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Masonry Walls

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6.0 RECOMMENDED ACOUSTICAL TREATMENT

We have modelled the proposed development based on lot layout drawings by Janssen Designs dated 27 November 2024 attached as Appendix B. To comply with the indoor noise criteria established in Section 4.5, acoustic treatment in the form of heavier acoustic rated construction will be required for the lots directly adjacent to Campbelltown Road:

Lots 1-4.

The following lots may be of standard construction and meet the acceptable internal noise levels:

Lots 5-11.

We have calculated the level of road traffic noise intrusion through the roof, walls, glazed doors and windows using the noise levels shown in Table 6.

We have assumed that bedrooms will be carpeted. We have assumed that all other rooms, including the kitchen and bathrooms/ensuites will be either tiled or timber floors.

The necessary noise reduction for the rooms can be achieved if the following noise control recommendations are complied with, and there are no gaps at construction joints, around plumbing penetrations in external walls, at window sills, door frames, etc., through which sound may penetrate. Once the drawings of the dwellings to be constructed on these lots are provided, the noise controls may need to be revised.

6.1 Lots 1-4

6.1.1 External Walls

Masonry Walls

Normal cavity-brick walls make an excellent sound barrier, reducing outside noise intrusion by as much as 50 dBA. Hebel walls also make good sound barriers, however, care must be exercised with Hebel walls to minimise sound penetration near the eaves as shown in the attached Datasheet AC806-MH. Tradespeople should be instructed to ensure the perp-ends are filled and suitable cement-mortar used to eliminate shrinkage gaps during curing.

Light Weight Walls

External walls may be of light weight construction as follows:

- Hardies' 'Linea' or 'Stria' cement composite cladding (or alternative cladding with equivalent surface density) on the outside of 90 mm timber studs; and
- Two layers of 13 mm thick fire rated plasterboard on the internal side of studs; and
- The wall cavity is to be lined with 75 mm bulk insulation (min 24 kg/m³ density).

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Light Weight Walls		
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6.1.2 Ceiling and Roof System

All roofs may be of metal deck construction comprising:

- Thermal insulation and a heavy duty Sarking vapour barrier laid below roof;
- Insulation batts placed between the ceiling joists. The recommended insulation specifications are minimum 145 mm thick glasswool (min 11 kg/m³ density);
- Ceilings under the roof of all first floor habitable areas shall consist of one layer of 13 mm fire-rated plasterboard.
- Ceilings under the roof of all wet areas shall consist of one layer of 10 mm water rated plasterboard.

6.1.3 Entry Doors

The entry doors should be of solid core timber construction with a nominal thickness of 35 mm.

6.1.4 Windows and External Glazed Doors

Unless otherwise specified, window and door frames may be either sliding or casement style and be of robust sound-barrier construction having interlocking stiles and Schlegel (or similar) Q-lon seals to minimise sound leakage.

Table 8 below specifies minimum sound reduction index (R_w) ratings required for various windows and glazed doors. Glazing in all rooms and units other than those specified in Table 8 be of standard thickness with a minimum R_w 26.

A typical glazing specification is given in Table 8, however an alternative glazing specification may be used if the $R_{\rm w}$ is achieved or exceeded.

Table 8 Schedule of Glazing Constructions - Lots 1-4

Room Description	Min Rw	Typical Glazing Specification
First Floor		
Bedrooms Sliding Door/Window (1800 x 2100)	36	10.5 mm VLam Hush glass in a sliding/awning frames
Bathrooms/Ensuites Window (1800 x 1200)	33	10.38 mm laminated glass in a sliding/awning frames with Q-lon seals
Ground Floor		
Kitchen Dining Sliding Door/Window (2400 x 2100)	31	6.38 mm laminated glass in sliding/awning frames

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Light Weight Walls

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This schedule of construction is typical and for general guidance to the architect in preparing final construction drawings and specifications.

It is most important that any sound leakage paths around the windows be sealed off. We recommend that prior to the fitting of architraves around the windows, the space between the frames and the wall structure be sealed off with silicone or polyurethane mastic and backing rod behind. The window architraves can then be fitted.

6.2 Eligible Suppliers of Windows and Glass Doors

The windows and doors are the most critical sound paths in a building. Only those companies who have conducted laboratory testing of their windows should be considered as eligible suppliers. Companies that we are aware of having conducted satisfactory testing include:

•	Architectural Window Systems, Wetherill Park, NSW	Phone: 8783 7611
•	Micos Aluminium Pty Ltd, Hillsdale, NSW	Phone: 9661 5233
•	Christoffel Pty Ltd, Glendenning, NSW	Phone: 9627 4811
•	Aska Windows, Greenacre, NSW	Phone. 9642 8588
•	James Hardie (Trend) Windows, Girraween, NSW	Phone: 9840 2000
•	Stegbar (Windows) Pty Ltd, Lansvale, NSW	Phone: 9794 5200
•	Alspec, Eastern Creek, NSW	Phone: 9834 9500

Approval should be sought from Day Design before any other manufacturers' products are considered. R_{w} ratings claimed should be supported by acoustical laboratory test reports. We suggest that you obtain confirmation from the glazier that the glazing supplied will meet the required R_{w} rating above.

6.3 Construction Disclaimer

Recommendations made in this report are intended to resolve acoustical problems only. We make no claim of expertise in other areas and draw your attention to the possibility that our recommendations may not meet the structural, fire, thermal or other aspects of building construction.

We encourage clients to check with us before using materials or equipment that are alternative to those specified in our Acoustical Report.

The integrity of acoustic structures is very dependent on installation techniques. For example, a small crack between the top of a wall and a ceiling can reduce the effective sound transmission loss of a wall from $R_{\rm w}$ 50 to $R_{\rm w}$ 40. Therefore, the use of contractors that are experienced in acoustic construction is encouraged. Furthermore, two insulation products may have the same thermal R rating but the sound absorption of one may be entirely deficient, therefore the use of materials and equipment that are supported by acoustic laboratory test data is encouraged.

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Light Weight Walls

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7.0 NOISE INTRUSION STATEMENT

Day Design Pty Ltd was engaged to assess the road traffic noise intrusion of a proposed subdivision at Lot 40 DP706911, 540 Campbelltown Road, Glenfield, NSW.

Existing levels of road traffic noise have been measured at the site. We are confident that the noise levels used in our assessment are typical of the average maximum noise levels in this area.

Provided that all the recommendations in Section 6 of this report are implemented the road traffic noise levels will conform with the internal noise level controls in the NSW Department of Planning document "Development Near Rail Corridors and Busy Roads – Interim Guidelines" (2008), as well as the State and Environmental Planning Policy (Transport and Infrastructure) 2021, and will therefore be acceptable.

Benjamin Lamont BE (Aero), MEngSc (Mech)

Consulting Acoustical Engineer for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

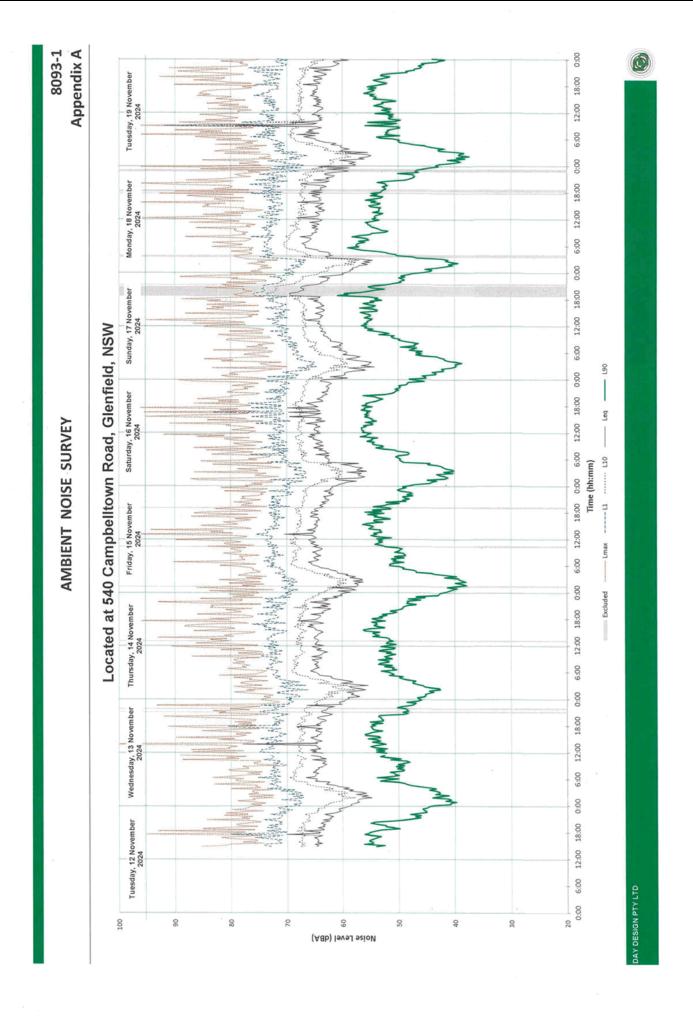
Attachments:

- Appendix A Ambient Noise Survey (Road Traffic)
- Appendix B Proposed Subdivision Drawings dated 27 November 2024
- AC108-1 to 4 Glossary of Acoustical Terms
- AC806-MH External Wall, Roof & Ceiling Acoustical Detail
- AC809-5B Sound Rated Door Acoustic Detail

Ref: 8093-1.1R REV A

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Project 8: Issue For. 10321 CC ISSUE Drawing 8: Drawn: A000 NT

DRAWING TITLE: COVER PAGE

LOCAL GOVERNMENT AREA: Campbelltown Council

CLIENT DETAILS: Diabcorp

ADDRESS: 540 Campbelltown Road, Glenfield

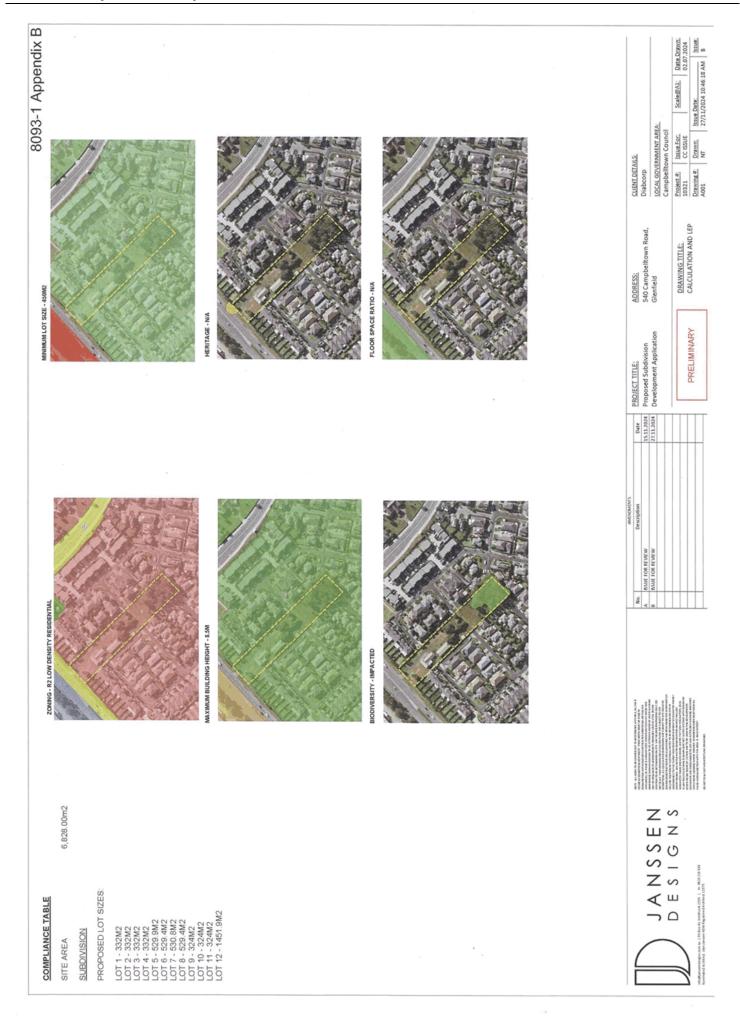
540 CAMPBELLTOWN ROAD, GLENFIELD

PROPOSED SUBDIVISION DEVELOPMENT APPLICATION

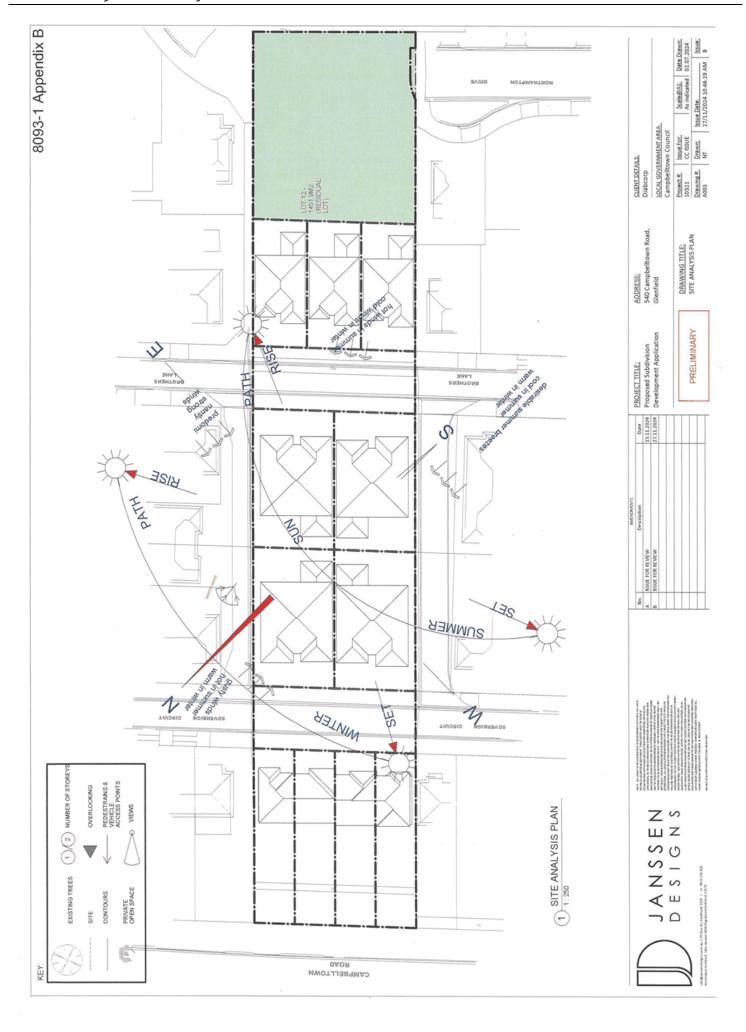
8093-1 Appendix B 1. CONSTRUCTOR MUST VERFY ALL DIMENSIONS ON STERRINGS EBEPORE COMMENCING WOORK OR PREDATRACTOR MUST VERFY ALL DIMENSIONS ON STERRINGS AND STER E SERVICE E SEGNAN INDICATIVELY AND ARE TO BE CONFIRMED WITH THE EMERYS ARE SHOWN INDICATIVELY AND ARE TO BE CONFIRMED WITH THE SAMENG LOADING SHEARING SETUMING AND FIXING OF LELEMENTS ARE TO MAN DE SPECIFICATION OF THE STRUCTURAL MICRORAL FIRE AND WICES SHOWN ARE INDICATIVE ONLY. REFER TO SERVICES CONSULTANT TATION AND SPECIFICATION FOR DETAILED DESIGN.

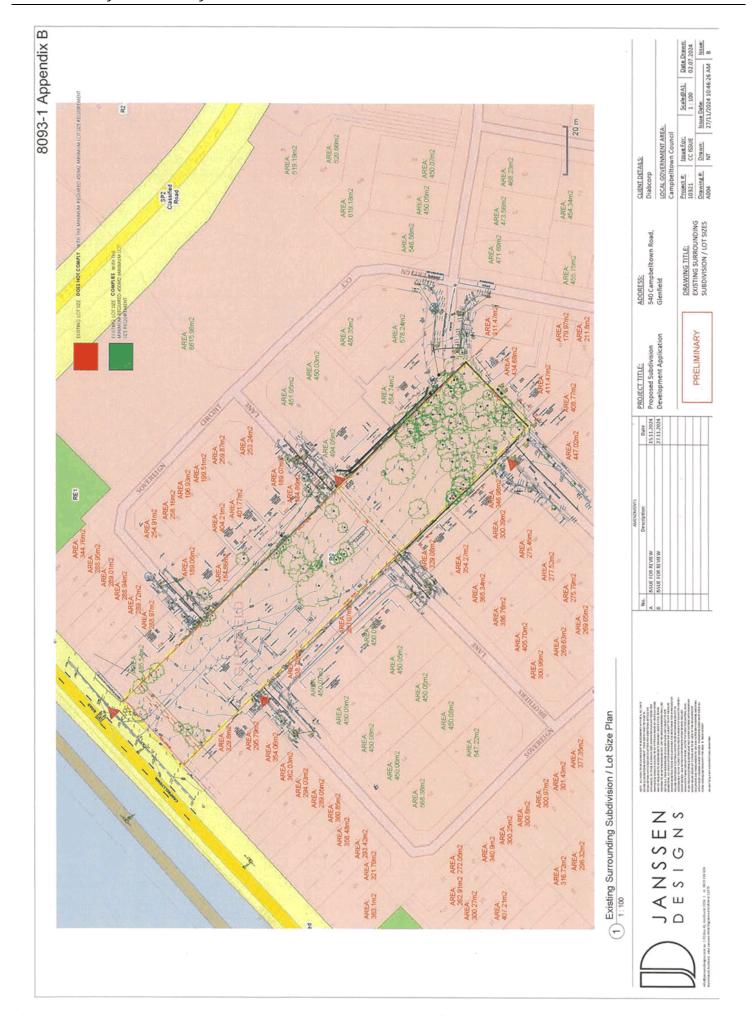


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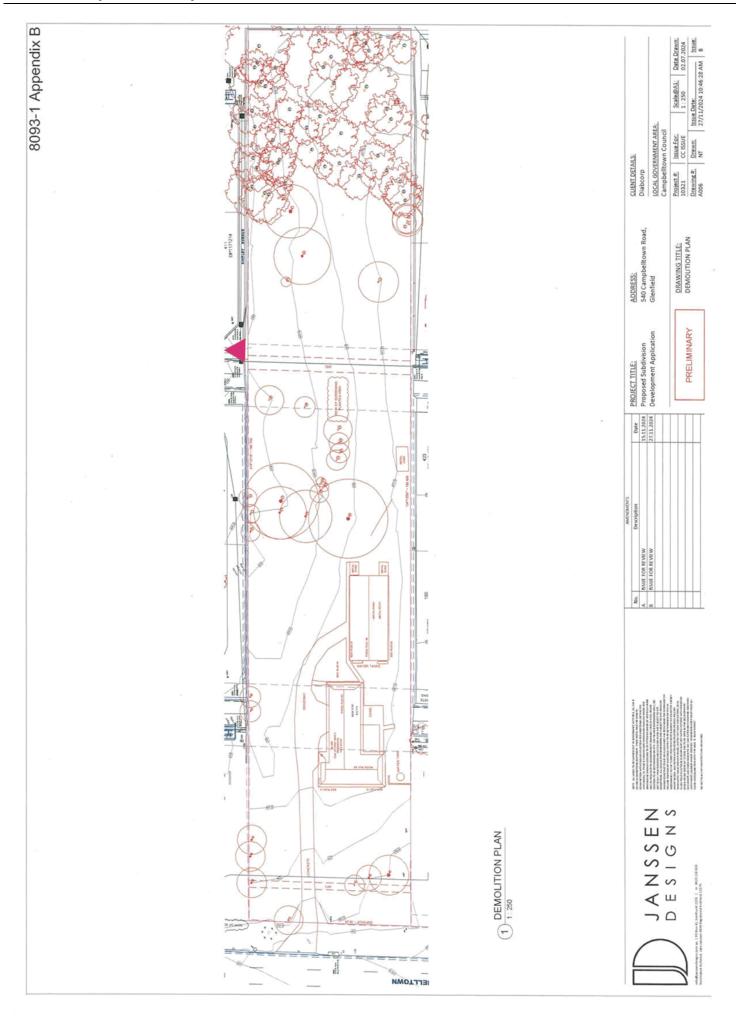




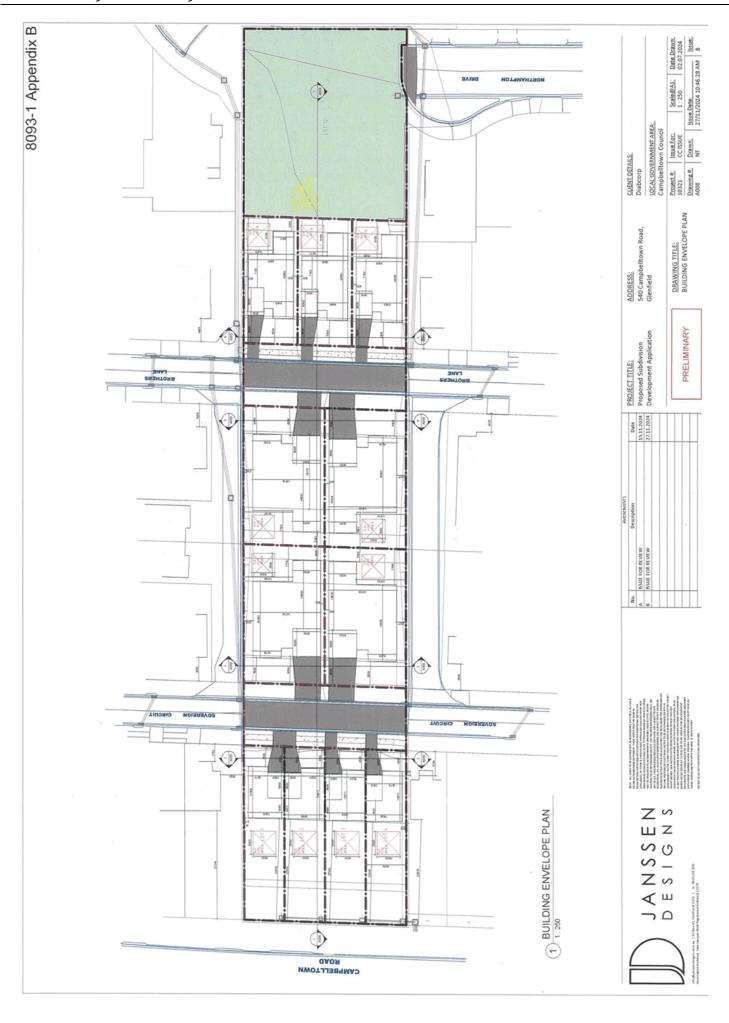


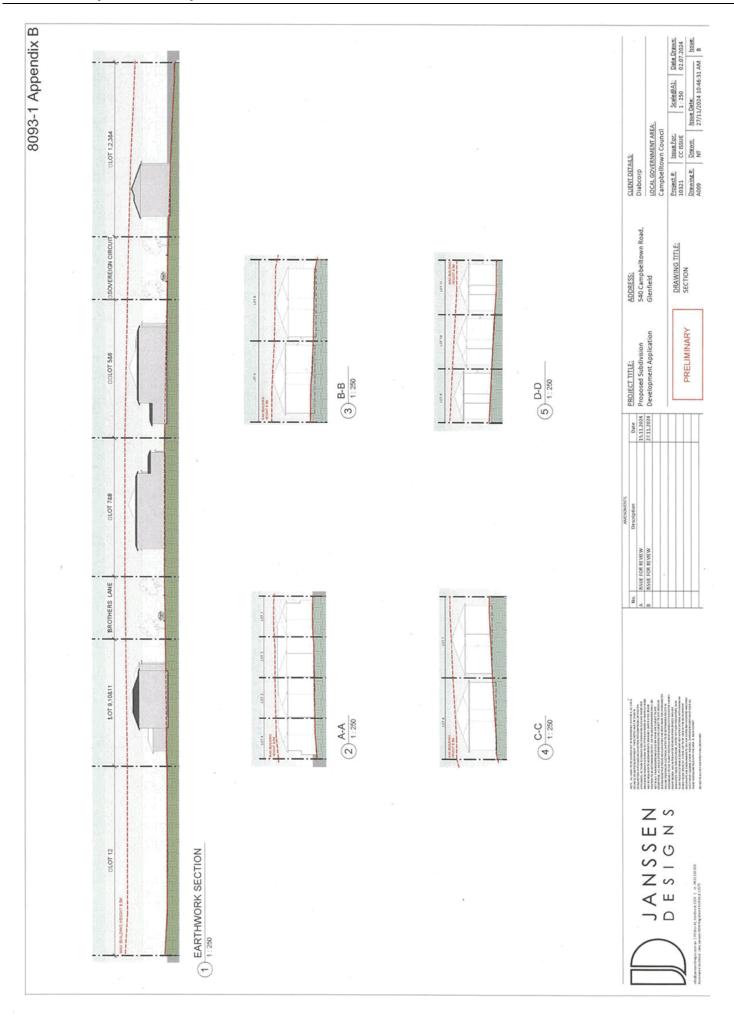


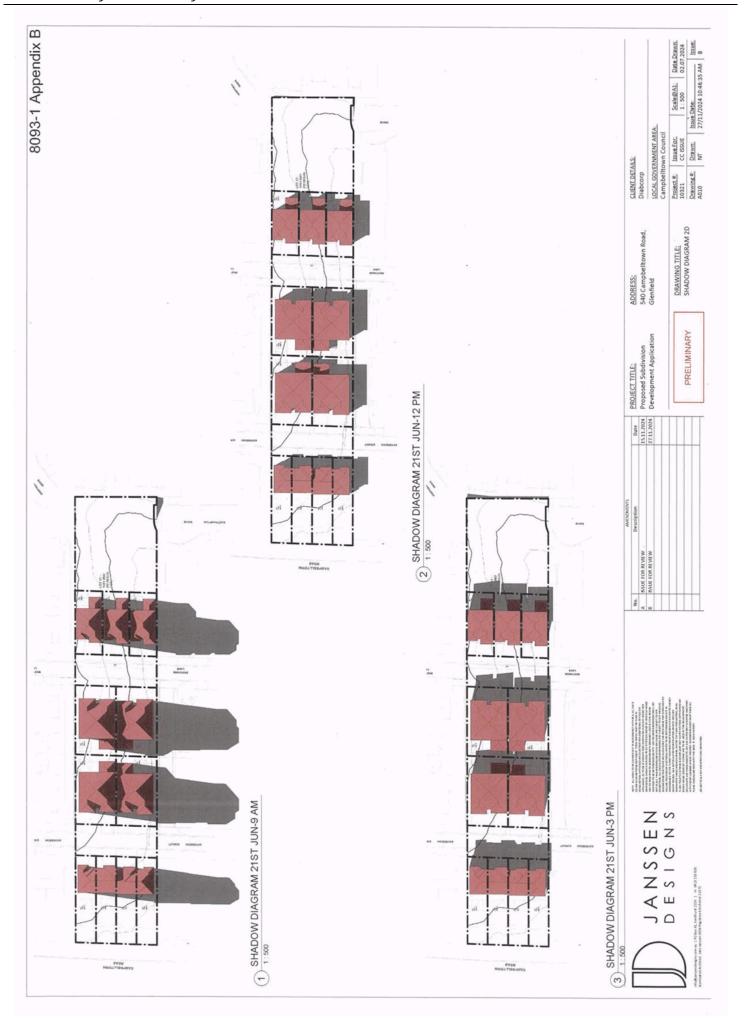


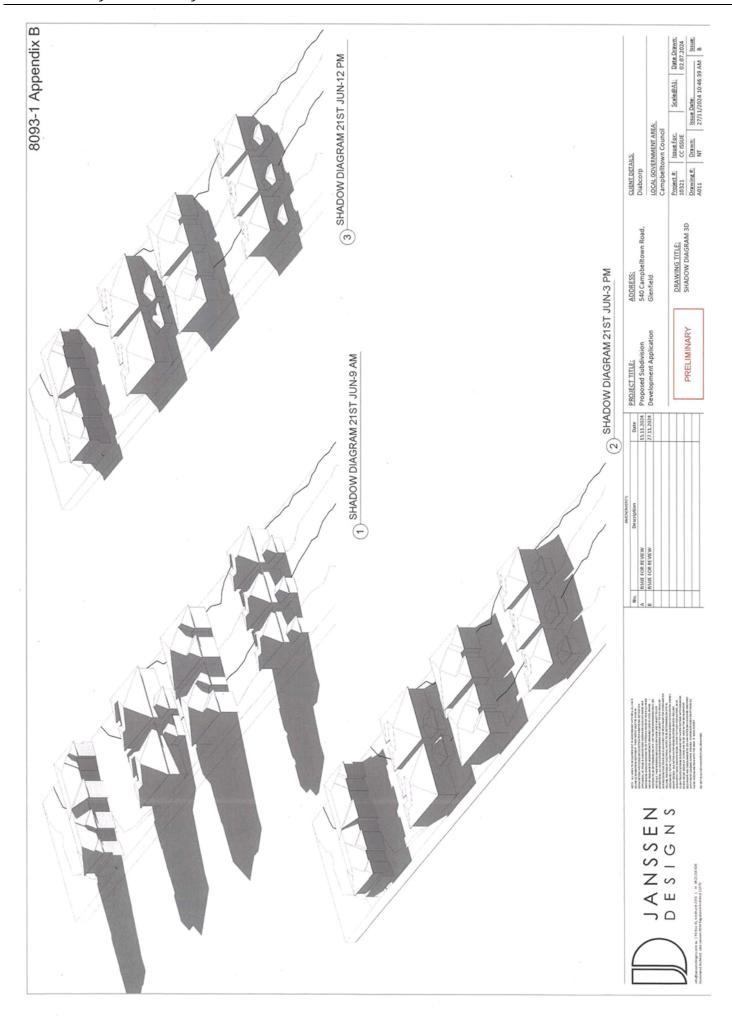














GLOSSARY OF ACOUSTICAL TERMS

AC108

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ACOUSTICAL – Pertaining to the science of sound, including the generation, propagation, effects and control of both noise and vibration.

AMBIENT NOISE – The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including road traffic, factories, wind in the trees, birds, insects, animals, etc.

AUDIBLE – means that a sound can be heard. However, there are a wide range of audibility grades, varying from "barely audible" to "just audible", "clearly audible" and "prominent". Chapter 83 of the NSW Environment Protection Authority – Environmental Noise Control Manual (1985) states:

"noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character that a reasonable person would be conscious of the intrusion and find it annoying or disruptive".

It follows that the word "audible" in an environmental noise context means "clearly audible".

BACKGROUND NOISE LEVEL – Silence does not exist in the natural or the built-environment, only varying degrees of noise. The Background Noise Level is the average minimum dBA level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by cicadas, lawnmowers, etc. It is quantified by the L_{A90} or the dBA noise level that is exceeded for 90 % of the measurement period (usually 15 minutes).

- Assessment Background Level (ABL) is the single figure background level representing
 each assessment period day, evening and night (ie three assessment background levels are
 determined for each 24hr period of the monitoring period). Determination of the assessment
 background level is by calculating the tenth percentile (the lowest tenth percent value) of the
 background levels (LA90) for each period (refer: NSW Industrial Noise Policy, 2000).
- Rating Background Level (RBL) as specified by the Environment Protection Authority is the
 overall single figure (LA90) background noise level representing an assessment period (day,
 evening or night) over a monitoring period of (normally) three to seven days.

The RBL for an assessment period is the median of the daily lowest tenth percentile of L_{90} background noise levels.

If the measured background noise level is less than 30 dBA, then the Rating Background Level (RBL) is considered to be 30 dBA.

DECIBEL – The human ear has a vast sound-sensitivity range of over a thousand billion to one. The decibel is a logarithmic unit that allows this same range to be compressed into a somewhat more comprehensible range of 0 to 120 dB. The decibel is ten times the logarithm of the ratio of a sound level to a reference sound level. See also Sound Pressure Level and Sound Power Level.

Decibel noise levels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dBA, and another similar machine is placed beside it, the level will increase to 53 dBA, not 100 dBA. Ten similar machines placed side by side increase the sound level by 10 dBA, and one hundred machines increase the sound level by 20 dBA.

dBA – The human ear is less sensitive to low frequency sound than high frequency sound. We are most sensitive to high frequency sounds, such as a child's scream. Sound level meters have an inbuilt weighting network, termed the dBA scale, that approximates the human loudness response at quiet sound levels (roughly approximates the 40 phon equal loudness contour).

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However, the dBA sound level provides a poor indication of loudness for sounds that are dominated by low frequency components (below 250 Hz). If the difference between the "C" weighted and the "A" weighted sound level is 15 dB or more, then the NSW Industrial Noise Policy recommends a 5 dBA penalty be applied to the measured dBA level.

dBC – The dBC scale of a sound level meter is similar to the dBA scale defined above, except that at high sound intensity levels, the human ear frequency response is more linear. The dBC scale approximates the 100 phon equal loudness contour.

EQUIVALENT CONTINUOUS NOISE LEVEL, L_{Aeq} – Many noises, such as road traffic or construction noise, vary continually in level over a period of time. More sophisticated sound level meters have an integrating electronic device inbuilt, which average the A weighted sound pressure levels over a period of time and then display the energy average or L_{Aeq} sound level. Because the decibel scale is a logarithmic ratio the higher noise levels have far more sound energy, and therefore the L_{Aeq} level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closely to the L_{Aeq} noise level.

FREE FIELD – This is a sound field not subject to significant reflection of acoustical energy. A free field over a reflecting plane is usually outdoors with the noise source resting on hard flat ground, and not closer than 6 metres to any large flat object such as a fence or wall; or inside an anechoic chamber.

FREQUENCY – The number of oscillations or cycles of a wave motion per unit time, the SI unit being the Hertz, or one cycle per second.

IMPACT ISOLATION CLASS (IIC) – The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation.

IMPACT SOUND INSULATION ($L_{nT,w}$) – Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ($L_{nT,w}$) is the sound pressure level at 500 Hz for a reference curve fitted to the measured octave band levels. Thus the lower $L_{nT,w}$ the better the impact sound insulation.

IMPULSE NOISE – An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

INTRUSIVE NOISE LEVEL, L_{Aeq} – The level of noise from a factory, place of entertainment, etc. in NSW is assessed on the basis of the average maximum noise level, or the L_{Aeq} (15 min). This is the energy average A weighted noise level measured over any 15 minute period.

LOUDNESS – The degree to which a sound is audible to a listener is termed the loudness. The human ear perceives a 10 dBA noise level increase as a doubling of loudness and a 20 dBA noise increase as a quadrupling of the loudness.

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MAXIMUM NOISE LEVEL, L_{Amax} – The rms maximum sound pressure level measured on the "A" scale of a sound level meter during a noise survey is the L_{Amax} noise level. It may be measured using either the Fast or Slow response time of the meter. This should be stated.

NOISE RATING NUMBERS – A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the dBA level minus five.

NOISE – Noise is unwanted sound. Sound is wave motion within matter, be it gaseous, liquid or solid. "Noise includes sound and vibration".

NOISE REDUCTION COEFFICIENT - See: "Sound Absorption Coefficient".

OFFENSIVE NOISE - (Reference: Dictionary of the Protection of the Environment Operations 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 premise 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."

PINK NOISE – Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

REVERBERATION TIME, T $_{60}$ – The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the T $_{60}$. The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

SOUND ABSORPTION COEFFICIENT, $\alpha - \alpha$ Sound is absorbed in porous materials by the viscous conversion of sound energy to heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient, α . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average α from 250 to 2000 Hz is termed the Noise Reduction Coefficient (NRC).

SOUND ATTENUATION – If an enclosure is placed around a machine, or a silencer is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 30 dBA, reduces the sound energy by one thousand times.

SOUND EXPOSURE LEVEL (SEL) – The total sound energy of a single noise event condensed into a one second duration or in other words it is an L_{eq} (1 sec).

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SOUND PRESSURE LEVEL, L_p – The level of sound measured on a sound level meter and expressed in decibels, dB, dBA, dBC, etc. $L_p = 20 \times \log (P/P_0)$... dB

where P is the rms sound pressure in Pascal and P $_0$ is a reference sound pressure of 20 μ Pa. L_p varies with distance from a noise source.

SOUND POWER LEVEL, L_w – The Sound Power Level of a noise source is an absolute that does not vary with distance or with a different acoustic environment.

 $L_w = L_p + 10 \log A$... dB, re: 1pW,

where A is the measurement noise-emission area in square metres in a free field.

SOUND TRANSMISSION CLASS (STC) – An internationally standardised method of rating the sound transmission loss of partition walls to indicate the decibels of noise reduction of a human voice from one side to the other. (Refer: Australian Standard AS1276 – 1979)

SOUND TRANSMISSION LOSS – The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

STATISTICAL EXCEEDENCE SOUND LEVELS, L_{A90}, **L**_{A10}, **L**_{A1}, **etc** – Noise which varies in level over a specific period of time (usually 15 minutes) may be quantified in terms of various statistical descriptors:

The L_{A90} is the dBA level exceeded for 90 % of the time. In NSW the L_{A90} is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

The L_{A10} is the dBA level that is exceeded for 10 % of the time. In NSW the L_{A10} measured over a period of 10 to 15 minutes. It was until recently used to describe the average maximum noise level, but has largely been replaced by the L_{Aeq} for describing level-varying noise.

The L_{A1} is the dBA level that is exceeded for 1 % of the time. In NSW the L_{A1} may be used for describing short-term noise levels such as could cause sleep arousal during the night.

STEADY NOISE – Noise, which varies in level by 6 dBA or less, over the period of interest with the time-weighting set to "Fast", is considered to be "steady". (Refer AS 1055.1 1997)

WEIGHTED SOUND REDUCTION INDEX, R_w – This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 to 3,150 Hertz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999).

Internal partition wall $R_w + C$ ratings are frequency weighted to simulate insulation from human voice noise. The $R_w + C$ is always similar in value to the STC rating value. External walls, doors and windows may be $R_w + C_{tr}$ rated to simulate insulation from road traffic noise. This is normally a lower number than the STC rating value.

WHITE NOISE – White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.

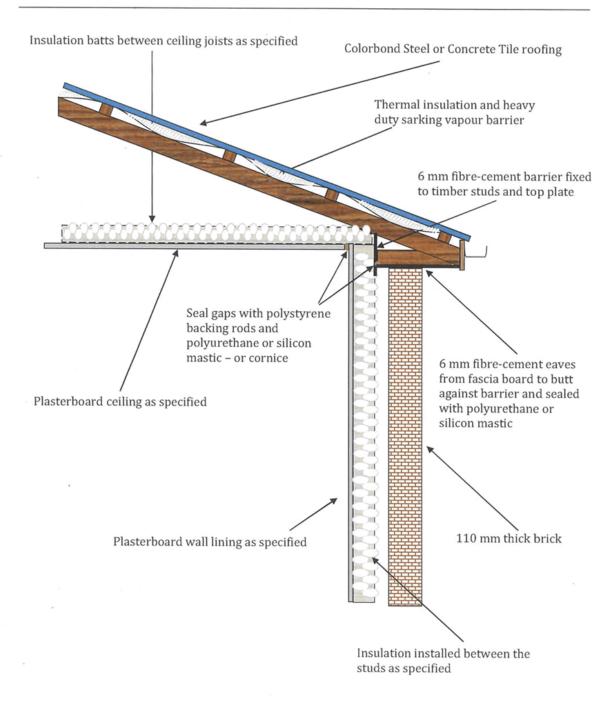
DAY DESIGN PTY LTD



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External Wall, Roof and Ceiling Acoustical Detail – Brick Veneer

AC806-MH



Date: 17 April 2014 Drawn by: MH

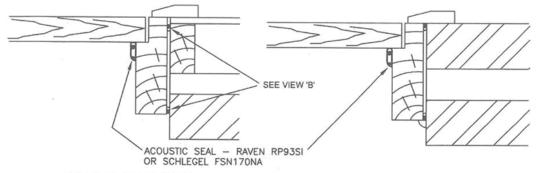
DAY DESIGN PTY LTD



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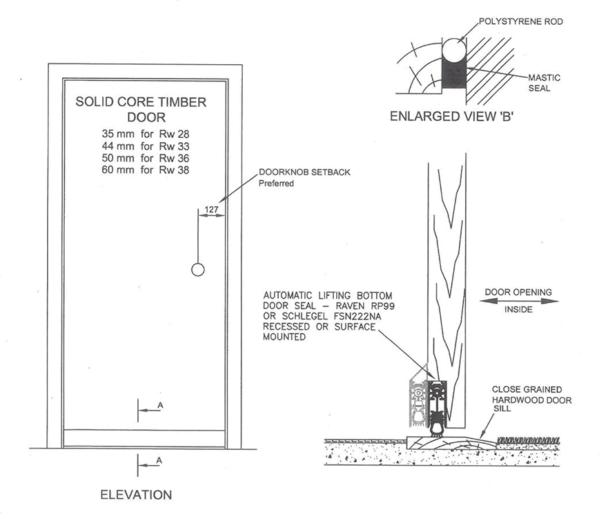
SOUND RATED TIMBER DOOR

AC809-5B



BRICK VENEER WALL

DOUBLE BRICK WALL



ENLARGED VIEW 'A-A'

DAY DESIGN PTY LTD



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540 Campbelltown Road, Glenfield

APPENDIX 1

CLAUSE 4.6 VARIATION REQUEST TO MINIMUM SUBDIVISION LOT SIZE STANDARD PURSUANT TO CLAUSE 4.1 OF CAMPBELLTOWN LEP 2015

250 Campbelltown Road, Glenfield

Demolition of existing structures, tree removal, civil and bulk earthworks, Torrens title subdivision into 12 lots and construction of 2 local roads

PREPARED BY

ABC PLANNING PTY LTD

MARCH 2025

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ABC Planning Pty Ltd

CLAUSE 4.6 VARIATION REQUEST TO MINIMUM SUBDIVISION LOT SIZE STANDARD PURSUANT TO CLAUSE 4.1 OF CAMPBELLTOWN LEP 2015

This Clause 4.6 variation request has been prepared to accompany the Development Application (DA) that seeks approval for the demolition of existing structures, tree removal, civil and bulk earthworks, Torrens title subdivision of the land into 12 lots and the construction of 2 local roads at No. 540 Campbelltown Road, Glenfield.

The site is zoned R2 - Low Density Residential under Campbelltown LEP 2015 (CLEP). The proposed subdivision of the land is permissible with consent in the R2 zone.

The proposal includes the following:

- · Demolition of the existing structures on the site
- Tree removal
- · Civil and bulk earthworks
- Torrens title subdivision of the land into 12 lots
- Construction of 2 local roads Sovereign Circuit (13.5m wide) and Brothers Lane (13.5m wide)

The proposed lots within the subdivision have lot sizes ranging from 332m² to 1,452m² (larger residue lot) and frontage ranging from 8.8m to 11.8m, as detailed in the table below:

Lot Number	Site Area	Road Frontage	
1	332m ²	8.84m to Sovereign Circuit	
2	332m ²	8.813m to Sovereign Circuit	
3	332m ²	8.813m to Sovereign Circuit	
4	332m ²	8.813m to Sovereign Circuit	
5	529.9m ²	17.647m to Sovereign Circuit	
6	529.4m ²	17.647m to Sovereign Circuit	
7	530.8m ²	17.647m to Brothers Lane	
8	529.4m ²	17.647m to Brothers Lane	
9	324m²	11.79m to Brothers Lane	
10	324m²	11.79m to Brothers Lane	
11	324m²	11.79m to Brothers Lane	
12	1,451.9m ²	-	

The proposal results in non-compliance with Clause 4.1 of CLEP, which relates to the minimum subdivision lot size. As such, this Clause 4.6 variation request has been prepared in accordance with Clause 4.6 of CLEP:

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Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows-
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note-

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 6.27(4),
 - (cb), (cc) (Repealed)
 - (cd) clause 6.31.

This Clause 4.6 variation has been prepared in accordance with the 'Guide to Varying Development Standards' prepared by the Department of Planning and Environment in 2023.

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This Clause 4.6 variation request outlines the nature of the exceedance to the minimum subdivision lot size development standard and assesses the relevant matters in Clause 4.3 of CLEP. This Clause 4.6 variation request demonstrates that compliance with the development standard relating to lot size is unreasonable or unnecessary and establishes sufficient environmental planning grounds to justify contravening the development standard, satisfying Clause 4.6(3) of CLEP. This Clause 4.6 variation request also demonstrates that the proposed development will be consistent with the objectives of the minimum subdivision lot size development standard and the site's zoning.

Development Standard to be Varied

The proposal seeks to vary the development standard contained within Clause 4.1 of CLEP and the associated minimum subdivision lot size map (refer to the extract below).

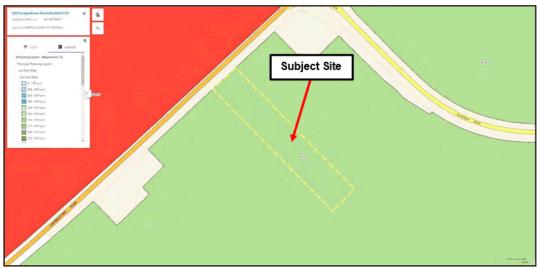


Figure 58: Minimum Subdivision Lot Size Map

Clause 4.1 of CLEP and the associated lot size map prescribes a minimum lot size of 450m². The proposed lots within the subdivision have lot sizes ranging from 332m² to 1,452m² (larger residue lot), as detailed in the table below:

Lot Number	Site Area	Compliance with Lot	Variation to Lot Size
		Size Control	Control
1	332m²	No	26.2% (118m²)
2	332m²	No	26.2% (118m²)
3	332m²	No	26.2% (118m²)
4	332m²	No	26.2% (118m²)
5	529.9m ²	Yes	-
6	529.4m ²	Yes	-
7	530.8m ²	Yes	-
8	529.4m ²	Yes	-
9	324m²	No	28% (126m²)
10	324m²	No	28% (126m²)
11	324m²	No	28% (126m²)

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12 1,451.9m ²	Yes	-
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Proposed Lots 1, 2, 3, 4, 9, 10 and 11 do not comply with the lot size control with the extent of departure shown in the above table.

Justification for Contravention of the Development Standard

This Clause 4.6 variation request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances

5-Part test

As outlined in the 'Guide to Varying Development Standards' prepared by the Department of Planning and Environment in 2023, the common ways to establish whether compliance with the development standard is unreasonable or unnecessary is known as the '5-Part Test' (from the case of Wehbe v Pittwater Council [2007] NSWLEC 827).

The 5-Part Test is summarised as follows:

Compliance with the development standard is unreasonable or unnecessary if the:

- objectives of the development standard are achieved notwithstanding the noncompliance
- 2. underlying objective or purpose is not relevant to the development
- 3. underlying objective or purpose would be defeated or thwarted if compliance was required
- development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard
- zoning of the land on which the development is proposed was unreasonable or inappropriate.

An applicant must only satisfy at least one part of the 5-Part Test, not all 5 parts.

Assessment: Despite the non-compliance with the minimum subdivision lot size control, the proposal achieves the objectives of the development standard and the zoning, as demonstrated in the following table:

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Consistency with the Objectives of the Minimum Subdivision Lot Size Standard in the LEP

 (a) to ensure that the density of development is compatible with the capacity of existing and proposed infrastructure, As demonstrated in the extracts of the Existing Surrounding Subdivision / Lot Size Plan and Minimum Lot Size Compliance Diagram below, the proposed lots that are below the required lot size control are compatible and comparable with the adjoining established residential lots to the north, east and south. The proposed non-compliant lot sizes will not be uncharacteristic of the subdivision pattern in the surrounding locality.

The proposal includes constructing 2 local roads – Sovereign Circuit (13.5m wide) and Brothers Lane (13.5m wide) on the site. The width of the proposed roads are the same width of the roads adjoining the site, thereby providing continuity. The proposed subdivision connects missing links for Sovereign Circuit and Brothers Lane to form through street access and minimises cul-de-sacs, thereby improving connection to the north and south within this area.

(b) to ensure that the density of settlement will be compatible with the objectives of the zone,

As detailed in the assessment below, the proposed lot variation does not raise any inconsistency with the ability of the proposal to achieve the objectives of the R2 zone.

(c) to limit the density of settlement in environmentally, scenically or historically sensitive areas,

The subject site is not identified as being affected by salinity, flood prone land, bushfire prone land and is not located within the South Campbelltown or the Alpine Mine Subsidence District.

The southern part of the site is identified as having terrestrial biodiversity and biodiversity significance. The proposal includes removing all of the existing trees from the site. An Arboricultural Impact Statement prepared by Treehaven Enironscapes is submitted with this DA, which states that many of the trees proposed to be removed are weed species.

The Arboricultural Impact Statement states that proposed Lot 12 is populated by forest remnants which have environmental significance and are protected under the NSW Biodiversity Conservation Act.

A Biodiversity Development Assessment Report (BDAR) prepared by South East Environmental is submitted with this application and provides a number of recommendations.

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	As part of future applications, canopy trees can be provided to compensate for the removal of trees that would be required for the proposed subdivision.
(d) to ensure lot sizes are compatible with the conservation of natural systems, including waterways, riparian land and groundwater dependent ecosystems,	The site is located in the Georges River catchment. The proposal will not impact on the quality and quantity of water entering a natural waterbody and the impact on water flow in the natural waterbody will be minimised. The proposal includes a new stormwater system that responds to the proposed subdivision. The site is an infill site and will be fully serviced by the
	proposed stormwater infrastructure. Refer to the Civil Plans and Stormwater Management Strategy prepared by Diversi Consulting submitted with this DA. The Stormwater Management Strategy demonstrates that the development complies with Council's relevant stormwater controls. The proposed Stormwater Management Strategy comprises two pit and pipes systems connecting to the existing stormwater drainage systems in Sovereign Circuit and Brothers Lane.
(e) to facilitate viable agricultural undertakings,	As demonstrated in the extracts of the Existing Surrounding Subdivision / Lot Size Plan and Minimum Lot Size Compliance Diagram below, the proposed lots that are below the required lot size control will be compatible and comparable with the adjoining established residential lots to the north, east and south.
(f) to protect the curtilage of heritage items and heritage conservation areas,	The site is not identified as a heritage item, is not located within a Heritage Conservation Area. To the north of the site is heritage item I63 - Milestone XXIV – a streetscape elements on Campbelltown Road. The proposed demolition of the existing structures on the site and proposed subdivision of the land will not adversely impact on the heritage integrity of the nearby heritage item.
	The site is not identified as an archaeological site. There are no known Aboriginal sites in or near the subject site.
(g) to facilitate a diversity of housing forms.	As shown in the extract of the Indicative Building Envelope Plan below, proposed Lots 1, 2, 3, 4, 9, 10, and 11 can accommodate attached dwellings and proposed Lots 5, 6, 7 and 8 can accommodate detached dwellings.

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Consistency with the Objectives of the R2 – Low Density Residential Zone Objectives Assessment

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

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

The proposed subdivision of the land is permissible with consent in the R2 zone.

The proposed subdivision will result in 12 lots. 7 of the 12 proposed lots do not comply with the minimum lot size control. The remaining proposed lots are well above the 450m2 lot size control. Refer to the extract of the Proposed Subdivision Plan below.

The proposed lot variation does not raise any inconsistency with the ability of the proposal to achieve the objectives of the R2 zone.

The proposal is consistent with the objectives of the R2 zone as follows:

- The proposal includes a total of 12 lots on this substantial site, which is considered to be a sustainable and effective use of this large land parcel. The provision of 12 lots, in preference to the existing single lot, will assist in meeting the community's housing needs in a low-density residential environment, as sought by the zone objectives in the R2 zone, despite some of the proposed lots not complying with the lot size control.
- Despite the lot size non-compliance, the proposed subdivision is consistent with the existing land use pattern of residential uses in the area.
- The proposal will not inhibit other land uses that provide facilities or services to meet the day to day needs of residents.
- The proposed non-compliant lot sizes have sufficient widths and areas to minimise overshadowing and ensure a desired level of solar access to all properties. The extract of the Indicative Building Envelope Plan below and the extract of the Indicative 3D View From Sun Diagram below confirms that such objective of the R2 zone can be satisfied despite the non- compliance with the lot size control. The properties adjoining

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the site to the south are able to receive adequate solar access as a result of the proposed subdivision and Indicative Building Envelope.

The level nature of the site facilitates alternate transport means to private vehicle usage, noting that the site is in proximity to Glenfield Road bus services. The site is adjacent to Campbelltown Road, a classified road. The proposed subdivision removes the existing driveway access from Campbelltown Road, thereby representing an improved vehicle safety outcome. The proposal includes constructing 2 local roads - Sovereign Circuit (13.5m wide) and Brothers Lane (13.5m wide) on the site. The width of the proposed roads are the same width of the roads adjoining the site. thereby providing continuity and ensuring adequate space for waste collection and emergency vehicle access. The proposed subdivision connects missing links for Sovereign Circuit and Brothers Lane to form through street access and minimises cul-de-sacs, thereby improving connection to the north and south within this area. Therefore, the proposed lot sizes are considered appropriate, despite the noncompliance with the lot size control.

Compliance with the development standard is unreasonable and unnecessary as the proposed lot are of an appropriate size and similar with surrounding established lots, and meet the objectives of the development standard.

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

As outlined in the 'Guide to Varying Development Standards' prepared by the Department of Planning and Environment in 2023, the term 'environmental planning grounds', while not defined in the EP&A Act or the Standard Instrument, refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the EP&A Act. The scope of environmental planning grounds is wide, as exemplified by the court cases (Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [10]).

Assessment: Environmental planning grounds justifying the contravention of the minimum subdivision lot size development standard include:

 7 of the 12 proposed lots do not comply with the minimum lot size control (refer to the table above). The remaining proposed lots are well above the 450m² lot size control.

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Refer to the extract of the Proposed Subdivision Plan below.

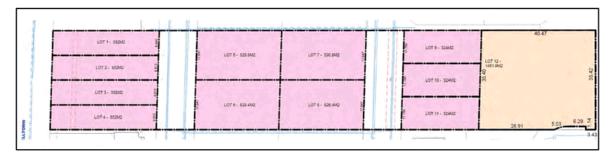


Figure 59: Extract of the Proposed Subdivision Plan demonstrating that Lots 1, 2, 3, 4, 9, 10 and 11 do not comply with the lot size control; the remaining proposed lots are well above the lot size control

As demonstrated in the extracts of the Existing Surrounding Subdivision / Lot Size Plan
and Minimum Lot Size Compliance Diagram below, the proposed lots that are below
the required lot size control will be compatible and comparable with the adjoining
established residential lots to the north, east and south.



Figure 60: Extract of the Existing Surrounding Subdivision / Lot Size Plan (red text showing non-compliant lot sizes and green text showing compliant lot sizes)

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Figure 61: Extract of the Minimum Lot Size Compliance Diagram (red dots showing non-compliant lot sizes and green dots showing compliant lot sizes)

- The above extract of the Minimum Lot Size Compliance Diagram show the surrounding lots that are below 450m² lot size control (red dots) as well as those that comply with 450m² lot size control (green dots). It is evident from the above extracts that the majority of the lots surrounding the subject site (approximately 75%) are below the minimum lot size control of 450m². On this basis, the proposed non-compliant lot sizes will not be uncharacteristic of the subdivision pattern in the surrounding locality.
- The aerial historical analysis below from 2015 and 2025 shows that some of the sites in the surrounding area were farmland in 2015 and that therefore Council have allowed variations to the lot size control since the LEP came into effect in 2015. In effect, the lot size "development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard".

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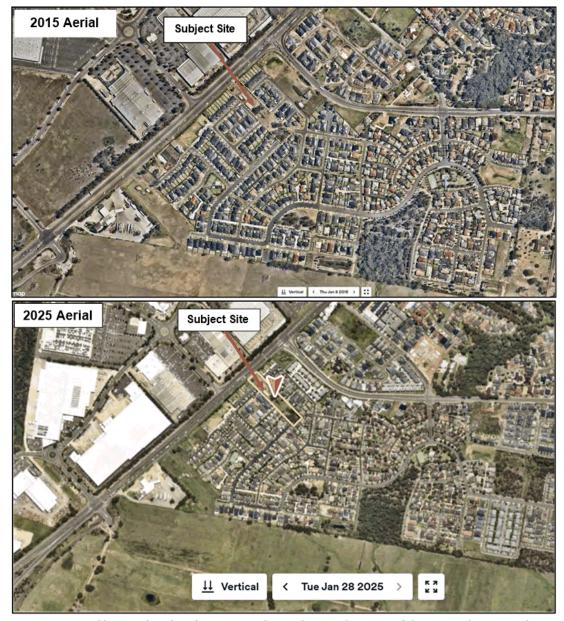


Figure 62: Aerial historical analysis from 2015 and 2025 showing that some of the sites in the surrounding area were farmland in 2015 and that therefore Council have allowed variations to the lot size control since the LEP came into effect in 2015

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 Despite the lots size non-compliance, each of the proposal lots has a lot width and lot depth in excess of that required by Volume 1, Section 3.8.2 of CDCP and Volume 2, Section 2.3 of CDCP, as demonstrated in the table below:

Lot	Dwelling	Required Lot	Proposed Lot	Required Lot	Proposed Lot
	Туре	Width	Width	Depth	Depth
1	Attached	7.5m	8.84m to Sovereign	N/A	37.72m
			Circuit		
2	Attached	7.5m	8.813m to	N/A	37.72m
			Sovereign Circuit		
3	Attached	7.5m	8.813m to	N/A	37.72m
			Sovereign Circuit		
4	Attached	7.5m	8.813m to	N/A	37.72m
			Sovereign Circuit		
5	Detached	15m	17.647m to	25m	30.01m
			Sovereign Circuit		
6	Detached	15m	17.647m to	25m	30.01m
			Sovereign Circuit		
7	Detached	15m	17.647m to	25m	30.01m -
			Brothers Lane		30.02m
8	Detached	15m	17.647m to	25m	30.01m
			Brothers Lane		
9	Attached	7.5m	11.79m to Brothers	N/A	27.5m
			Lane		
10	Attached	7.5m	11.79m to Brothers	N/A	27.5m
			Lane		
11	Attached	7.5m	11.79m to Brothers	N/A	27.5m
			Lane		
12	Residential	N/A	35.4m	N/A	40.47m -
	Lot				41.66m

• The proposed lots facilitate the provision of housing in an orderly manner, noting that the proposed lots that do not comply with the lot size control can accommodate single dwellings, as shown in the extract of the Indicative Building Envelope Plan below. The proposed non-compliant lot sizes can accommodate built forms that comply with the relevant FSR, setbacks, deep soil area, private open space and car parking controls. The siting of built forms on the proposed lots can neatly align with the surrounding pattern of built forms surrounding the site. The lot area variation thereby does not compromise the ability of compliant built forms being developed on these lots.

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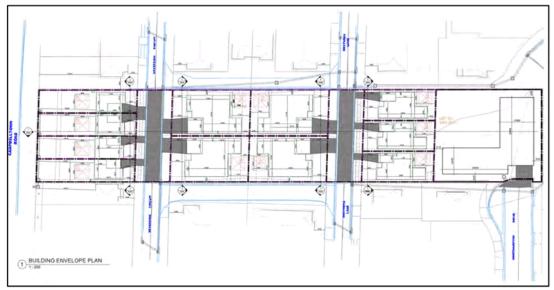


Figure 63: Extract of the Indicative Building Envelope Plan

• It is noted that one of the objectives of the R2 zone is "to minimise overshadowing and ensure a desired level of solar access to all properties." The proposed non- compliant lot sizes have sufficient widths and areas to minimise overshadowing and ensure a desired level of solar access to all properties. The extract of the Indicative Building Envelope Plan above and the extract of the Indicative 3D View From Sun Diagram below confirms that such objective of the R2 zone can be satisfied despite the non-compliance with the lot size control. The properties adjoining the site to the south are able to receive adequate solar access as a result of the proposed subdivision and Indicative Building Envelope.

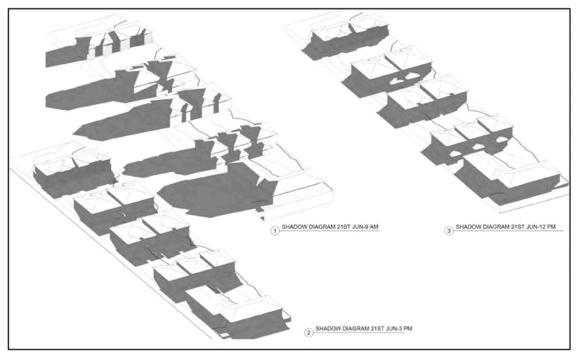


Figure 64: Extract of the Indicative 3D Views From the Sun Diagram

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- It is noted that Volume 2, Part 2 Glenfield Road Urban Area DCP requires a minimum lot size of 350m² for zero lot line dwellings. As shown in the extract of the Indicative Building Envelope Plan above, the proposed lots that don't comply with the LEP lot size control can accommodate zero lot line dwellings (Lots 1, 2, 3, 4, 9, 10 and 11). These lots are slightly less (18m² to 26m²) than the 350m² lot area required in the Glenfield Road Urban Area DCP.
- The proposal includes a total of 12 lots on this substantial site, which is considered to
 be a sustainable and effective use of this large land parcel. The provision of 12 lots, in
 preference to the existing single lot or a reduced number of lots, will assist in meeting
 the community's housing needs in a low-density residential environment, as sought by
 the zone objectives in the R2 Low Density Residential zone, despite some of the
 proposed lots not complying with the lot size control.
- The proposed subdivision layout has been designed to sit comfortably within the
 established subdivision surrounding the site and the road layout adjoining the site (i.e.
 Sovereign Circuit and Brothers Lane). Despite some of the proposed lots not complying
 with the lot size control, the proposed lots follow the same orientation and pattern as
 the established lots surrounding the site and respond to the adjoining road pattern.
- The level nature of the site facilitates alternate transport means to private vehicle usage, noting that the site is in proximity to Glenfield Road bus services. The site is adjacent to Campbelltown Road, a classified road. The proposed subdivision removes the existing driveway access from Campbelltown Road, thereby representing an improved vehicle safety outcome. The proposal includes constructing 2 local roads Sovereign Circuit (13.5m wide) and Brothers Lane (13.5m wide) on the site. The width of the proposed roads are the same width of the roads adjoining the site, thereby providing continuity and ensuring adequate space for waste collection and emergency vehicle access. The proposed subdivision connects missing links for Sovereign Circuit and Brothers Lane to form through street access and minimises cul-de-sacs, thereby improving connection to the north and south within this area. Therefore, the proposed lot sizes are considered appropriate, despite the non-compliance with the lot size control.

The proposal will provide a suitable subdivision outcome that will provide for an appropriate level of amenity in terms of the built environment and represent the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act). The proposed subdivision responds appropriately to the unique opportunities and constraints of the site. On the above basis, it is considered that there are sufficient environmental grounds to permit the lot size variation in this instance.

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540 Campbelltown Road, Glenfield

Conclusion

This Clause 4.6 variation request is considered to address the relevant matters under Clause 4.6 adequately and demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances (Clause 4.6(3)(a)) and that there are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

The proposal is consistent with the objects of Section 1.3 of the EP& A Act by promoting the following:

- economic welfare of the community and a better environment (Section 1.3(a))
- orderly and economic use and development of land (Section 1.3(c))
- delivery and maintenance of affordable housing (Section 1.3(d))
- protect the environment (Section 1.3(e))
- sustainable management of built heritage (Section 1.3(f))
- good design and amenity of the built environment (Section 1.3 (g))
- proper construction and maintenance of buildings, including the protection of the health and safety of their occupants (Section 1.3(h))

The proposed development will be in the public interest because it is consistent with the objectives of the minimum subdivision lot size development standard under CLEP.

For reasons mentioned herein, this Clause 4.6 variation request is forwarded in support of the development proposal at No. 540 Campbelltown Road, Glenfield. It is requested to be looked upon favourably by the consent authority.

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