

# **PART FOUR**

**Reports of the Planning and Environment Committee Meeting  
held at 7.30pm on Tuesday, 22 June 2010.**

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**APOLOGIES**

**ACKNOWLEDGEMENT OF LAND**

**DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

<b>ITEM</b>	<b>TITLE</b>	<b>PAGE</b>
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## **PART ONE**

### **1. WASTE AND RECYCLING SERVICES**

**No reports this round**

### **2. ENVIRONMENTAL PLANNING**

**2.1 Relocation of Grey-Headed Flying-Foxes from the Royal Botanical Gardens  
Sydney**

**2.2 Metropolitan Development Program 2008/2009 Report**

**2.3 Georges River Combined Councils Committee Meeting Update**

**2.4 Energy Efficiency of Australian Homes**

**2.5 Declaration of Coolatai Grass as a Class 3 Noxious Weed in Campbelltown  
Local Government Area**

**2.6 Outcomes of the Public Exhibition of the Draft Marsden Park Plan of  
Management**

### **3. DEVELOPMENT SERVICES**

**3.1 Development Services Section Application Statistics - May 2010**

**3.2 Lot 2 DP 706701, Lot 21 DP 733505 and Lot 4035 DP 790757, Demetrius Road  
and Anthony Drive, Rosemeadow - Staged development for residential  
subdivision, including construction of Stage 1, creating 72 allotments, roads  
and associated site works.**

## **PART TWO**

- 3.3 Nos. 27-29 Carlisle Street, Ingleburn - Demolition of existing dwellings and construction of a commercial building

## **PART THREE**

- 3.4 No. 9 Austool Place, Ingleburn - Lot 201 DP1123315
- 3.5 No. 395 Pembroke Road, Minto - Subdivision of an industrial estate into seven allotments and dedication of estate access road as a public road

## **PART FOUR**

- 3.6 Nos. 12-14 King Street Campbelltown - Demolition of existing dwellings and construction of a residential apartment building

## **PART FIVE**

4. COMPLIANCE SERVICES
- 4.1 Legal Status Report
5. GENERAL BUSINESS
18. CONFIDENTIAL ITEMS
- 18.1 Confidential Information Relating to Various Items on the Planning and Environment Agenda 22 June 2010

## Minutes of the Planning and Environment Committee held on 22 June 2010

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**Present**

- Councillor R Matheson (Chairperson)
- Councillor J Bourke
- Councillor G Greiss
- Councillor R Kolkman
- Councillor M Oates
- Councillor R Thompson
- General Manager - Mr P Tosi
- Director Planning and Environment - Mr J Lawrence
- Manager Development Services - Mr J Baldwin
- Manager Compliance Services - Mr A Spooner
- Manager Waste and Recycling Services - Mr P Macdonald
- Manager Community Resources and Development - Mr B McCausland
- Senior Development Planner - Mr A Macgee
- Environmental Planning Coordinator - Ms R Winsor
- Corporate Support Coordinator - Mr T Rouen
- Executive Assistant - Mrs K Peters

**Apology (Greiss/Thompson)**

That the apology from Councillor Rowell be received and accepted.

**CARRIED**

**Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson Councillor Matheson.

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

### **3.6 Nos. 12-14 King Street Campbelltown - Demolition of existing dwellings and construction of a residential apartment building**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended conditions of development consent
2. Locality plan
3. Photographic impression
4. Site layout plan
5. Basement level plans
6. Floor plans
7. Elevation plans
8. Section plans
9. 3D perspective drawings
10. Landscaping plan

#### **Purpose**

To assist Council in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	Lots 19 and 20 DP 9197, Nos 12-14 King Street, Campbelltown
<b>Application No</b>	2166/2009/DA-RS
<b>Applicant</b>	Branvel Developments Pty Ltd
<b>Owner</b>	R Ciampa, Preston Professional Services Pty Ltd and Goltz Holdings Pty Ltd
<b>Statutory Provisions</b>	State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009
<b>Other Provisions</b>	Campbelltown 2025 – ‘Looking Forward’
<b>Date Received</b>	15 October 2009

#### **Introduction**

Council has received an application for the demolition of two existing residential dwellings and the construction of a six storey residential apartment building. The proposed development incorporates 29 residential units (3 x 1 bedroom, 26 x 2 bedroom) and 40 car parking spaces located within two basement levels as well as associated landscaping and communal facilities.

In addition to the above, it is important to note that the proposed development is located on a site that is significantly smaller than the minimum site area required by the Campbelltown (Sustainable City) Development Control Plan 2009 (SC DCP). The area of the proposed development site is 1,263sqm which is only 50.5% of the minimum area required by the SC DCP. In this regard, the SC DCP requires a minimum land size of 2,500sqm for the proposed type of development.

Despite this, the proposed development is considered to successfully meet the relevant objectives of the SC DCP in respect to Residential Apartment Buildings. These objectives are:

- *To encourage high quality, high-density residential apartment development within close proximity to public transport and business centres, which is innovative and responsive to the site's environmental characteristics and setting.*
- *To ensure a high level of amenity for the occupants of residential apartment buildings, adjoining developments and public places.*

Further to the above and notwithstanding the fact that the proposal does not meet Council's minimum site area requirements, the proposal is found to be compliant with almost all remaining respects of the SC DCP including, but not limited to unit mix, car parking, open space for residents, setbacks, height, density, water capture and reuse, energy efficiency and streetscape appearance.

### **The Site**

The site is located on the north eastern side of King Street. The site is generally regular in shape and presently comprises two separate allotments. The overall site has an area of 1,263 square metres and has a frontage of approximately 30.48 metres to King Street and a depth of approximately 41 metres. The site is relatively flat, with little variance in ground level across its extent.

The site is approximately 500 metres from Campbelltown Railway Station and a similar distance from the Queen Street CBD core precinct.

The site presently contains two existing dwellings and associated outbuildings.

The immediate environment is characterised by a range of dwelling sizes and styles, including single detached dwellings, a multi-storey residential apartment building approved by Council in April 2003, dwellings converted to professional suites and a two storey commercial building. Campbelltown Showground and a Council-owned commuter car parking area are also located within close proximity to the site at the end of King Street.

### **The Proposal**

The proposed residential apartment building is located within a single building, which presents to King Street as a six storey high development. Two main levels of basement car parking and residential storage would be provided below ground level. The development is serviced by one elevator, which provides direct access from the basement car parking areas to all levels of the building.

Entry to the building is gained by a single vehicle driveway to King Street, as well as a pedestrian entry foyer, located on the south-eastern side. The King Street frontage also incorporates a portion of the building's landscaping. Attachment 3 to this report contains a digitally prepared photographic impression of the building's appearance as viewed from King Street.

A break down of the internal building elements provided on each floor level is provided in the table below:

<b>Floor Level</b>	<b>Units</b>	<b>Car parking spaces</b>	<b>Service Areas</b>	<b>Storage Areas</b>	<b>Recreation Areas</b>
Lower Basement	Nil	21 resident spaces	Stormwater pump pit	Individual cages for several units	Nil
Upper Basement	Nil	36 resident spaces, 8 visitor spaces	Garbage bin store and compactor room, meter room and bicycle storage area	Individual cages for three units	Nil
Ground Floor	4 x 2 bedroom units	Nil	King Street entry lobby	Communal storage areas Garbage/recyclables chute	Common room, paved outdoor seating space, gardens
Level 1	1 x 1 bedroom unit, 4 x 2 bedroom units including 1 adaptable unit	Nil	1 lift lobby	Garbage/recyclables chute	Nil
Level 2	1 x 1 bedroom unit, 4 x 2 bedroom units including 1 adaptable unit	Nil	1 lift lobby	Garbage/recyclables chute	Nil
Level 3	1 x 1 bedroom unit, 4 x 2 bedroom units including 1 adaptable unit	Nil	1 lift lobby	Garbage/recyclables chute	Nil
Level 4	5 x 2 bedroom units	Nil	1 lift lobby	Garbage/recyclables chute	Nil
Level 5	5 x 2 bedroom units	Nil	1 lift lobby	Garbage/recyclables chute	Nil

Each apartment typically contains bedrooms, bathrooms/ensuite, kitchen, built in wardrobes, linen closet and combined living/dining areas as well as an internal laundry. Balconies provide private open space to each unit. The development includes two levels of basement car parking, accessible from King Street. Attachments 5 and 6 of this report contain basement and floor level plans for the building.

The proposed development is generally finished in a composition of face brick, concrete panelling, "Terracade" terracotta plates and cement rendered and painted surfaces, where differing vertical and horizontal elements are painted in contrasting but compatible colours. Selected wall elements are proposed to be finished with painted wall cladding. Balcony balustrading is a mixture of fixed glass panes and masonry. Attachments 7 and 9 of this report contain elevations and 3D perspectives of the building, illustrating the varying façade and material treatments used across the development.

The streetscape elevations are articulated, with differing materials, colours and finishes to break up the appearance of the architecture from the street where the building may be viewed. Side elevations also provide for articulation and varying building elements interspersed with residential apartment balconies and windows. The building height also varies in corners to promote added visual interest and character. Articulation is provided to the eastern elevation in order to 'break up' the massing of the wall, which would otherwise be relatively flat as it is the side of the building containing most bathroom and bedroom areas.

Landscaping is provided to the perimeter of the building, on its street frontages and side boundaries. The landscaping has been designed to complement the unit and community open space area at the ground floor of the complex. A significant portion of the site at the rear has been dedicated to deep soil planting.

Waste would be managed through the provision of a garbage chute to the basement, where waste would be captured and compacted by an automated carousel unit. A 240 litre recycling bin would also be stored in the waste room on each level to ensure that recyclables are not placed in the general waste stream. The recycling bins would be rotated throughout the building by a caretaker. The waste would be stored in the basement service area in conveyor/compactor units and transported by a caretaker to the loading bay area on the ground level for collection. The applicant proposes a weekly collection of both recycling and regular garbage bins from King Street following discussions with Council's Senior Waste Officer and in consultation with Council's waste collection contractor. It would be recommended that a variable 'No Parking' zone be provided at the front of the development for a period of two hours either side of the nominated garbage/recycling pick up hours on waste collection day each week. Green waste would be collected and disposed of via the complex's landscaping maintenance contractor.

A water tank would be supplied to the outdoor area for use in the irrigation of landscaping throughout the development.

## **Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act*

1979, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires Council to consider environmental planning instruments and development control plans that apply to the site.

### **1.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

*State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* (SEPP 65) was gazetted on 26 July 2002 and applies to the development of new residential flat buildings (Clause 4(1)(a)). SEPP 65 defines a residential flat building as:

*A building that comprises or includes:*

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level) and*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).*

*but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.*

The proposed development constitutes a residential flat building for the purposes of SEPP 65.

Clause 30(2) of SEPP 65 requires a consent authority, in determining a development application for a new residential flat building, to take into consideration:

- a) the advice of a Design Review Panel constituted under Part 3 of the Policy;*
- b) the design quality of the development when evaluated in accordance with the design quality principles (Part 2 of the Policy); and*
- c) the publication 'Residential Flat Design Code'.*

As Council has not established a Design Review Panel, for the purpose of this application, Council is required to consider only the design quality principles and the Design Code in its assessment of the application.

Clauses 9 to 18 of the SEPP contain the design quality principles of the Policy. The following discussion sets out an assessment of the development proposal in terms of these principles when having regard to the Residential Flat Design Code.



### **Principle 1 – Context**

As detailed in this report, the existing development context comprises a mix of high density residential development, dedicated commercial buildings, existing residences and residences converted for use by consulting professionals. The desired future character of the precinct as expressed in Campbelltown (Sustainable City) DCP must also be considered. The proposal is considered to be an appropriate design response to the desired future density within the area and reflects nearby approvals for the construction of higher density residential apartment buildings. The building addresses its street frontage and presents an array of articulation measures to create visual interest and to reduce the otherwise perceived bulk of the building.

### **Principle 2 – Scale**

The scale of the proposed development is consistent with the building height and form of development envisaged by Campbelltown Sustainable City DCP (SC DCP) for the precinct. The massing of the building has been articulated in a number of ways to reduce its perceived bulk. The subject site is smaller in area than the minimum sought by the SC DCP, however, it allows for set back distances to adjoining properties.

### **Principle 3 – Built Form**

The built form of the proposal is appropriate given the context and scale of the building, and the location of the subject site. The façades of the building have architectural merit and would provide for an interesting architectural addition to the precinct.

### **Principle 4 – Density**

The density is consistent with that provided by Campbelltown (Sustainable City) DCP, albeit contained on a land parcel smaller than that ordinarily permitted under the plan. The development is commensurate with the increased densities required to reinforce the ongoing viability and revitalisation of commercial core of Campbelltown's regional comprehensive centre and make appropriate use of the facilities, services and employment opportunities that exist (and hopefully will expand in the future) in the centre.

### **Principle 5 – Resource, Energy and Water Efficiency**

The proposed building achieves an acceptable level of energy efficiency. Energy efficient appliances and water saving devices are to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building satisfies the required water and energy usage savings. The waste management plan submitted for the site facilitates the collection and storage of recyclables as per Council's policy.

## **Principle 6 – Landscape**

Specific planting and hedging has been provided to ground floor units to improve privacy. A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 15 metres and screening shrubs up to 3 metres. The rear portion of the site has been dedicated to deep soil planting, along with a significant portion of the front setback to King Street. Species proposed in these areas include (but are not limited to) NSW Christmas Bush, Snow in Summer and Water Gum (each with a height up to 15 metres).

## **Principle 7 – Amenity**

The design of the proposed residential units generally provides good internal amenity. Balcony areas connect to living areas and are considered satisfactory. The majority of units have a north easterly, northern or north westerly alignment, increasing solar penetration into the building. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Solar access has been provided to each of the apartments via balconies accessing each living area.

## **Principle 8 – Safety and Security**

A well defined pathway would lead residents and visitors accessing the building from King Street to the entry lobby. Other communal areas and private terraces at ground level are well secured and screened. Basement car parking will contain a security shutter at a strategic location to ensure that only residents or accepted visitors with the appropriate electronic 'key' can access the car parking area.

## **Principle 9 – Social Dimensions**

The proposal provides a mix of apartment types and sizes and provides increased opportunity for residents to live in close proximity to facilities, services and public transport. Three of the units proposed within the building are 'adaptable' and are dimensioned appropriately to allow for access by people with disabilities and mobility impairments.

## **Principle 10 – Aesthetics**

The design provides a combination of architectural elements, such as varying wall setbacks, feature walls, balconies, and contrasting materials which make the building visually interesting and contribute positively to the streetscape. The building would complement a previously approved and constructed multi-storey apartment building located directly opposite the site, and emulates its modular design and sizing. This works towards establishing a new and unified streetscape character for the precinct. The provision of altering materials and finishes on the building's exterior would also enhance its form. Further interest has been provided through the inclusion of glass balustrades to some balconies. It is considered that the proposed development has a high aesthetic value when viewed from the public domain.

An assessment of the application against the principles and objectives contained in the *Residential Flat Design Code* concludes that the development is generally consistent with design and liveability elements that would ensure a satisfactory level of comfort and amenity for residents and the public.

An assessment summary of relevant portions of the Code is contained below:

*Primary development controls*

Numeric requirement	Objectives	Comment
<p>Building height</p> <p>No numeric requirement stipulated – use Council’s DCP height standard. Design practice notes provided.</p> <p>Building depth</p>	<ul style="list-style-type: none"> <li>• To ensure development responds to the desired scale of the area.</li> <li>• To allow daylight access to development and the public domain</li> </ul>	<p>Complies with the requirements of the Sustainable City DCP (SCDCP) i.e. 6 storeys.</p>
<p>Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units.</p>	<ul style="list-style-type: none"> <li>• To ensure the bulk of development is compatible with desired future development.</li> <li>• To allow for solar access and natural ventilation.</li> <li>• To provide for dual aspect apartments.</li> </ul>	<p>Building depth when measured from King Street is greater than 18 metres, however , the Code states that “freestanding buildings may have a greater depth if they achieve satisfactory ventilation and daylight penetration”. The building is considered satisfactory in that regard, as detailed later in the report. Apartments are provided with adequate light and ventilation, with most having a north easterly, northern or north westerly orientation.</p>
<p>Building separation</p> <p>Rises with building height – 12 metres up to 4 storeys and 18 metres for up to eight storeys.</p>	<ul style="list-style-type: none"> <li>• To provide for deep soil zones and stormwater management</li> <li>• To control overshadowing of adjacent properties.</li> <li>• To provide visual and acoustic privacy.</li> </ul>	<p>Building is 6 metres from side boundaries in accordance with Council’s SCDCP. The building does not ‘step in’ above 5 storeys. Complies with Council’s SCDCP setback requirements. Discussed in more detail later in the report.</p>
<p>Side and rear setbacks</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To provide for deep soil planting areas.</li> <li>• To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</li> <li>• To maximise building separation to provide visual and acoustic privacy.</li> </ul>	<p>Council’s SCDCP requires a 6 metre setback to side and rear boundary. The proposal complies.</p>
<p>Street setback</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To create a clear transition between public and private space.</li> <li>• To allow an outlook and surveillance of the street.</li> <li>• To allow for streetscape character.</li> </ul>	<p>Council’s SCDCP requires 5.5 metre setback. The proposal complies with this requirement.</p>

## Site design

Numeric requirement	Objectives	Comment
<p>Deep soil zones</p> <p>No requirement stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To assist in the management of the water table.</li> <li>• To improve the amenity of developments through the retention and/or planting of large and medium size trees</li> </ul>	<p>An assessment against Council's requirements is detailed later in the report.</p>
<p>Fences and walls</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To define the boundaries between areas having different functions or owners.</li> <li>• To provide privacy and security.</li> <li>• To contribute positively to the public domain.</li> </ul>	<p>The building contains several landscaping planter walls along its front and side boundaries. The walls help to distinguish public and private open spaces, detail the building entry and private open space areas.</p>
<p>Landscape design</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To improve stormwater quality.</li> <li>• To improve urban air quality.</li> <li>• To add value to residents' quality of life within the development.</li> <li>• To improve the solar performance of the development</li> </ul>	<p>A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided or deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for birds.</p>
<p>Orientation</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To optimise solar access to residential apartments and adjacent buildings.</li> <li>• To improve the thermal efficiency of new buildings.</li> <li>• To contribute positively to the desired streetscape.</li> </ul>	<p>The building is orientated as best as possible having regard to the existing street. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.</p>
<p>Stormwater management</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.</li> </ul>	<p>A significant area of deep soil planting is provided in the development. Stormwater capture and management complies with Council's Sustainable City DCP Vol. 2. Rainwater tank for irrigation of gardens is provided.</p>
<p>Safety</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<ul style="list-style-type: none"> <li>• To ensure that residential flat developments are safe and secure for residents and visitors.</li> <li>• To contribute to the safety of the public domain.</li> </ul>	<p>Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.</p>

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Visual privacy  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To provide reasonable levels of visual privacy.</li> <li>• To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.</li> </ul>	Balconies have been aligned to reduce overlooking. Fixtures to balconies such as louvres and sliding screens may be used to reduce overlooking potential.
Building entry  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To create entrances that provide a desirable residential identity for the development.</li> <li>• To orient visitors.</li> <li>• To contribute positively to the streetscape.</li> </ul>	Separate entries to be provided for vehicles and pedestrians to increase safety. Visitor and entry from street clearly defined and easily accessible.
Car parking  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To minimise car dependency for commuting and to promote alternative means of transport.</li> <li>• To provide adequate car parking.</li> <li>• To integrate the location and design of car parking with the building and its location.</li> </ul>	Car parking would be provided in a two level basement, with minimal impact on the street. Car parking provided complies with the Council's SCDCP requirements.

### *Building design*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Apartment layout  "Rules of thumb" provided for depth, width and area.	<ul style="list-style-type: none"> <li>• To ensure that the spatial arrangement of apartments is functional and well organised.</li> <li>• To ensure that apartment layout provides a high standard of residential amenity.</li> <li>• To accommodate a variety of household activities and needs.</li> </ul>	Most apartments have a dual-aspect. Single aspect apartments are located on the northern facing side of the building to maximise solar penetration of units. Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes exceed "rule of thumb" requirements. Depth of apartments generally complies with "rule of thumb", however, some apartments are deeper from back of kitchen to window than recommended. Discussed later in the report.

Numeric requirement	Objectives	Comment
Apartment mix  Design practice notes provided.	<ul style="list-style-type: none"> <li>• To provide a diversity of apartment types, which cater for different household requirements now and in the future.</li> <li>• To maintain equitable access to new housing by cultural and socio-economic groups.</li> </ul>	Building contains a mix of 1 and 2 bedroom units. Complies with Council's SCDCP.
Balconies  Design practice notes provided. "Rules of thumb" provided.	<ul style="list-style-type: none"> <li>• To provide all apartments with open space.</li> <li>• To ensure that balconies are integrated into the overall architectural form and detail of the building.</li> <li>• To ensure that balconies are functional.</li> <li>• To contribute to the safety and liveliness of the street by allowing for casual overlooking.</li> </ul>	Balconies meet minimum depth requirement in the "rules of thumb". Balconies are all directly accessible from living areas. Balconies would provide casual surveillance of the street.
Ceiling heights  "Rules of thumb" provided	<ul style="list-style-type: none"> <li>• To increase the sense of space in apartments.</li> <li>• To promote the penetration of light into the depths of apartments.</li> <li>• To achieve quality interior spaces while considering the external building form requirements.</li> </ul>	The building complies with the "rules of thumb". A minimum of 2.7 metres would be provided to each unit.
Ground floor apartments  No numeric requirements stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To contribute to the desired streetscape of an area and to create active safe streets.</li> <li>• To increase the housing and lifestyle choices available in apartment buildings.</li> </ul>	Ground floor units provided with terraces and screened from the street by landscaping. Landscaping would provide views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.
Circulation  "Rule of thumb" provided. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To create safe and pleasant spaces for the circulation of people and their personal possessions.</li> <li>• To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.</li> </ul>	The number of units accessed from each corridor complies with the Code's "rule of thumb" ie. less than 8 units accessed from each corridor. Corridors are wide and would allow for the movement of furniture.

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Storage  Numeric "rules of thumb" provided. Design practice notes provided	<ul style="list-style-type: none"> <li>• To provide adequate storage for everyday household items within easy access of the apartment.</li> <li>• To provide storage for sporting, leisure, fitness and hobby equipment.</li> </ul>	"Rules of thumb" in Code are mirrored in Council's SCDCP. The building complies with the requirements.

### *Building amenity*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Acoustic privacy  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To ensure a high level of amenity by protecting the privacy of residents.</li> </ul>	Busy, noisy areas have been located adjacent to each other within units. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible.
Daylight access  Design practice notes provided and rules of thumb.	<ul style="list-style-type: none"> <li>• To ensure that daylight access is provided to all habitable rooms.</li> <li>• To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day.</li> <li>• To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.</li> </ul>	All living areas provided with windows. Awnings provided to windows at balconies to provide for shading during summer. No apartments with single S,SW,SE aspect in the building. Units are provided with the minimum 3 hours of direct sunlight throughout the day.
Natural ventilation  Rules of thumb provided. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air.</li> <li>• To provide natural ventilation to non-habitable rooms where possible.</li> <li>• To reduce energy consumption.</li> </ul>	Majority (greater than the 60% minimum) of units are dual-aspect and provide cross ventilation opportunities.
Facades  Design practice notes provided. No numerical requirements stipulated.	<ul style="list-style-type: none"> <li>• To promote high architectural quality in residential flat buildings.</li> <li>• To ensure that new developments have facades which define and enhance the public domain and desired street character.</li> <li>• To ensure that building elements are integrated into the façade design.</li> </ul>	The building has been provided with an array of architectural treatments to enhance its appearance from the street and surrounding properties. Design elements such as varying colours, projecting fin walls and balconies have been provided to break up the building's mass. The building is also sized in a complementary manner to that of an existing multi-storey apartment building already in King Street in close proximity to the subject land.

### *Building performance*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Energy efficiency  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To reduce the necessity for mechanical heating and cooling.</li> <li>• To minimise greenhouse gas emissions.</li> </ul>	Passive solar design initiatives incorporated into the building. It meets BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the Flat Design Code was prepared.
Waste management  No numeric requirement stipulated. Design practice notes provided.	<ul style="list-style-type: none"> <li>• To avoid the generation of waste through design, material selection and building practices.</li> <li>• To plan for the types and amount of waste to be generated during demolition and construction.</li> <li>• To encourage waste minimisation, including source separation, reuse and recycling.</li> </ul>	A waste management plan has been submitted with the application. The plan details that collection and disposal of recyclables will be provided in the building. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.
Water conservation  Design practice notes provided. Rules of thumb provided.	<ul style="list-style-type: none"> <li>• To reduce mains consumption of potable water.</li> <li>• To reduce the quantity of urban stormwater runoff.</li> </ul>	Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied. Rainwater tank supplied for irrigation of gardens.

The building is considered to be generally compliant with the objectives and controls within the SEPP and its accompanying Design Code. However, the proposal does exhibit two inconsistencies with the Code. These are discussed below:

### *Building separation*

The Code's recommended setbacks for buildings five storeys to eight storeys in height is 18 metres between habitable rooms/balconies, 13 metres between habitable rooms/balconies and non-habitable rooms and 9 metres between non-habitable rooms. The recommended separations are provided in order to increase privacy between residents in buildings and to increase sunlight access to habitable rooms.

The subject building proposes two balconies on its north western side a minimum of 6 metres from the side boundary above five storeys. It may be interpreted that the Code is tacitly recommending a minimum side setback of 9 metres for balconies and habitable rooms above 5 storeys in height in order to achieve the desired separation in an equitable manner on each side of a property boundary. It should also be noted that the recommended separations would also apply where more than one residential apartment building occupied (ie the building separation requirements would apply "within" the site) the same site. Should a building be constructed on the adjoining allotment at a similar setback and with habitable rooms/balconies along that aspect, the habitable rooms/balconies would be 12 metres apart, lower than the recommended minimum distance.



Notwithstanding, it could also not unreasonably be argued that the proposal is not necessarily non-compliant with the Code. The Code considers future development on the adjoining site, as it does provide for differing recommended separations, having regard to the use of rooms in each building. As there is no application on the adjoining allotment at this time, Council cannot consider the impacts (if any) that the proposed 6 metre setback would have on an adjoining property. However, it would not be reasonable to suggest that any future building along the north western boundary would be similar in layout to the subject building, that being with the majority of habitable rooms, balconies and the like located on the opposite side (the northern side) where access to daylight can be maximised.

With this in mind, the impact of the building's technical 'non-compliance' with a recommendation in the Code is considered to be minimal and not likely to significantly impact on the amenity of residents of the proposed building and future development in the immediate vicinity. A recommended condition of development consent (should Council deem the application worthy of support) requires the placement of shade structures, louvres or similar on balconies above five storeys and within 9 metres of the side boundary. These structures would allow for greater privacy and would potentially enhance and control sunlight access to the units.

It is noted that the setback to the boundary of 6 metres does comply with Council's Sustainable City Development Control Plan, which is discussed in more detail in Part 1.3 of this report.

#### *Depth from window to back of kitchen*

The Code provides a "rule of thumb" regarding the depth of apartments. The Code recommends that the back of the kitchen be no greater than 8 metres from a window in order to allow for penetration of sunlight into units.

Several units throughout the building comply with the "rule of thumb" however, others when measuring from the submitted plans have a depth of approximately 9 metres from a window to the back of the kitchen.

Having regard to the objective relating to the "rule of thumb", the units where the back of the kitchen is 9 metres from a window are considered to meet the Code's desired outcomes for sunlight penetration. The windows opposite the kitchen in the affected units are the full width of the living rooms to which they are adjoining and windows are also located on the adjacent balcony at a 90 degree angle to achieve greater sunlight penetration. It is noted that all units meet the desired energy efficiency and thermal comfort levels required under the SEPP and Council's SC DCP.

Having regard to the above and the previous assessment contained in the tables, the proposal is considered to be generally compliant with the objectives and design guidelines contained in the Residential Flat Design Code.

## **1.2 Campbelltown (Urban Area) Local Environmental Plan 2002**

The site is zoned 10(a) Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP). "Residential flat buildings" are permissible with Council's consent in the 10(a) zone.

The proposal is consistent with several zone objectives, particularly:

- (a) *To encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.*

A further objective of the zone is;

*“to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development”.*

In this regard, the application is for a permissible residential flat development located in an established commercial and residential area, which exhibits a high standard of visual presentation and amenity and is a good representation of the type of development that Council’s planning documents are seeking to encourage. Accordingly, Council is able to approve the application should it deem appropriate.

### 1.3 Campbelltown (Sustainable City) Development Control Plan 2009

The Campbelltown (Sustainable City) Development Control Plan (SC DCP) applies to the land and the proposed development. The SC DCP provides detailed objectives and controls for the development of new residential apartment and mixed use buildings within the City and has established the framework for creating high density, multi-storey housing opportunities close to Campbelltown's CBD.

The adopted DCP nominates a six-storey residential use development as being suitable for the site subject to meeting relevant design criteria.

A table illustrating the assessment of the proposal under the SC DCP is provided below.

		<b>Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments</b>	
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
Lot Size	1,263m <sup>2</sup>	Minimum 2500m <sup>2</sup>	No
Lot Width	30.48m	Minimum 30m	Yes
Height	6 storeys above ground level, additional two levels basement parking	Maximum 6 storeys	Yes
Front Setback	Minimum 5.5 metres	5.5 metres	Yes
Side & Rear Setback	6m above ground level	6m from the side and rear boundaries above ground level	Yes
Apartments serviced by lobby	Maximum 5 units serviced by one lobby	Maximum 10 units per lobby	Yes

**Campbelltown (Sustainable City) Development  
Control Plan  
Residential Flat Developments**

<b>CONTROL</b>	<b>PROPOSAL</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
Bedroom configuration	3 x 1 bedroom apartments (10.3%)	Minimum 5% units are 1 bedroom or studio apartments	Yes
Lifts	One central lift	Lifts provided for buildings of 3 or more storeys	Yes
Apartment size	1 bedroom – 77m <sup>2</sup> 2 bedroom – min. 77m <sup>2</sup>	1 bedroom – min. 55m <sup>2</sup> 2 bedroom – min. 70m <sup>2</sup>	Yes
Apartment internal storage	Basement storage cages provided	1 bedroom – 8 cubic metres 2 bedroom – 10 cubic metres 3 or more bedrooms – 12 cubic metres	Yes
Ceiling height	Minimum 2.7m	Minimum 2.7m	Yes
Landscaped Open Space	14.3% of site available for deep soil planting	Minimum 15% of total site area must be provided for deep soil planting	No
Endemic Species	Landscape plan provided	Detailed landscape design and landscape plan provided	Yes
Private Open Space	All apartments have at least one balcony	All apartments shall have “some form of outdoor living area, such as private open space, balconies or roof terraces”	Yes
Balconies	Minimum depth 2.2 metres and minimum area of 8m <sup>2</sup>	Area not less than 8 sqm with a depth of 2m	Yes
Communal private open space	51 sq.m internal common room area provided. 262 sq.m. outdoor communal open space provided.	Recreation room, bbq/outdoor area minimum 100 square metres per 50 dwellings or part thereof.	Yes
Solar Access & Energy Efficiency	Communal open space not shaded by the building. Adjoining properties receive at least 3 hours of sunlight to private open space on June 21.  BASIX certificate supplied	Minimum 3 hours unobstructed solar access to 50% of private and communal open spaces  Minimum of 20 sqm on adjoining properties to receive min. 4 hours sunlight  Compliance with BASIX requirements	Yes

<b>Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments</b>			
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
Car Parking	40 car parking spaces over two basement levels  Bicycle parking provided in basement.	1 underground space per unit, plus 1 space for every 4 dwellings, plus 1 visitor space for every 10 dwellings  Total required = 39.15	Yes
Streetscape	All units presenting to King Street have defined entrances or windows  All walls articulated, no section exceeds 10 metres in length without articulation  Variety of adequate architectural features contribute to streetscape	All units facing street must provide front façade presentation  No section of wall built within 8 metres of side or rear boundary should be longer than 10 metres  Articulation in walls, variety of roof pitch, architectural features on front façade	Yes
Site Services	On-site waste disposal room on each floor  No details of fire hydrants (to be confirmed prior to issue of construction certificate)  Adequate balance of security for residents and access to communal recreation spaces and waste disposal areas.	Service facilities suitably sized and designed for convenience of residents  Fire hydrants within 90 metres of the development  Access through the site simple and direct – building materials, layout of buildings, driveway/loading areas, garbage collection areas sensitively designed.	Yes

Further discussion on certain relevant matters contained within the SC DCP is presented below.

**Site area** - the site area for the proposed development is significantly smaller than the area required by the SC DCP. The site area (1,263 sq.m) is 50.5% of the area required by the Plan (2,500 sq.m). Notwithstanding, the objectives of the SC DCP in this regard are:

- *To encourage high quality, high-density residential apartment development within close proximity to public transport and business centres, which is innovative and responsive to the site's environmental characteristics and setting.*
- *To ensure a high level of amenity for the occupants of residential apartment buildings, adjoining developments and public places.*

The development is considered to successfully meet the abovementioned objectives, despite the fact it does not meet Council's minimum area requirement. In spite of the shortfall in land area, the development is compliant with almost all remaining respects of the SC DCP including, but not limited to unit mix, car parking, open space for residents, setbacks, height, density, water capture and reuse, energy efficiency and streetscape appearance.

The applicant provides the following justification for the non-compliance with the minimum area standard in their submission:

*"Large development projects such as proposed are realised based on economic viability. Amalgamating allotments to create super lots can often be a difficult and frustrating task. Projects can easily be derailed by uncooperative land owners with unrealistic expectations.*

*The timely provision of residential accommodation is paramount in attaining the desired goals set by all levels of government to supply the growing demand for housing.*

*In this regard, numerous attempts were made to discuss a joint venture with adjoining owners, however, only one neighbour responded, with that allotment now forming part of the application.\**

*Considering the abovementioned objectives, the proposed development is an appropriately located, high quality residential apartment building which adequately addresses the site's environmental characteristics and setting.*

*Even if adjoining allotments were to be obtained and incorporated into the site area, the design pattern would be similar, with a distinctive break between the buildings. As such, the proposed development with a smaller site area will have little, if any, visual consequences to the streetscape amenity.*

*The present application does not present an opportunity for land locking. The subject site involves two consecutive allotments along one side of an existing street and does not preclude future development of other high density buildings within its immediate vicinity. Given the minimal environmental constraints, the site's compliance with most relative planning requirements and its proximity to existing facilities, services and transport, the site area is considered to be suitable for the proposed development"*

\* Copies of letters sent to neighbours were submitted with the application. See further discussion in Section 4.1 of this report.

The high density residential apartment building located opposite from the subject site provides an example of the break up of the buildings along King Street. The building has been designed to form distinct 'boxes', which serve to reduce the bulk and mass of the development. The proposed new apartment building would be constructed in a similar manner and as detailed above, would not preclude the construction of similarly sized and sited buildings on adjoining allotments in the future.

Having regard to the building's proposed location, proximity to public transport, services and amenities, its relatively high rate of compliance with other planning controls and its compliance with the SC DCP's objectives for residential apartment buildings, the variation to Council's planning requirement for site area can be supported in this instance.

**Setbacks** - The proposed setbacks respond to existing and desired future development in the locality and minimise impacts upon neighbouring property. Side setbacks above five storeys have not been altered to reflect the technical requirements (side setbacks) of the Residential Flat Design Code (RFDC); however, the setbacks do comply with Council's SC DCP controls. The setback 'variation' is not considered to be significant having regard to surrounding development and possible likely future development, which would also have to consider Council's SC DCP and the RFDC requirements.

As detailed earlier, any future building along the north western boundary may be similar in layout to the subject building, that being with the majority of habitable rooms, balconies and the like located on the opposite side to the balconies in question (the northern side) where access to daylight can be maximised.

With this in mind, the impact of the building's technical 'non-compliance' with a recommendation in the Code is considered to be minimal and not likely to significantly impact on residents of the proposed building and future development in the immediate vicinity. A recommended condition of development consent requires the placement of shade structures, louvres or similar on balconies above five storeys and within 9 metres of the side boundary. These structures would allow for greater privacy and would potentially enhance and control sunlight access to the units.

**Height** - The proposed six-storey building height reflects the status of the 10(a) zone and works to maximise solar access to buildings and public spaces. The skyline, a relatively simple roof form, reduces the apparent bulk and scale of the development and is compatible with the likely future character of this precinct in the regional city centre.

**Ecologically Sustainable Development** - The proposed building achieves a satisfactory level of energy efficiency. External shadow impacts do not unreasonably impact upon adjoining premises. Overshadowing of adjoining properties occurs throughout the day, although is not static as the sun moves across the sky throughout the day altering the locations that would be overshadowed. A significant portion of the shadowing would also occur in King Street, minimising the impacts on neighbouring properties. Each unit would be fitted with energy efficient appliances, water saving fittings and insulation. A rainwater collection tank (for landscape irrigation) has been proposed and included in the development plans.

**Landscaping** – The site is to be landscaped in accordance with the requirements of the SC DCP. The application provides for 14.3% of site area for deep soil planting. This represents an 8.8 square metre shortfall of the required area. Having regard to the significant number and density of tree species proposed to be planted at the site and the mature height of the trees, which would have a positive impact on thermal comfort and privacy protection, the minor variation to Council's control is considered to be acceptable in this instance. A recommended condition of development consent requires the use of a large proportion of locally indigenous species that are low water tolerant and provide effective shade to reduce building energy use.

The landscaping forms a green barrier between the development and the site boundaries, where deep rooted planting can occur to provide for long term tree growth and beautification of the site, particularly in the rear (or north eastern) portion of the site. A detailed landscape plan, identifying species and tree locations has been included with the application. The principal open space area is to the north and centre of the site and incorporates paved areas, garden beds and seating. These areas have been designed to retain good solar access and to provide a high degree of amenity. Low height planting and hedging has been provided to ground floor units to improve privacy and create an active street front for the development

**Waste Storage Areas** - The building contains a room containing a 240 litre recycling bin and garbage chute located on each floor in close proximity to the fire stairs. The applicant proposes that a caretaker be charged with removing the bins from each floor on a rotational basis, where they can be taken to the basement and placed in a compaction device, which enables the capacity of each bin to be amplified significantly. Bins may also be stored and cleaned in the waste storage room located within the basement.

The caretaker would be responsible for manoeuvring the bins to the King Street kerbside for collection by Council's waste collection contractor on a weekly basis.

Calculations undertaken by Council's Senior Waste Management Officer detail that upon utilisation of a compaction device for the garbage bins and on the basis of a weekly garbage bin collection and weekly recyclables collection, a maximum of eleven bins would be presented to King Street for a kerbside collection. Upon further consultation with Council's Local Traffic Committee, a recommended condition of development consent requires that a time and day specific "No Parking" area be provided in front of the development that would ensure vehicles do not impede the collection trucks at the stated times.

A Waste Management Plan was submitted with the application in accordance with Council's SC DCP. The Plan details the estimated volume of waste and recycling materials that would be generated by residents and commercial tenants in the building and provides information on the methods by which this waste would be collected. A caretaker would be appointed who would be responsible for maintaining the waste area including the cleaning of empty bins and the loading and unloading of bins to the waste collection vehicles.

**Public Domain** - It is considered that the site satisfactorily integrates with the public domain, providing good access between the building and its interface with King Street's pedestrian footpath. The building provides an interesting and architecturally sound appearance to King Street, with an array of articulation and materials variance as well as devices utilised to reduce the building's apparent mass, such as variation in materials and colour, fin walls, openings and glazing.

**Services** - It is anticipated that water, sewerage, electricity and telephone services presently available to the site could be augmented to service the proposed development. Should Council approve the development such requirements can be reasonably imposed as conditions of consent.

The application complies with the objectives and most standards contained within the SC DCP and is considered to be a good example of the type and scale of buildings that are envisaged by the DCP as likely future and desired development within the Campbelltown Regional Comprehensive Centre. Where the proposal does not comply with the controls, detailed justification has been provided by the applicant and in the circumstances of the case, having regard to the development's appearance, function and location, the variations can be supported.

## **2. Other Provisions**

### **2.1 Campbelltown 2025 Looking Forward**

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like;
- Recognises likely future government policies and social and economic trends; and
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City,*
- *Building a distinctive Campbelltown sense of place, and*

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The development application has been assessed having regard to Campbelltown 2025 *Looking Forward*. It is considered that the development application is generally consistent with the Vision's desired outcomes having regard to the proposed density, design and impact on adjoining development and the locality more generally.



### **3. Impacts on the Natural and Built Environment**

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The principal matters associated with the consideration of these impacts are dealt with in light of the provisions of Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the impact of the proposed development on the built environment, whilst being non-compliant in regards to its site area and being somewhat taller than existing development in the area, is representative of Council's desired future character for the precinct, noting the Sustainable City DCP and Council's Strategic Direction for the Regional City Centre.

#### **3.1 Flooding**

The site is considered to be liable to flooding due to overland flow from a local catchment to the south east of the site. Stormwater management at the site has been designed to ensure that water from the development would be disposed of into Council's stormwater system according to the requirements of the Sustainable City Development Control Plan Volume 2 – Engineering Design Guidelines. A pump out system for the basement car parking area has been included with the application, should the area become flooded due to an overtopping of the driveway during extreme weather events.

#### **3.2 Salinity**

A soil salinity report would be required to be submitted due to the underground excavation required to construct the building's footings and basement car parking/storage areas. It is known through excavation at similar properties in the area that groundwater is potentially saline in nature, which may have an impact on the integrity of structural concrete in basement car parking areas. A report and salinity management plan would be required prior to issue of a construction certificate for the development and could be accommodated by a condition of approval, should consent be granted by Council.

#### **3.3 Demolition safety**

Demolition of the existing buildings on the site is permissible with Council's consent, and has been proposed as part of the application. Should Council issue development approval, the consent would need to be suitably conditioned to ensure that all appropriate public safety and WorkCover requirements are adhered to.

#### **3.4 Building Code of Australia**

The application was accompanied by a report detailing an assessment of the proposal against the provisions contained within the Building Code of Australia. The building is considered to be satisfactory in its compliance with the Code and meets particular provisions in relation to access for the disabled, sound transmission, fire safety and construction materials.

### **3.5 Traffic safety**

As the development does not contain more than 75 dwellings, a traffic impact assessment report was not submitted with the application. Off-street car parking provided for the development in its basement car park meets Council's requirements.

Notwithstanding, Council's previous assessment of traffic conditions along Queen Street details that there will be growing delays at the Queen Street intersections of King, Iolanthe and Warby Streets as growth in the area continues. Traffic modelling to date confirms the need to provide an additional link road between Chamberlain Street and Broughton Street that would provide alternative access for residents and businesses in these three streets, along with the gradual elimination of on street parking in Queen Street to ensure traffic capacity can match the future growth of the Campbelltown CBD. *(This is a matter addressed in of the Campbelltown/Macarthur Centre Structure Plan and will be subject of a future Section 94 Plan.)*

Although the traffic impact of the subject development is not considered to be significant, having regard to its size and proximity to public transport, the cumulative impact of these high density developments is currently being assessed and will continue to be monitored and factored into future planning for the Campbelltown City Centre.

### **3.6 Safer by Design**

A matter for consideration is the safety of residents, tenants and visitors to the site. A Crime Prevention Assessment was submitted in support of the application. The assessment details the safer by design principles that have been incorporated into the building and site layout. High levels of property maintenance and effective lighting would establish a safe and accessible ground floor. The building design and features promote territorial reinforcement of the private space within the complex. Entrapment areas are minimal throughout the development and passive surveillance from dwellings and open spaces is considered to be satisfactory.

A recommended condition of consent (should Council decide to support the application) requires that basement car parking security for residents be provided by the use of security shutters with electronic 'key' activation so that resident parking areas could only be accessed by residents that live at the complex. Elevators would also be key controlled so that residents would access only their floor and visitors to the site would require a resident to allow them access. Car parking areas would be finished with white paint on the ceiling as appropriate to increase the effectiveness of lighting and to create the impression of a more 'open' space.

### **3.7 Social and Economic Impacts**

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown and would provide a tangible social benefit to the community. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport and other support services.

#### **4. Site Suitability**

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the suitability of the site for the proposed development.

The principal matters for attention are discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65. Further to those matters is a consideration of surrounding properties adjacent to the development site.

##### **4.1 Development of adjoining lands**

The present application does not in itself create an opportunity for land locking. Residential apartment development could proceed to the north and south of the development site subject to market conditions.

As mentioned earlier in the report, the applicant underwent negotiations for the amalgamation of neighbouring properties into the development site, however, these were not successful. Officers have investigated the applicant's statements regarding approaches to neighbouring land owners and based on information available understand that attempts, albeit unsuccessful, have indeed been made.

The present land uses surrounding the subject site would appear to lend themselves to higher density redevelopment in the future. Of particular relevance is No. 10 King Street, which is to the immediate north of the development site. No. 10 King is presently occupied by a modest dwelling-house. No. 10 King is bounded by the development site and commercial land uses on each of Nos. 2-8 King Street. The applicant has detailed attempts to contact and discuss a potential joint venture/lot amalgamation with the current owner, including submission of a statutory declaration relating to a visit to the current owner's private home to discuss options. Despite these attempts, the current owner of No. 10 has not proceeded with any involvement in the proposal. Notwithstanding, the non-inclusion of No. 10 King Street with the current proposal, redevelopment of No. 10 King Street with adjoining properties to the north may be successfully undertaken in the future. Indeed, Council's Campbelltown Macarthur Structure Plan nor the preliminary draft development control plan currently being developed do not presently contain allotment size or width restrictions for future developments of this kind, meaning that No. 10 King Street does have potential be redeveloped in the future, on its own merit.

Given the minimal environmental constraints, the site's general overall compliance with planning requirements and objectives and its proximity to existing facilities, services and transport, the site is considered to be suitable for the proposed development.

#### **5. Submissions**

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires Council to consider submissions made to the proposal.

The application was publicly exhibited in the local media and HJ Daley Library and plans were also forwarded to 32 nearby and adjoining properties, including the multi-unit apartment building located across the road from the subject site. Submissions on the proposal were sought between 3 and 26 November 2009.

During the exhibition period, five submissions (objections) were received regarding the proposal. The issues raised in the submissions are discussed below.

**Non-compliance with site area requirements** – some submissions noted the application's non-compliance with Council's minimum area requirement for apartment buildings.

This matter has been discussed earlier in this report. Essentially, whilst the site is significantly less in area than that amount required by Council's SC DCP, the development satisfactorily meets or exceeds almost all other planning controls and objectives expressed, in Council's planning controls as well as the State Government's Residential Flat Design Code.

Notwithstanding the non-compliance, construction of the subject development is not considered likely to significantly and detrimentally affect the surrounding environment or preclude other adjoining sites from similar, high quality apartment building construction.

**Car parking** – several submissions raised issue with the existing car parking situation in King Street and the proposal's potential to exacerbate the perceived lack of suitable car parking in the area, particularly during its construction.

King Street presently has time limited on-street car parking. The street also has a large Council-owned free car parking area at its end, within the Campbelltown Showground site. It is acknowledged that construction of the development will create some traffic and parking impact on the street, however, having regard to the longevity of the proposal, that time period is considered to be relatively short.

The subject development contains sufficient car parking to comply with Council's requirements and whilst on-street car parking will always occur as a result of short visits to residences within the complex, Council cannot prejudice its decision on the proposal, when its requirements are satisfied.

**Overshadowing** – two submissions raised issue with overshadowing that would be created by the building.

The shadows created by the building would be cast across several properties at different times of the day and would also be cast across King Street itself. The submitted shadow diagrams illustrate that nearby properties would retain access to adequate sunlight in accordance with Council's controls and those contained in the Residential Flat Design Code.

**Amenity** – A submission raised concern with a perceived loss of amenity in the neighbourhood.

The nature of the amenity loss was not quantified, however, the same submission also noted concerns with increases in noise and traffic at the site.

As mentioned earlier, the application complies with relevant controls for the provision of on-site car parking and is considered appropriate for the site having regard to its proximity to Campbelltown station and shopping and other business/service opportunities, which would be likely to result in decreased vehicle trips. With regard to noise, the use of the site for residential purposes, albeit of a high density nature, is not considered likely to be of significant consequence to surrounding properties having regard to existing high levels of background noise in the area and likely future development nearby.

Having regard to the submissions and assessment of the application, it is considered that the proposed development forms an acceptable outcome having regard to the existing surrounding development and land uses and Council's desired likely future character for the area, as detailed in the SC DCP's objectives for new residential apartment development, which are:

- *To encourage high quality, high-density residential apartment development within close proximity to public transport and business centres, which is innovative and responsive to the site's environmental characteristics and setting.*
- *To ensure a high level of amenity for the occupants of residential apartment buildings, adjoining developments and public places.*

## **6. The Public Interest**

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires Councils to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

The application is considered to have satisfactorily addressed Council's relevant objectives and controls required for the development on the land.

## **Conclusion**

Council has received an application for the demolition of two existing residential dwellings and the construction of a six storey residential apartment building. The proposed development incorporates 29 residential units (3 x 1 bedroom, 26 x 2 bedroom) and 40 car parking spaces located within two basement levels as well as associated landscaping and communal facilities.

The development would be located in an existing residential and in-fill commercial area within the Campbelltown Regional City Centre.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002 and Council's Sustainable City DCP. It is considered the proposal results in acceptable planning outcomes for the site, given the desired character outcomes contained in Campbelltown 2025 – Looking Forward and Campbelltown Sustainable City Development Control Plan. Where variation from the controls is sought (eg minimum allotment area), it is considered that adequate justification has been provided and the variations are not likely to significantly and detrimentally impact on the locality or the future desired street character.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably at the site.

Submissions were received regarding the development's potential impact on traffic, car parking, amenity and site design requirements. It is considered that the development proposed forms a reasonable balance between the existing surrounding development and land uses and Council's desired likely future character and development density for that part of the Campbelltown business centre.

### **Officer's Recommendation**

That development application 2166/2009/DA-RA for the demolition of existing buildings and the construction of a six storey residential building with associated site works, basement car parking and landscaping at Nos. 12-14 King Street, Campbelltown be approved, subject to the conditions detailed in Attachment 1.

**Committee Note:** Mr Bobinic addressed the Committee in support of the development.

### **Committee's Recommendation: (Kolkman/Oates)**

That development application 2166/2009/DA-RA for the demolition of existing buildings and the construction of a six storey residential building with associated site works, basement car parking and landscaping at Nos. 12-14 King Street, Campbelltown be refused due to it significantly failing to comply with the standards set in Council's Campbelltown (Sustainable City) Development Control Plan.

### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Greiss, Kolkman, Matheson, Oates and Thompson.

Voting against the Committee's Recommendation was Councillor: Bourke.

## **Council Meeting 29 June 2010 (Bourke/Borg)**

1. That development application 2166/2009/DA-RA for the demolition of existing buildings and the construction of a six storey residential building with associated site works, basement car parking and landscaping at Nos. 12-14 King Street, Campbelltown be approved, subject to the conditions detailed in Attachment 1.
2. That the relevant Section of the SCDCP be reviewed as a matter of urgency.
3. That, in future, anomalies/complexities with the SCDCP be addressed in a Briefing Session before affected Development Applications come before Council.

Voting for the Motion were Councillors: Borg, Bourke, Glynn and Hawker.

Voting against the Motion were Councillors: Chanthivong, Dobson, Greiss, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

The above **Motion** of being put **LOST**

It was then **Moved** Councillor Kolkman, **Seconded** Councillor Rowell:

That development application 2166/2009/DA-RA for the demolition of existing buildings and the construction of a six storey residential building with associated site works, basement car parking and landscaping at Nos. 12-14 King Street, Campbelltown be refused due to it significantly failing to comply with the standards set in Council's Campbelltown (Sustainable City) Development Control Plan.

An **Amendment** in regard to Item 3.6 Nos. 12-14 King Street Campbelltown - Demolition of existing dwellings and construction of a residential apartment building, it was **Moved** Councillor Borg, **Seconded** Councillor Bourke that a decision in this matter be deferred and the property be listed for inspection at a future briefing night.

The **Amendment** on being put **LOST**

Voting for the Amendment were Councillors: Borg, Bourke and Glynn.

Voting against the Amendment were Councillors: Chanthivong, Dobson, Greiss, Hawker, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

## **Council Resolution Minute Number 116**

That the Motion moved by Councillor Kolkman and Seconded by Councillor Rowell be adopted.

Voting for the Council Resolution were Councillors: Chanthivong, Dobson, Greiss, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution were Councillors: Borg, Bourke, Glynn and Hawker.

# ATTACHMENT 1

## Recommended Conditions of Consent

### GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

#### 1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified by any conditions of this consent.

Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

A list of plans approved under this consent, prepared by PRD Architects (job no. 09-030) is:

Plan number	Issue	Date
DA00	A	23 – 9 -2009
DA01	A	23 – 9 -2009
DA02	A	23 – 9 -2009
DA03	A	23 – 9 -2009
DA04	A	23 – 9 -2009
DA05	A	23 – 9 -2009
DA06	A	23 – 9 -2009
DA07	A	23 – 9 -2009
DA08	A	23 – 9 -2009
DA09	A	23 – 9 -2009
DA10	A	23 – 9 -2009
DA11	A	23 – 9 -2009

Approved plans prepared by Sherson Lautier Consultancy Pty. Ltd. Consultants relating to water management of the site are:

Plan number	Amendment	Date
09156-C1		4 – 9 – 2009
09156-C2		4 – 9 – 2009
09156-C3		4 – 9 – 2009
09156-C4		4 – 9 – 2009
09156-C5	A	29 – 1 – 2010
09156-C6		4 – 9 – 2009



Approved plans prepared by Ochre Landscape Architects relating to landscaping and tree planting at the site are:

Plan number	Amendment	Date
1174-LC01	Issue: CC	4 – 2 – 2010
1174-LC02	Issue: CC	4 – 2 – 2010

The following reports and recommendations as detailed in the statement of environmental effects accompanying the application form part of the development consent, except as modified by any conditions of this consent.

Report	Prepared by	Date
Statement of Environmental Effects	D-Plan Urban Planning Consultants Pty Ltd	October 2009
Residential Flat Design Code Assessment	D-Plan Urban Planning Consultants Pty Ltd	January 2010
Waste Management Plan	Applicant	October 2009

## 2. Building Code of Australia

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

## 3. Contract of Insurance (residential building work)

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

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

## 4. Notification of Home Building Act 1989 Requirements

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

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor, and

- ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

## **5. Fencing**

Fencing around the site shall be constructed in accordance with the approved development plans at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

## **6. Landscaping**

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

## **7. External Finishes**

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

## **8. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid 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.

In the event of a noise, dust or vibration problem arising at the time, 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 Council's satisfaction.

## **9. Garbage Room**

The garbage storage room identified on the approved plans shall:

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

## **10. 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.

The garbage compactor and bin storage room shall be finished in accordance with the requirements of Section 4.3.10 of Council's Sustainable City Development Control Plan.

## **11. Switchboards/Utilities**

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

## **12. Shoring and Adequacy of Adjoining Property**

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

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

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

### **13. 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.

### **14. 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.

### **15. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

### **16. Car Parking Spaces**

Forty (40) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standard 2890 (as amended).

The ceiling of basement car parking levels is to be finished in white paint to increase the effectiveness of lighting.

### **17. Basement Car Park Security**

The basement car parking area shall be fitted with a secure roller shutter device and associated security keys to restrict access to the car park for residents and their visitors only.

### **18. Common Area**

The common room and adjacent paved open space shall be made available for the use of residents and their visitors at all times.

The applicant shall install at least one permanent barbecue within the outdoor paved open space area for use by residents. The barbecue shall be maintained in a hygienic manner and kept in good order by the managing body of the unit complex.

### **19. Air Conditioning Units**

Air conditioning units shall not be affixed to external walls of the building or placed on balconies where they are visible from a public place.

## **20. Balcony Privacy Protection**

Balconies on the northern elevation of the building shall be fitted with sliding walls or louvres or other privacy screening structures to the satisfaction of Council to reduce the building's potential privacy impact on existing and future dwellings near the development.

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

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

## **21. Geotechnical Report**

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

## **22. Water/Electricity Utility Services**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

## **23. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, development plans shall be submitted to a *Sydney Water Customer Centre or Quick Check Agent*, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

## **24. Telecommunications Utility Services**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

**25. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

**26. Waste Management – Private Collection**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.

The details to be submitted shall also include information regarding the appointment and retention of a caretaker, who would be responsible for circulating the bins throughout the building and to the street for collection. The details shall also include information regarding the method for collection, storage and disposal of 'green waste' resulting from maintenance of the site's landscaped areas.

**27. Traffic Committee**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for the placement of regulatory sign posting within King Street. In this regard, sign posting shall be provided that stipulates that the area in front of the development is a "No Parking" zone for a period of at least one hour either side of the scheduled garbage and recycling collections that would take place at the site.

**28. Traffic Control Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the *RTA manual "Traffic Control at Work Sites"* and *Australian Standard AS 1742.3 (as amended)*. A copy of the approved TCP shall be kept on site for the duration of the works in accordance with *Work Cover Authority* requirements. A copy shall be submitted to Council for its records.

**29. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing 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 in accordance with the approved stormwater concept plan submitted with the application. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

### **30. Consolidation of Allotments**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of the development application and have the plan registered with the Department of Land and Property Information.

### **31. Section 94A Developer Contribution - Community Facilities and Services**

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups (Sydney)* where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

### **32. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works that may be affected by the underground construction activities associated with the development.

### **33. Work on Public Land**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

### **34. Demolition of Existing Dwelling**

Prior to the commencement of any other works, the existing dwelling and all other improvements on the land shall be demolished in accordance with the conditions of this consent.

### **35. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

### **36. Erection of Construction Sign**

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

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and



- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

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

### **37. Toilet on Construction Site**

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

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

### **38. Vehicular Access During Construction**

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

### **39. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including 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.

#### **40. Demolition Works**

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Work Cover NSW prior to the commencement of any works.

#### **41. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

#### **42. Hoarding / Fence**

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

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

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

## DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

### 43. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

### 44. Erosion and Sediment Control

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

**Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.**

### 45. Work Zones

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

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

### 46. Fill Compaction Requirements

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

### 47. Fill Contamination

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

**48. Dust Nuisance**

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

**49. Excess Material**

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

**50. Public Safety**

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

**51. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
- c. *'Soils and Construction (2004) (Bluebook);* and
- d. Relevant Australian standards and State Government publications.

**52. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in King Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.*

**53. Medium Density Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Medium Density Vehicle Crossing Specification.*

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

**54. Associated Works**

The applicant shall undertake any works external to the development that are made necessary by the development to make a smooth junction with existing work.

**55. Redundant Laybacks**

Redundant layback and vehicle crossing shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**56. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

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

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

**57. Restoration of Public Roads**

Prior to the principal certifying authority issuing an occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

**58. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

**59. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

## **60. Completion of External Works Onsite**

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

## **61. BASIX**

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

## **62. Public Utilities**

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

## **63. Council Fees and Charges**

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

## **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.

- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

**Advice 3. Disability Discrimination Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

**Advice 4. Filling on Site**

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

**Advice 5. 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 6. Inspection Within Public Areas**

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

**Advice 7. 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 8. 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 2009 - Volumes 1 and 2*.

**Advice 9. Asbestos Warning**

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

www.environment.nsw.gov.au  
www.nsw.gov.au/fibro  
www.adfa.org.au  
www.workcover.nsw.gov.au

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

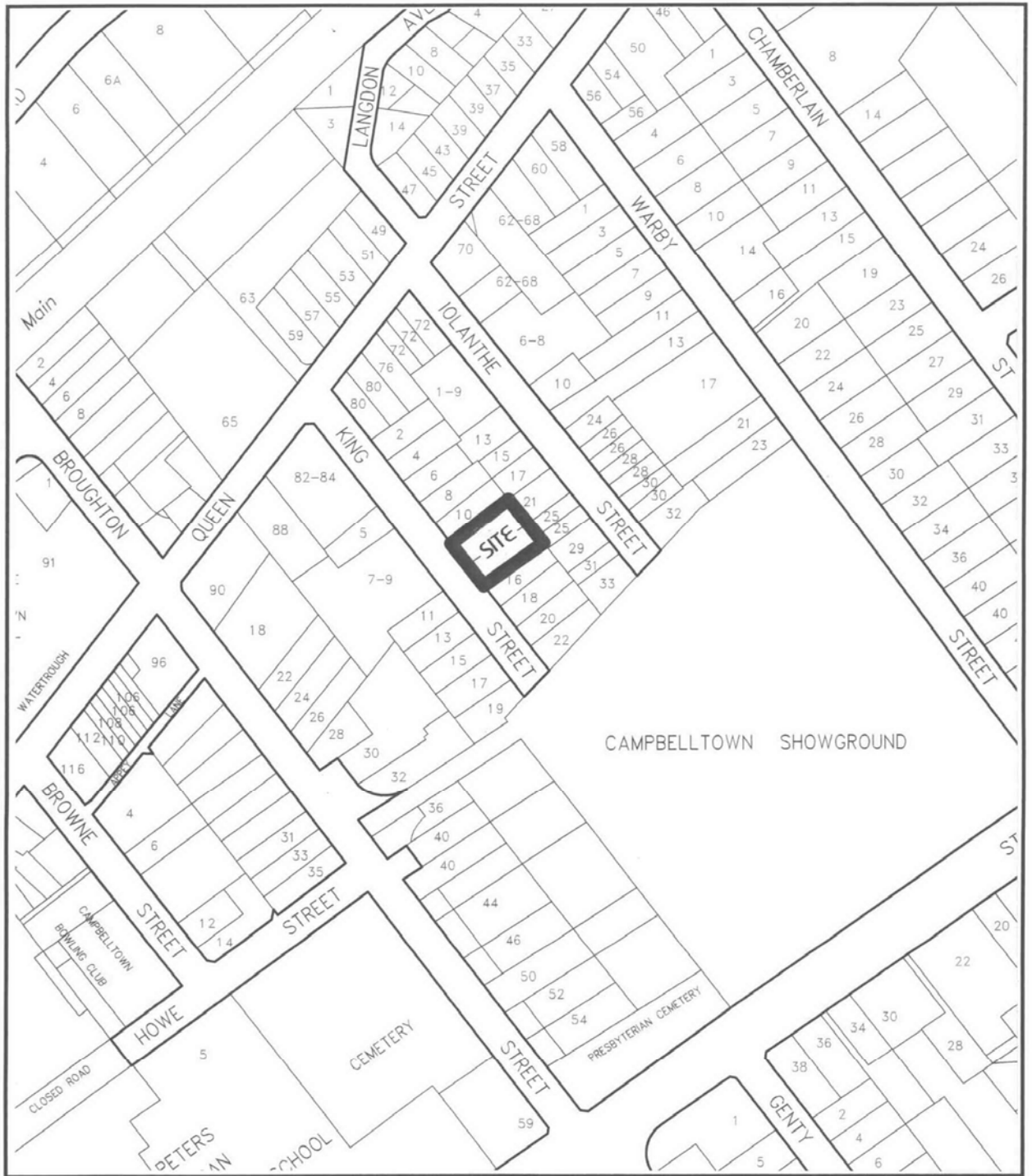
**Advice 10. Dial 1100 Before you Dig**

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**END OF CONDITIONS**



# ATTACHMENT 2



## LOCALITY PLAN



**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

## ATTACHMENT 3

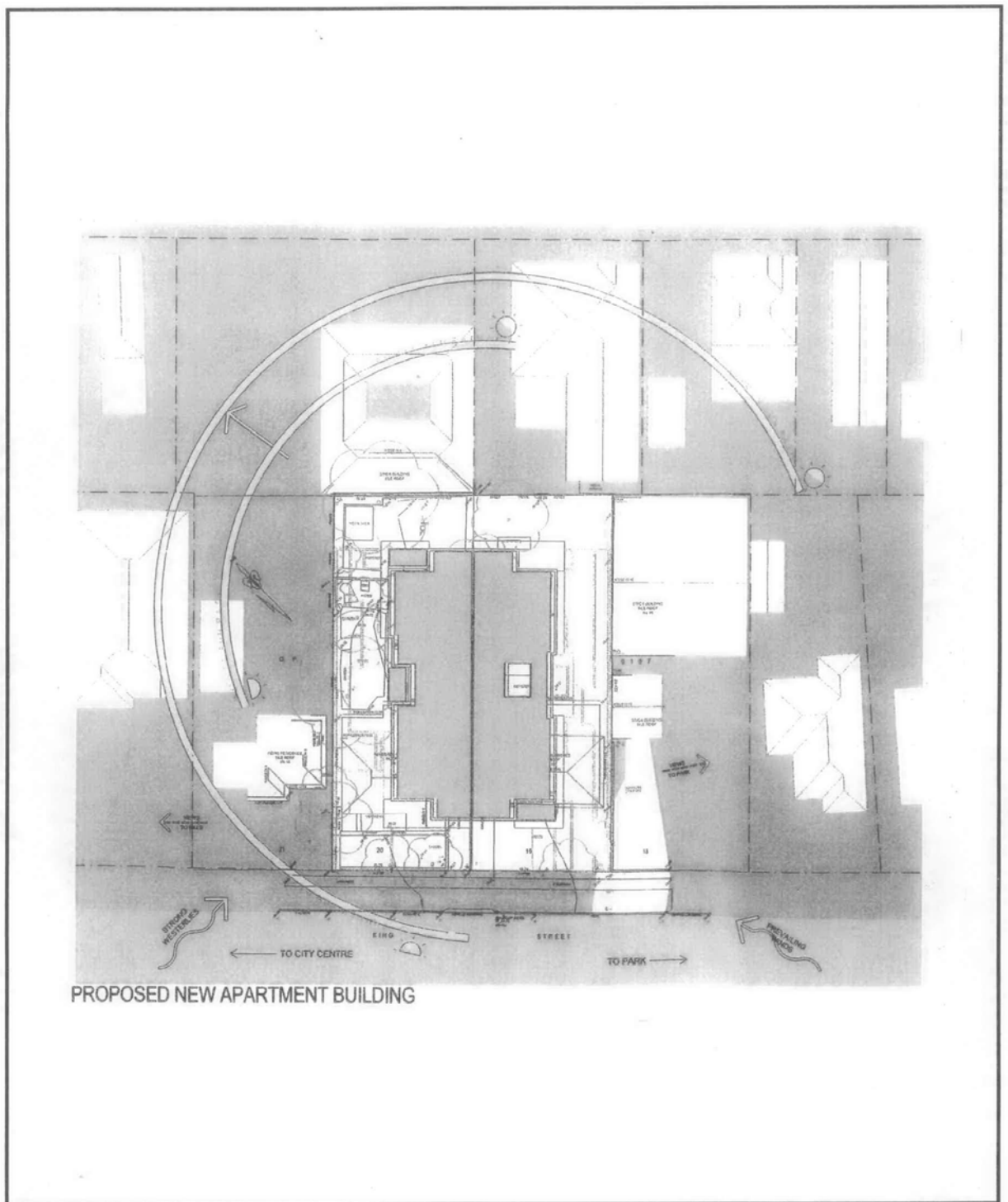


### PHOTO IMPRESSION

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

# ATTACHMENT 4

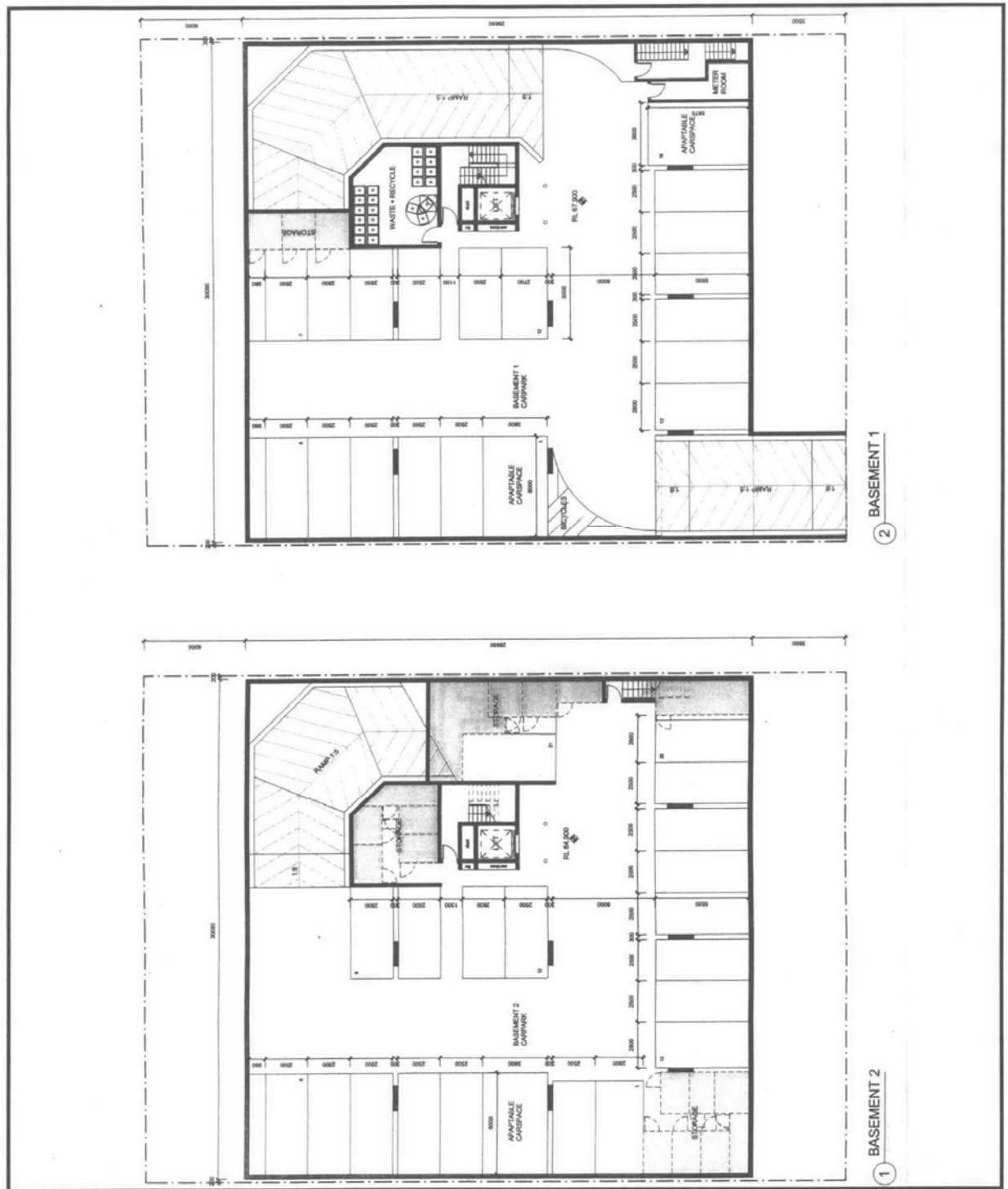


## SITE LAYOUT

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

# ATTACHMENT 5

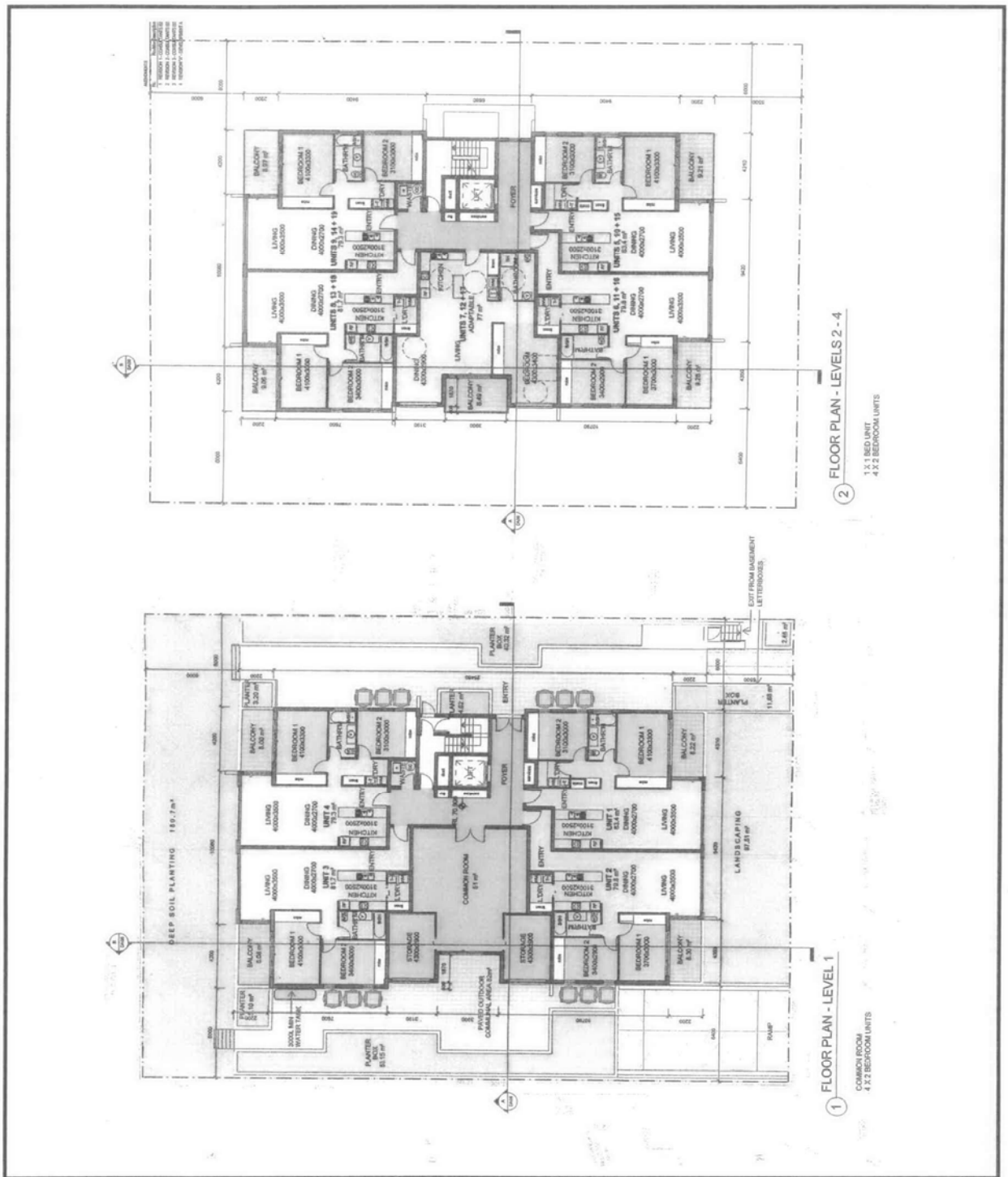


## BASEMENTS 1 & 2

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
 CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
 LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

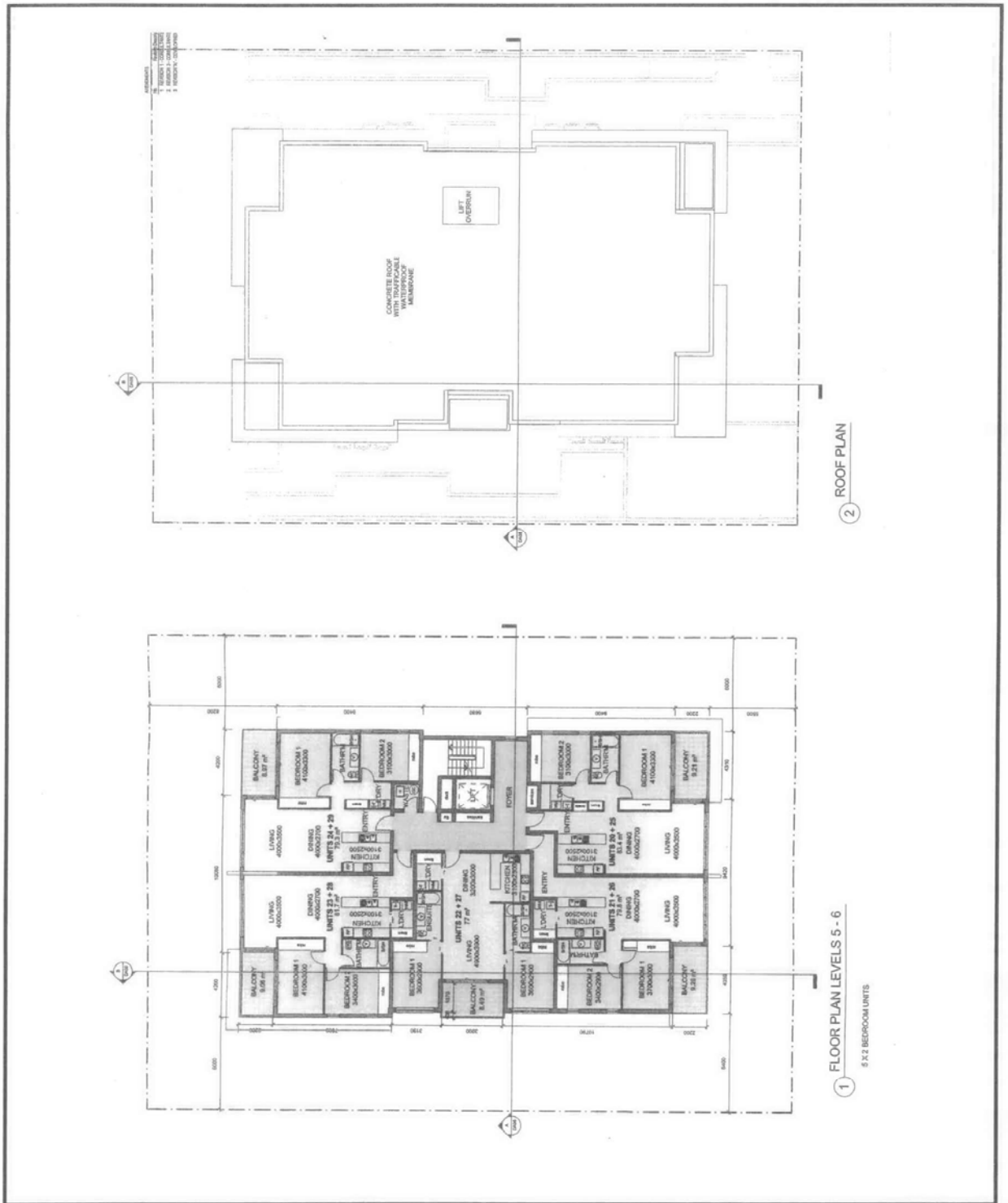
# ATTACHMENT 6



## LEVELS 1-4 FLOOR PLAN

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
 CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
 LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

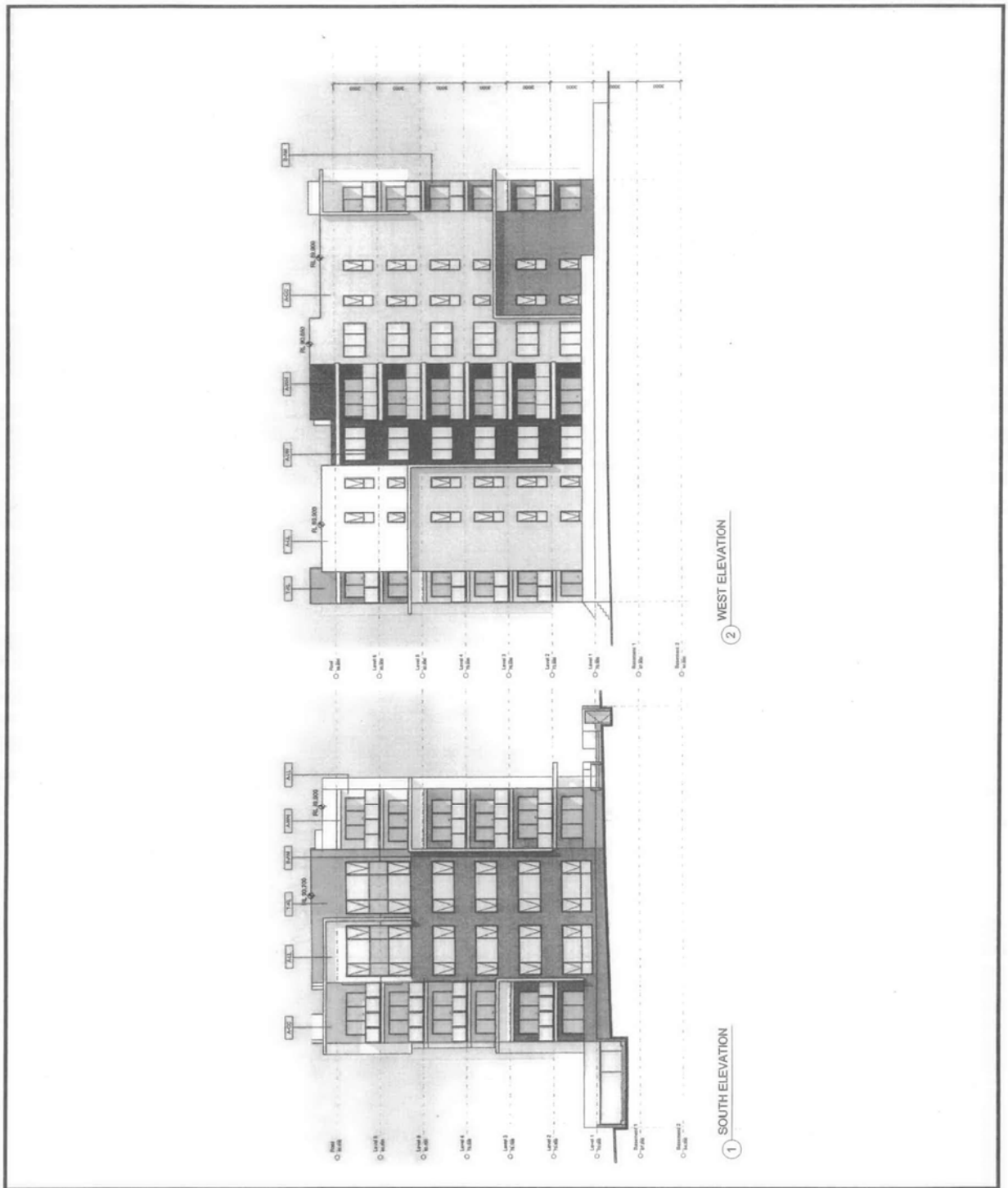


## LEVELS 5-6 FLOOR & ROOF PLAN

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

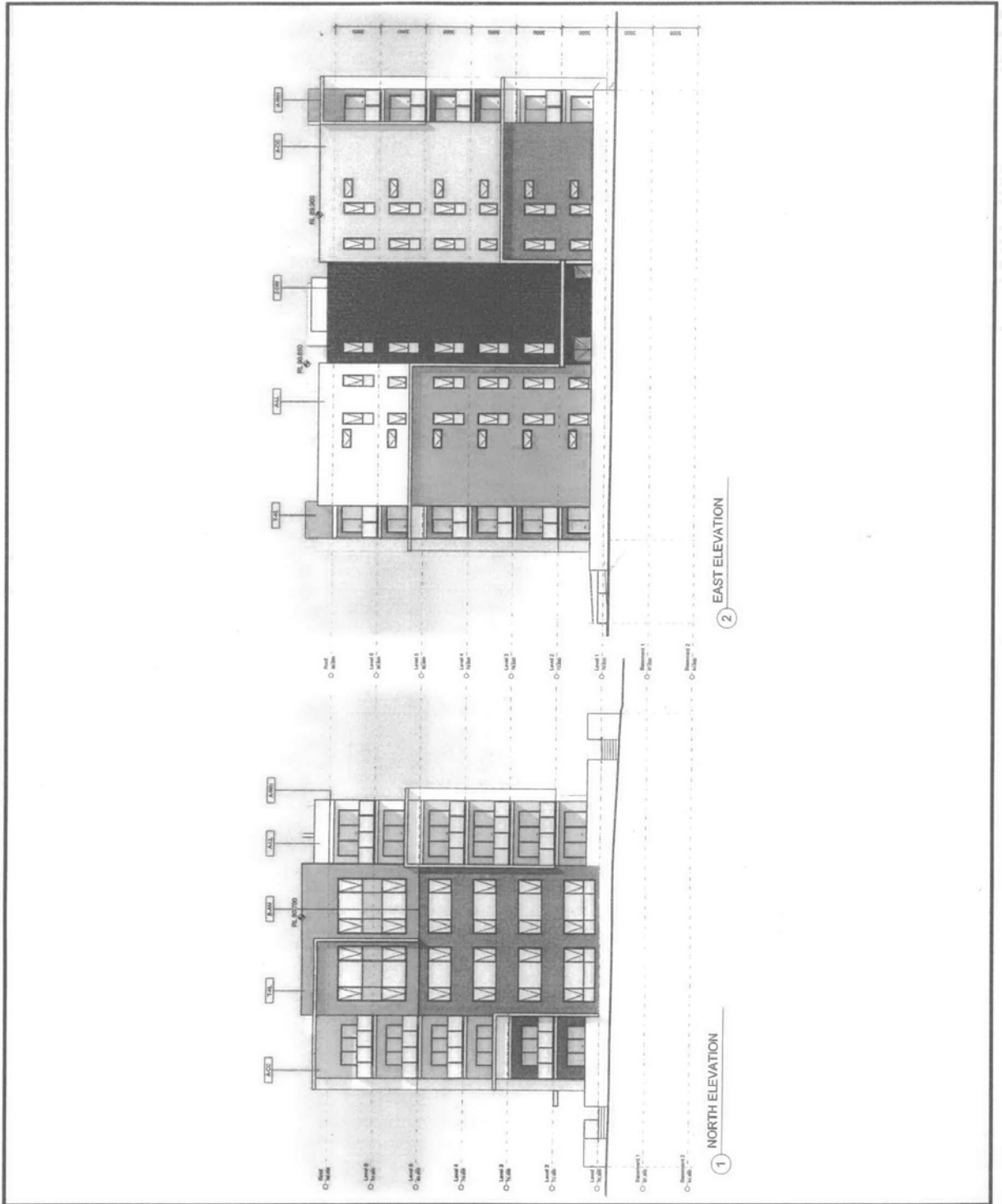
# ATTACHMENT 7



## ELEVATIONS

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.



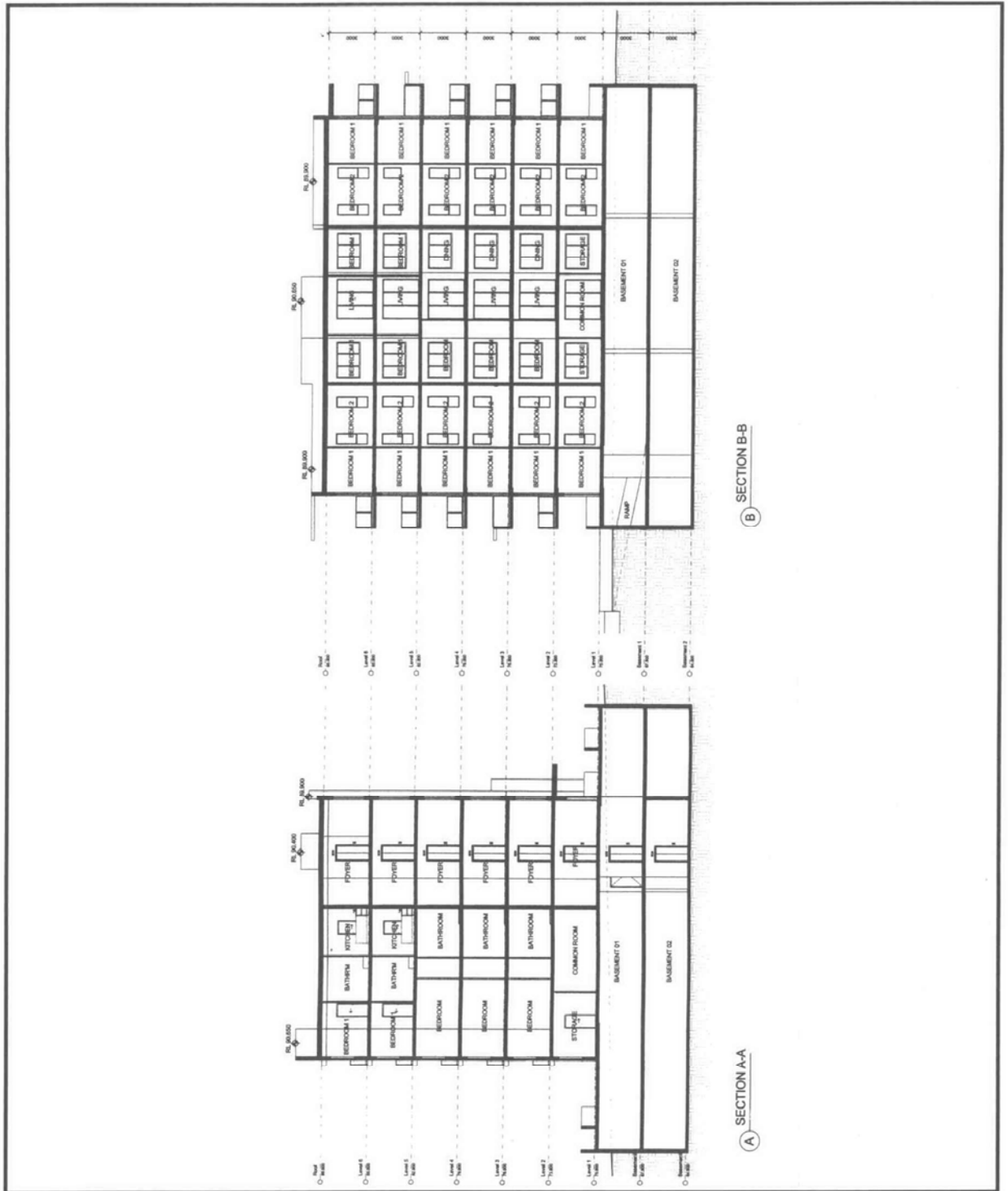
## ELEVATIONS

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
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 LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.



# ATTACHMENT 8



## SECTIONS

SUBJECT:

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

## ATTACHMENT 9



### 3D PERSPECTIVES

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.



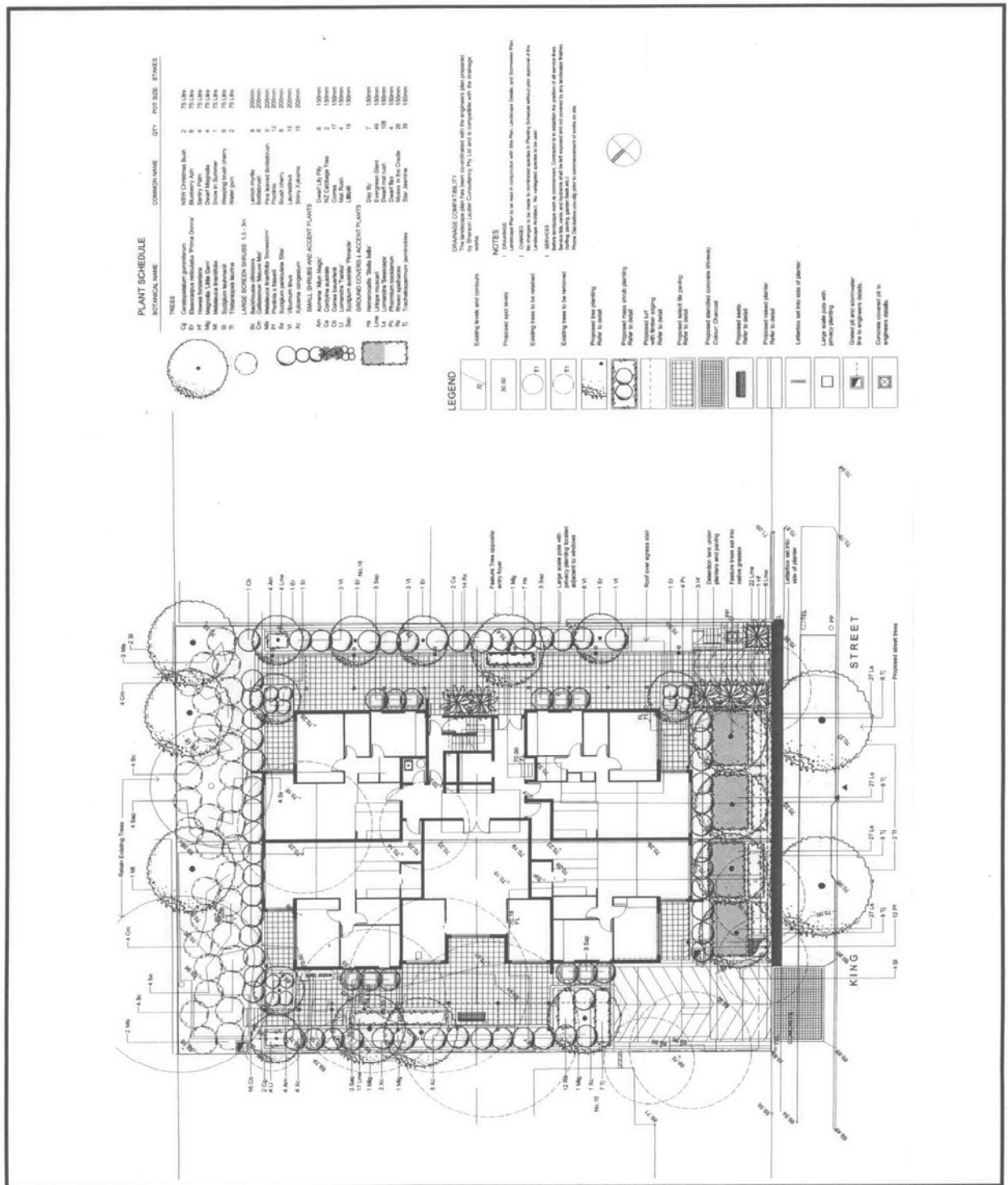
① 3D View 01

## 3D PERSPECTIVES

**SUBJECT:**

DEMOLITION OF EXISTING DWELLINGS AND  
CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING.  
LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.

# ATTACHMENT 10



## LANDSCAPING

**SUBJECT:** DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF RESIDENTIAL APARTMENT BUILDING, LOTS 20 & 19 DP 9197 - Nos. 12 & 14 KING STREET, CAMPBELLTOWN.