

# **PART THREE**

## **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>
	<b>PART ONE</b>	
1.	<b>WASTE AND RECYCLING SERVICES</b>	
	No reports this round	
2.	<b>ENVIRONMENTAL PLANNING</b>	
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.	<b>DEVELOPMENT SERVICES</b>	
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.

### 3.4 No. 9 Austool Place, Ingleburn - Lot 201 DP1123315

1. **Development Application 2730/2009/DA-S - Subdivision of Lot 201 DP 1123315 into two Torrens title allotments.**
2. **Modification of development consent 3096/2008/DA-I - Construction of two single tenancy industrial / warehouse buildings with mezzanines, associated car parking and signage structures (modification adjusts parking, landscaping and fence layout).**

#### Reporting Officer

Manager Development Services

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#### Attachments

1. Locality Plan
2. Approved Layout Plan
3. Proposed Modified Layout
4. Proposed Subdivision Plan
5. Recommended Conditions of Consent – 2730/2009/DA-S
6. Recommended Conditions of Consent – 3096/2008/DA-I/A

#### Purpose

To assist Council in the determination of two (2) applications, one being an application to subdivide Lot 201 DP 1123315 into two (2) Torrens title allotments (2730/2009/DA-S) and a second application being for the modification of Development Consent 3096/2008/DA-I (which approved the construction of two (2) single tenancy industrial buildings) in order to adjust the approved layout so as to align with the proposed subdivision pattern.

<b>Property Description</b>	No. 9 Austool Place, Ingleburn – Lot 201, DP 1123315
<b>Zoning</b>	4(a) General Industry
<b>Applications</b>	3096/2008/DA-I /A – Modification Application 2730/2009/DA-S – Subdivision Development Application
<b>Owner &amp; Applicant</b>	Lagan Holdings Pty. Ltd.
<b>Statutory Provisions</b>	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002
<b>Other Provisions</b>	Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.87 – Public Notification and Public Exhibition Policy

**Strategic Context**                      Campbelltown 2025 Looking Forward  
**Date Received**                        2730/2009/DA-S (subdivision) - 7 December 2009  
    3096/2008/DA-I /A (modification) - 23 April 2010

## **Report**

### **Introduction**

Development Application 2730/2009/DA-S has been lodged with Council seeking Development Consent for the Torrens title subdivision of the subject site into two (2) allotments. Upon review of the proposed subdivision pattern, it was identified that the layout would conflict with the parking layout of the previously approved industrial development. As such, an application to modify the previously issued consent for the industrial buildings (specifically to rearrange the parking layout, fencing and landscaping to accommodate the proposed subdivision pattern) has also been lodged (3096/2008/DA-I/A).

Given that the subdivision application is dependant upon the approval of the modification application, both applications are the subject of this report.

### **Proposal**

A development application has been lodged for the subdivision of lot 201 DP 1123315, 9 Austool Place, Ingleburn, into two (2) Torrens title allotments (2730/2009/DA-S).

A separate application has also been lodged with Council to modify Development Consent 3096/2008/DA-I which approved the construction of two (2) single tenancy industrial buildings on the subject site. The modification application seeks to adjust the approved building layout so as to align with the proposed subdivision pattern.

Further to the above, it is noted that the proposed subdivision application seeks to vary the minimum lot area requirements of Section 6.11.1 of Campbelltown (Sustainable City) Development Control Plan 2009. Accordingly the application is being reported to Council for its consideration.

### **Campbelltown 2025 Looking Forward**

'Campbelltown 2025 Looking Forward' is a vision 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*
- *Creating employment and entrepreneurial opportunities.*

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.*

It is considered that both applications are generally consistent with the Vision's desired outcomes, having regard to the proposed density and design of the development and impacts on adjoining development and the locality.

## **Assessment**

Both applications have been assessed in accordance with the heads of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Further to this, pursuant to the provisions of Section 96(1A) of the EP&A Act, Council is able to modify development consent 3096/2008/DA-I (construction of two industrial buildings), as the proposed modifications are of minimal environmental impact and constitute substantially the same development as that for which Council originally issued consent previously.

The following relevant matters have been identified below for further consideration.

### **1. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

*Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment* applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to industry. These matters include:

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment;*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management;*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998);*
- *Likely impact on groundwater and remnant vegetation;*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options;*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed;*
- *The adequacy of planned wastewater disposal options.*

Both of the applications have been assessed in accordance with the relevant matters and both proposals are considered to satisfy the requirements of the Regional Plan.

## **2. Campbelltown (Urban Area) Local Environmental Plan 2002**

The site is zoned 4(a) – General Industry zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). Clause 12 of CLEP 2002 sets out the objectives for this zone as follows:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) to encourage a high standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*

- (e) *to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*

Clause 12 provides that Council must not grant development consent within this zone unless it is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

In that regard, it is considered that both proposals are consistent with one or more of the objectives (ie objectives (a), (b) and (c) in particular) and therefore, Council can grant development consent to the proposal should it deem appropriate to do so.

Clause 32 of CLEP 2002 relates to subdivision. The requirements for subdivision are as follows:

- (1) *Land to which this plan applies may be subdivided only with development consent.*
- (2) *Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.*
- (3) *Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfils the objectives of the road pattern indicated on the map.*

Giving regard to the provisions stated above, it is considered that both applications satisfy the relevant requirements of the Campbelltown (Urban Area) Local Environmental Plan 2002. In this regard, Council can grant development consent to the proposal should it deem appropriate.

### **3. Campbelltown (Sustainable City) Development Control Plan 2009**

The proposal has been considered in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, as per the following compliance table.

<b>Section</b>	<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
6.3.1 (e)	Building Design	No building shall rely upon a required path of egress (as defined within the BCA) over adjoining private land.	Neither proposal relies upon adjoining private land for ingress / egress purposes.	Yes
6.4.1 (a)	Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard 2890.1 and 2 (as amended).	The proposed modifications comply with the relevant requirements of AS 2890.	Yes. A condition of the existing consent 3096/2008/DA-1 requires compliance with AS 2890.



Section	Control	Requirement	Proposed	Compliance
6.4.1 (c)	Car Parking and Access	A minimum of two (2) spaces (per unit), plus one (1) space for every 100m <sup>2</sup> of gross floor area for buildings up to 2000m <sup>2</sup> , and one (1) space per 35m <sup>2</sup> for any office area.	The proposed modification to consent 3096/2008/DA-I maintains 46 car parking spaces – 22 spaces, for 'Unit 1' on proposed Lot 2011 and 24 spaces, for 'Unit 2' on proposed Lot 2012.	Yes
6.4.1 (e)	Car Parking and Access	Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point movement to enter and exit the site in a forward direction.	The proposed modifications maintain adequate manoeuvring.	Yes
6.4.1 (f)	Car Parking and Access	No car parking spaces or manoeuvring areas shall occupy more than 50% of the required front setback area.	Approximately 41%	Yes
6.4.1 (i)	Car Parking and Access	Each site shall have a maximum of one (1) ingress and one (1) egress for heavy vehicles (combined or separated). Though each site may have an additional ingress / egress for cars (and other light vehicles).	The proposed modifications maintain the overall development is two (2) combined entry / exit points, along with a driveway for the secondary car parking area (for four (4) car parking spaces) adjacent to 'Unit 2'.  The proposed subdivision provides for a combined entry / exit point on each of the lots.	Yes
6.4.1 (j)	Car Parking and Access	A minimum of 10% of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	The proposed modifications maintain in excess of 25% of the car parking spaces servicing both buildings, including a disabled space for each, in close proximity to the main pedestrian entry points for each building.	Yes
6.4.2 (b)	Loading and Unloading	Provision shall be made for all loading and unloading to take place wholly within the site.	The proposal provides for adequate loading and unloading areas on the site.	Yes
6.4.2 (c)	Loading and Unloading	No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	The proposal provides for loading and unloading areas that do not impact upon car parking or landscaped areas.	Yes
6.4.2 (d)	Loading and Unloading	Each industrial building having a leasable floor area of between 400m <sup>2</sup> and 1500m <sup>2</sup> shall provide an area to allow for a medium rigid vehicle to manoeuvre on site.	The proposed modifications maintain manoeuvring areas for medium rigid vehicles.	Yes

Section	Control	Requirement	Proposed	Compliance
6.5 (a)	Landscaping	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the construction of industrial buildings.	While the proposed modifications provide for an additional landscaped area, a detailed landscape plan of such has not accompanied such.	No. A condition has been included within the recommended conditions of consent requiring the provision of a revised landscape plan.
6.5 (b) (i)	Landscaping	Landscaping shall be provided to a minimum of 50% of each required setback area located along the full width of each street frontage (other than vehicle driveways).	Approximately 59% of the required front setback area is dedicated to landscaping.	Yes
6.11.1 (a)(i)	Subdivision	Any allotment created by Torrens title subdivision within the 4(a) zone, shall be of an average area of <u>4,000m<sup>2</sup></u> .	<p>Proposed lot areas:</p> <ul style="list-style-type: none"> <li>Lot 2011 = <u>2,353.00m<sup>2</sup></u></li> <li>Lot 2012 = <u>3,084.25m<sup>2</sup></u></li> <li>Average area: <u>2,718.6m<sup>2</sup></u></li> </ul> <p>The applicant has provided justification in support of the proposed variation, outlining that despite the numerical requirement, the proposal is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>There are several other lots within close proximity of the site, which are significantly less than 4,000m<sup>2</sup> in area.</li> <li>The proposed subdivision layout provides for the orderly use of the site.</li> <li>Subject to Council approving the application to modify consent 3096/2008/DA-I, the amended layout of the site demonstrates that both individual allotments can operate in an orderly manner independent of each other.</li> </ul>	<p><b>No.</b> Though given that the proposed subdivision provides for allotments that are of a similar size to other existing allotments within close proximity of the site and the proposal maintains the orderly use of the site (subject to approval of application 3096/2008/DA-I/A), the proposed subdivision is considered satisfactory.</p> <p>Furthermore, it is noted that despite the restrictions on Torrens title subdivision, the subject site could be Strata subdivided in its current form and effectively operate in the same way as that proposed.</p>
6.11.1 (a)(ii)	Subdivision	Any allotment created by Torrens title subdivision within the 4(a) zone, shall have a minimum street frontage width of 30m to the primary street.	<p>While both of the proposed lots are of an irregular shape, it is noted that they are of the following widths at the proposed building line:</p> <ul style="list-style-type: none"> <li>Lot 2011 – 35.9m</li> <li>Lot 2012 – Approx. 41.5m</li> </ul>	Yes

#### 4. Planning Assessment

The subdivision application considered in this report (2730/2009/DA-S), being for the subdivision of the subject land into two Torrens title allotments, is considered to provide for an orderly development outcome for the site and is highly unlikely to cause an adverse impact on surrounding development.

It is noted that despite the relevant numerical controls found within the SCDCP (section 6.11.1(a)(i)) limiting the average allotment size of subdivision to that of 4,000m<sup>2</sup>, the lot sizes resulting from the proposed subdivision are of a size less than the average size required by the SCDCP.

However, when giving regard to the existing approved subdivision layout of the "Austool" estate as a whole and the various allotments created therein, the average allotment size within the "Austool" estate is approximately 5,500m<sup>2</sup> (over the 24 lots). Where this current application was approved, the average lot area for the whole of the "Austool" estate would be reduced to approximately 5,200m<sup>2</sup> (over the 25 lots), still remaining in excess of the 4000m<sup>2</sup> average required. It is further noted that the current lot sizes found with the "Austool" estate range from 1886m<sup>2</sup> to 16,520m<sup>2</sup> with ten of the existing allotments being less than 4000m<sup>2</sup>.

In this regard, the applicant has provided further comment as justification for the reduction of the lot size below the stated average and is included below:

- *There are several other lots within close proximity of the site, which are significantly less than 4,000m<sup>2</sup> in area.*
- *The proposed subdivision layout provides for the orderly use of the site.*
- *Subject to Council approving the application to modify consent 3096/2008/DA-I, the amended layout of the site demonstrates that both individual allotments can operate in an orderly manner independent of each other*

It is also noted that despite the lot size controls set within the SCDCP, the controls do not restrict the number of industrial units that can be constructed on a single allotment. In this regard, despite the desire to have large industrial complexes constructed on large industrial allotments, an owner could just as easily construct a number of smaller buildings on the same allotment and move to strata subdivide those units in full compliance with the provisions of the current policies. This would result in a similar outcome to that proposed.

Accordingly, the proposal to subdivide the subject allotment into two Torrens title lots is considered reasonable in the circumstances.

Additionally, in order to ensure the previously approved industrial development (3096/2008/DA-I) does not conflict with any approval to subdivide the land into two allotments, an application to modify consent 3096/2008/DA-I in order to adjust the car parking areas, landscaping and fences has also been lodged. The proposed modifications will ensure the layout (in concert with the proposed subdivision pattern) retains compliant manoeuvring areas and car parking facilities and allows for the orderly and compliant operation of each of the proposed sites.

It is noted that giving regard to the existing approved layout and the proposed subdivision, that Lot 2012 shall include a sign whilst proposed Lot 2011 will not. Accordingly, it is recommended that the existing consent (3096/2008/DA-I) be amended to approve a signage structure on proposed Lot 2011.

With this in mind, to ensure the logical completion of the proposed development of the site and in a manner that is consistent with the subdivision layout (if approved by Council), a condition has been included within the recommended conditions of consent, requiring that the industrial development is completed and an Occupation Certificate for the development works issued prior to the release of a Subdivision Certificate.

### **Public Participation**

In accordance with the requirements of Campbelltown Development Control Plan No. 87, it was not necessary to notify the subject applications.

### **Conclusion**

Development Application 2730/2009/DA-S was lodged with Council seeking Development Consent for the Torrens title subdivision of the subject site into two (2) allotments. The subdivision pattern has been designed to allow the two buildings (yet to be constructed) approved by Council under a previous consent 3096/2008/DA-I to be situated on their own individual allotments. An application to modify consent 3096/2008/DA-I has also been lodged with Council to modify the approved layout so as to relate more favourably with the layout proposed under the subject subdivision application. This report considers both applications in tandem.

A variation to the average lot size for a subdivision specified within Section 6.11.1 of the SCDCP has been considered as part of the assessment of the subdivision application, and as discussed within the report, despite the departure from the minimum lot size requirement in the SCDCP, the proposal is considered to provide for an orderly development outcome and is highly unlikely to cause an adverse impact on surrounding development. In addition, despite the relevant numerical control found within the SCDCP limiting the average allotment size of subdivision to that of 4,000m<sup>2</sup>, it is noted that other existing allotments within the "Austool" estate are of a similar size to that proposed and others are of a size far greater than the average specified at 4,000m<sup>2</sup>. Given the circumstances, a variation to the SCDCP requirement is not considered to be unreasonable.

Notwithstanding the above, the proposed development is permissible under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002 and meets all but the average lot size requirements of the SCDCP.

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues discussed above, it is recommended that each of the subject applications considered within this report, be approved subject to the inclusion of their respective conditions outlined in the included Attachments.

### **Officer's Recommendation**

#### *Part A:*

That Development Application 2730/2009/DA-S to subdivide lot 201 DP 1123315, No. 9 Austool Place, Ingleburn, into two (2) Torrens title allotments be approved subject to the conditions detailed in Attachment 5.

*Part B:*

That Council approve the Application to Modify Development Consent No. 3096/2008/DA-I, for the construction of two (2) single tenancy industrial buildings, both with mezzanine areas, associated car parking area, and signage structure, at No. 9 Austool Place (specifically in relation to the modification of Condition Nos. 1, 2, 5, 10 and 13), and as detailed in Attachment 6.

**Committee's Recommendation: (Bourke/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

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

Voting against the Committee's Recommendation were: Nil.

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

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 114**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Nil.

# ATTACHMENT 1



## LOCALITY PLAN

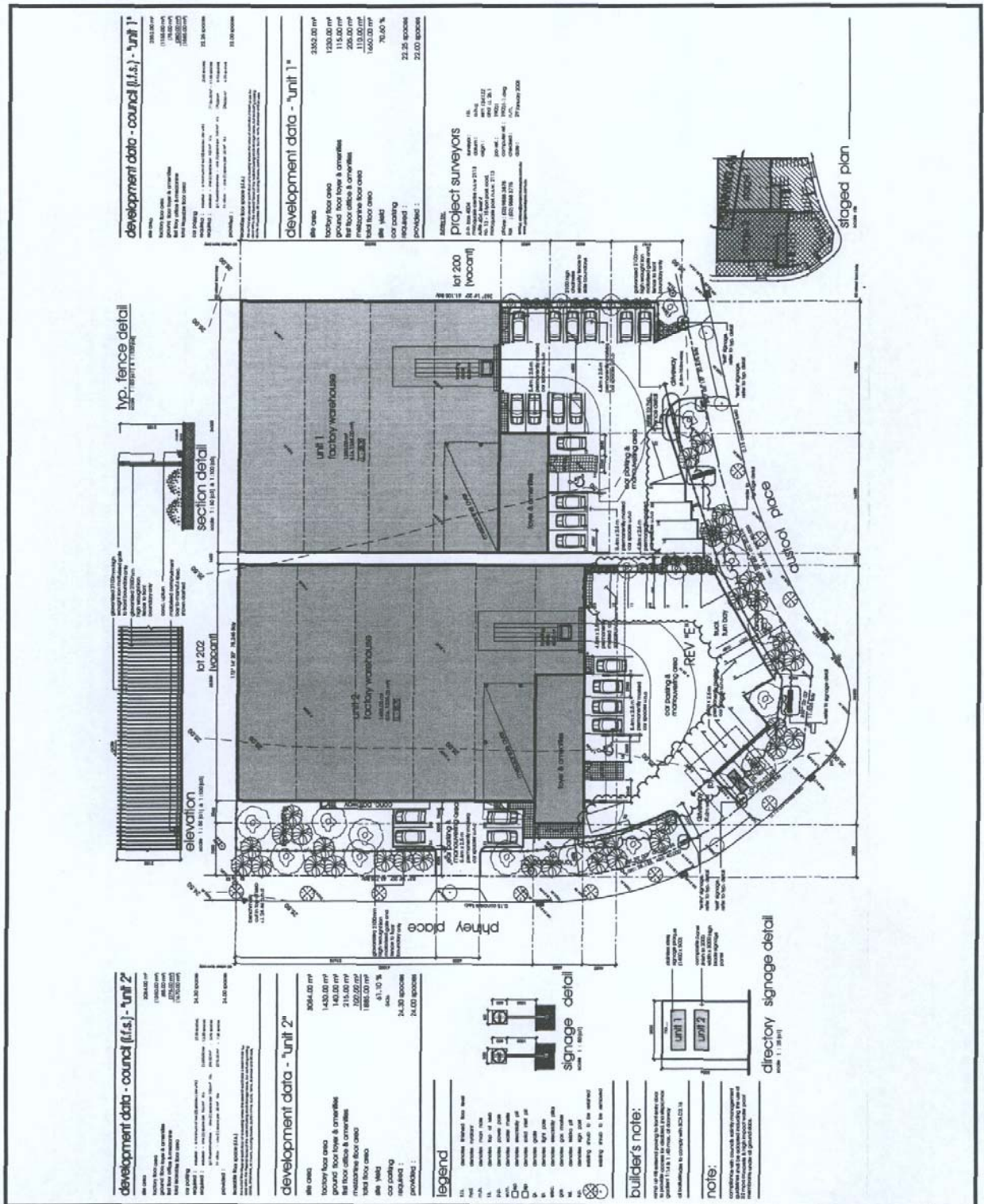


**SUBJECT:** MODIFICATION OF DEVELOPMENT CONSENT FOR AN INDUSTRIAL DEVELOPMENT AND DEVELOPMENT APPLICATION FOR THE SUBDIVISION OF THE ALLOTMENT INTO TWO (2) LOTS. LOT 201 DP 1123315 - No. 9 AUSTOOL PLACE, INGLEBURN.





# ATTACHMENT 3

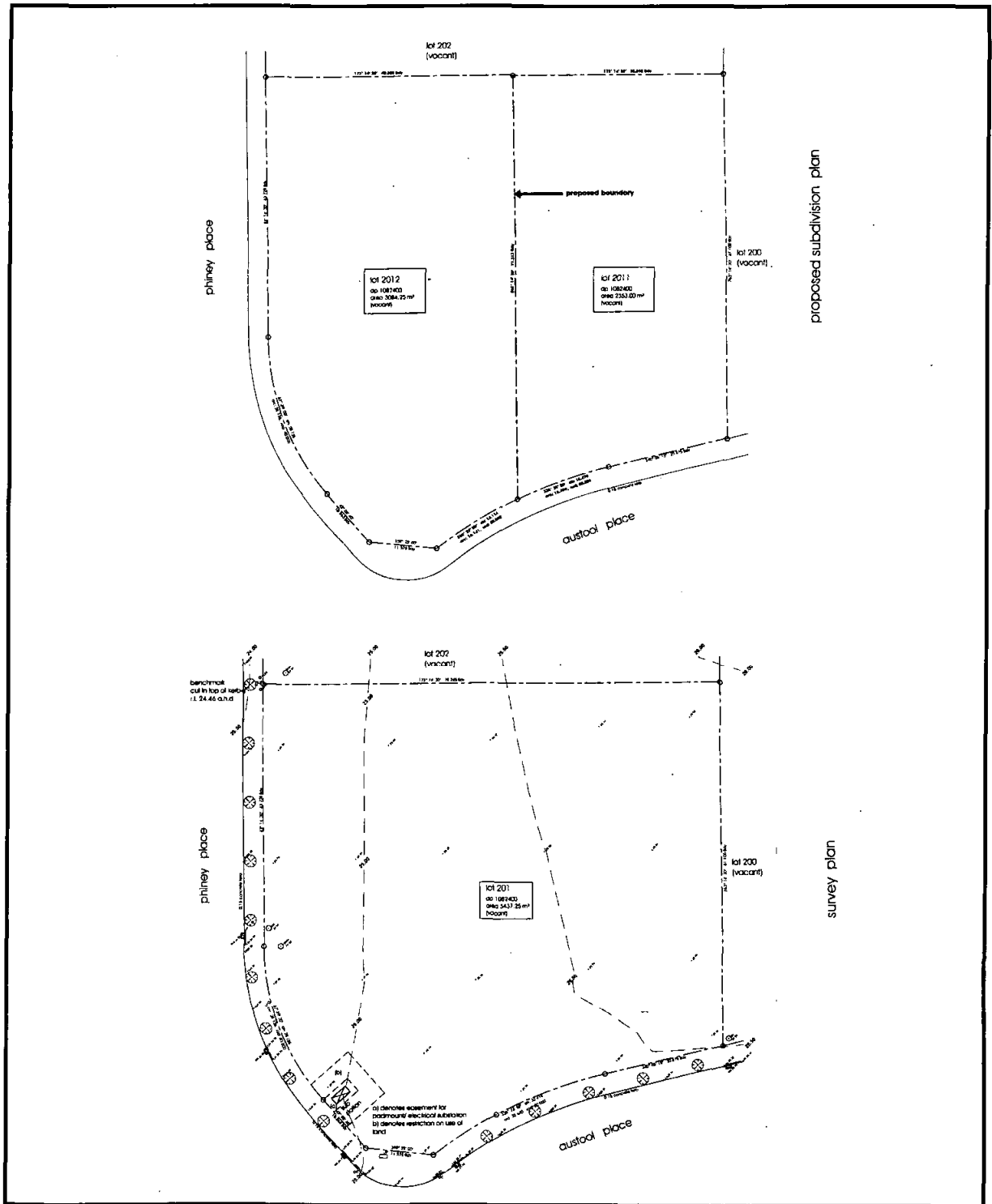


## PROPOSED MODIFIED LAYOUT PLAN

**SUBJECT:** MODIFICATION OF DEVELOPMENT CONSENT FOR AN INDUSTRIAL DEVELOPMENT AND DEVELOPMENT APPLICATION FOR THE SUBDIVISION OF THE ALLOTMENT INTO TWO (2) LOTS. LOT 201 DP 1123315 - No. 9 AUSTOOL PLACE, INGLEBURN.



# ATTACHMENT 4



## PROPOSED SUBDIVISION PLAN

**SUBJECT:** MODIFICATION OF DEVELOPMENT CONSENT FOR AN INDUSTRIAL DEVELOPMENT AND DEVELOPMENT APPLICATION FOR THE SUBDIVISION OF THE ALLOTMENT INTO TWO (2) LOTS. LOT 201 DP 1123315 - No. 9 AUSTOOL PLACE, INGLEBURN.

# ATTACHMENT 5

## Recommended Conditions of Consent - 2730/2009/DA-S

### GENERAL CONDITIONS

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

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

#### 1. Approved Development

The development shall be completed in accordance with the approved endorsed plan prepared by Bongiorno Hawkins & Associates Pty. Ltd., listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

<b>Drawing No. (Project No. 1665)</b>	<b>Date Received by Council</b>
sub-01 (Issue: A)	7 December 2009

#### 2. 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 Volume 2 (as amended).

#### 3. 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 applicant's expense and the works shall be completed satisfactorily prior to the principal certifying authority releasing the subdivision certificate.

#### 4. 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.

## **5. Erosion and Sediment Control**

Where necessary, 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 sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

**Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.**

## **6. 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 that are considered to be unsafe, and recover all reasonable costs incurred, from the applicant.

## **7. 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 Volumes 1 & 2 (as amended).
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

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

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

## **8. Subdivision Certificate**

- (1) Prior to Council issuing a Subdivision Certificate, an occupation certificate is required to be issued for all buildings on the land, in relation to Development Consent No. 3096/2008 (as modified).
- (2) Prior to Council issuing a Subdivision Certificate, all works, including drainage, landscaping, paving and fencing, are to be fully completed to Council's satisfaction.

## **9. Section 73 Certificate**

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

## **10. Restriction On The Use Of Land**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Floor Level Control – All proposed lots.
- c. Lots Filled – Lots to be determined.
- d. Access Denied – Both lots
- h. No Cut Or Fill – Greater than 900mm (Existing Geotech Report from N.A.T.A. reg. Laboratory)

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

## **11. Works as Executed Plan**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

## **12. Council Fees and Charges**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall ensure that all applicable Council fees and charges associated with the subdivision have been paid in full.

## **ADVISORY NOTES**

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

### **Advice 1. Filling on Site**

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

## **Advice 2. Inspections – Civil Works**

Council is the principal certifying authority for the subdivision and as such, the following stages of construction are required to be inspected by Council.

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

## **Advice 3. Linen Plan and Copies**

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

## **Advice 4. Linen Plan Checking Fee**

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

## **Advice 5. 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 6

## Recommended Conditions of Consent - 3096/2008/DA-I/A

### GENERAL CONDITIONS

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

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

#### 1. Approved Development

The development shall be completed in accordance with the approved endorsed plans prepared by Bongiorno Hawkins + Associates., listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Drawing No.	Date Received by Council
DA 01 (Revision: E)	23 April 2010
DA 02 (Revision: B)	2 June 2009
DA 03 (Revision: B)	2 June 2009
DA 04 (Revision: B)	2 June 2009
DA 05 (Revision: B)	2 June 2009

#### 2. Amended Plans

The applicant is to incorporate the following amendment and amended plans are to be submitted to the Principal Certifying Authority, prior to the issuing of a Construction Certificate:

- a) Both the directory sign structures are to be reduced to an overall size of 2m (high) x 1.3m (wide).

#### 3. Building Code of Australia

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

#### 4. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 3 September 2009. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## **5. Landscaping**

- (1) The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, submitted to Council on 2 June 2009, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works, as well as the additional landscaped area between the two (2) car parking areas, as shown on approved plan DA 01 (Revision: E), received by Council on 23 April 2010.
- (2) All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- (3) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (4) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (5) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of the tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

## **6. Use of Building - Separate DA Required**

Separate development consent is required for the use of the premises prior to the occupation of the building.

## **7. 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.

## **8. Storage of Goods**

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

## **9. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. Vehicle access is to be restricted in a maximum size of a medium rigid vehicle / truck.
- b. All vehicular entries and exits shall be made in a forward direction.

- c. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- d. All deliveries to the premises shall be made to the loading bay/s provided.

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

**10. Driveways and car park layout**

Width of driveways, vehicles manoeuvring areas and car park layout shall be designed in accordance with *Australian Standard AS 2890 (as amended)*.

**11. Fill and Flood Level Controls**

This subject site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood in the nearby Bow Bowling/Bunbury Curran Creek. The fill and floor level controls for the development on the subject property are as follows:

Location	Min. Fill Level (metres AHD)	Min. Floor Level (metres AHD)
Eastern Boundary	<b>24.35</b>	<b>24.85</b>
Western Boundary	<b>24.30</b>	<b>24.80</b>

**12. 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*.

**13. Car Parking Spaces**

46 car parking spaces (22 spaces for Unit 1 and 24 spaces for Unit 2) shall be designed, sealed, line marked and made available to all users of the relevant building, in accordance with Australian Standard 2890 (as amended).

**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.



**14. 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*.

**15. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

**16. 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.

**17. 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 to the nearest pipe drainage system. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 Volume 2*.

**18. 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.

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

Prior to Council or an accredited certifier issuing 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 proposed development exceeds \$100,000, the applicant is required to include a cost summary report with the construction certificate application 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 - 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), or
- where the value of the proposed development is \$500,000 or more - a detailed cost report by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Cost Summary Report Template 2).

Copies of the Cost Summary Report Templates 1 and 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.

All cost estimates 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.

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.**

## **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.

### **20. 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.

### **21. 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.

## **22. 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.

## **23. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

## **24. 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.

## **25. 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.

## 26. 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.

## 27. 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.

## 28. 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.

## 29. 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.**

## 30. 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.

**31. 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.

**32. 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.

**33. 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.

**34. 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.

**35. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

### **36. Industrial / Commercial Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

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.

### **37. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

### **38. 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".

### **39. Section 73 Certificate**

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

### **40. 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.

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

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

#### **42. 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.

#### **43. 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.

#### **44. Registration of Levels**

Prior to the principal certifying authority issuing an occupation certificate, a qualified practicing surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall also be submitted to Council, complying with the following provisions:

##### Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every ten (10) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3 metres between adjacent points within the above-mentioned 10 metres grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface level of all other infrastructure.

#### Format

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

#### AutoCAD Option

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

Package Type - zip

File Format - AutoCAD 2004 Drawing Format or later

Transmittal Options - Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing is **not** to be password protected.

#### MapInfo Option

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

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

### **45. 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. Covenants**

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

#### **Advice 5. Tenancy Fit Out**

A separate development application is required to be submitted for the fit out of individual tenancies.

#### **Advice 6. Inspections – Civil Works**

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

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

**Advice 7. 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 8. 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 9. 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 10. Smoke Free Environment Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

**END OF CONDITIONS**

### **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**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended Conditions of Consent
2. Locality Plan
3. Subdivision Plan
4. Landscape Revegetation Plan
5. Original Masterplan Layout

#### **Purpose**

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

<b>Property Description</b>	Lot 1 DP 1089522, No. 395 Pembroke Road, Minto
<b>Application No</b>	2725/2009/DA-S
<b>Applicant</b>	ING Real Estate
<b>Owner</b>	ING Industrial Custodian Pty Ltd
<b>Statutory Provisions</b>	State Environmental Planning Policy No.1 Development Standards State Environmental Planning Policy No.55 Remediation of Land Greater Metropolitan Regional Environmental Plan No.2 Georges River Catchment Campbelltown 2025 - Looking Forward Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
<b>Date Received</b>	4 December 2009

## **History**

The subject land (Lot 1) is a vacant and partially developed 12.93 hectare parcel of industrial zoned land located on the south western corner of Pembroke Road and Ben Lomond Road, Minto. The site is located in the Minto Industrial Precinct, surrounded by industrial development to the south and southwest, residential to the east, sporting fields to the north and commercial development to the north east.

On 24 February 2004, Council granted development consent F692/2003 for an industrial masterplan for the site comprising of 6 warehouse developments in two stages. Subsequently on 26 February 2004, two related development applications were approved - H4/2003 for bulk earth works construction of an access road (linking with Pembroke Road) and F748/2003 for the construction of a warehouse, associated offices and parking (Esselte Australia Facility).

Development consent 4313/2005/DA-I being for the construction of a warehouse, office facility and associated car parking on Lot 1 was granted on 2 May 2006. This development did not commence and has subsequently lapsed.

Development consent 2658/2006/DA-C being for the construction of warehouse and distribution centre for Barbeques Galore was granted consent by Council on 25 January 2007. This facility is completed and currently operational.

A separate application made pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 has now also been received by Council for the modification of development consent F692/2003 (being the masterplan for the subject land). This application has been assessed and is to be determined under delegated authority pending the result of the Council determination of the application subject of this report (2725/2009/DA-S).

Should Council choose to approve the development application 2725/2009/DA-S, the application to modify consent F692/2003 will be approved under delegated authority, subject to conditions consistent with Council determination of the 2725/2009/DA-S.

## **Report**

### **Introduction**

A development application has been received for the Torrens title subdivision of an industrial estate into seven allotments, with the dedication of the estate's private access road as a public road. The subject land, including the access road is currently on one land title.

The total area of the land is 12.93 hectares. The proposed allotment sizes and other development information are addressed later in this report. Proposed Lots 2 and 6 have already been developed containing the Esselte Australia and Barbeques Galore facilities, pursuant to development consents 4313/2005/DA-I and 2658/2006/DA-C approved by Council in May 2006 and January 2007 respectively.

## Site Description

The site has a total area of 12.93 hectares. It has a frontage length of 490 metres to Pembroke Road, 256 metres (including splay corner) to Ben Lomond Road and 483 metres to Lot 22 DP 1137825 that abuts the rear boundary.

With the exception of proposed Lots 2 and 6, the land is vacant and the building footprints have been generally cleared of trees in accordance with previous development consents issued by Council. Proposed Lot 2 contains the Esselte Australia warehouse and Lot 6 contains the Barbeques Galore warehouse and distribution centre.

The site has established trees along the Ben Lomond Road frontage and part of the Pembroke Road frontage, containing Cumberland Plain Woodland - a threatened species. Management of this vegetation is continuing in accordance with the approved masterplan development consent (F692/2003) and the report by specialist consultant Anne Clements and Associates. This includes the revegetation of the frontage to Pembroke Road.

The vegetated buffer areas containing the Cumberland Plain Woodland comprise of 36,800 square metres mature vegetation and 5,100 square metres of replanted area.

The topography of the site slopes in a westerly direction falling approximately 20 metres from the south eastern corner on Pembroke Road to Ben Lomond Road over a distance of approximately 450 metres.

Vehicular access to the land has been constructed with the intersection works completed to Pembroke Road in accordance with development consent H4/2003. Vehicular access to the subject development site and future industrial allotments will not change as a result of the development, subject of this report.

The land uses surrounding the site can be described as follows:

- Adjoining to the north of the site is the Minto Public School and Coronation Park consisting of numerous netball courts and a football field;
- South of the site is an industrial development consisting of warehouse type buildings that are accessed from Stonny Batter Road;
- East of the site is low to medium density residential development; and
- West of the site is the Bowports Intermodal Rail Park.

## Proposal

The proposed development seeks development consent for the subdivision of the subject land into seven allotments and dedication of the existing access road as a public road. The proposed subdivision would be carried out as per the table below:

Proposed Lot	Area	Location	Access	Comments
1	15,160m <sup>2</sup>	Southern corner of intersection of Pembroke Road and estate access road	Estate access road	Vacant site (development consent for warehouse lapsed in 2008)
2	15,550m <sup>2</sup>	South western portion of site	Estate access road	Contains existing Esselte warehouse
3	9000m <sup>2</sup>	Central western portion of site. North of Lot 2	Estate access road	Vacant industrial site
4	11,900m <sup>2</sup>	Central western portion of site. North of Lot 3	Estate access road	Vacant industrial site
5	22,160m <sup>2</sup>	North western corner of site. Rear boundary to Ben Lomond Road	Estate access road	Vacant industrial site
6	28,960m <sup>2</sup>	North eastern corner of site	Estate access road	Contains existing Barbeques Galore warehouse
7	19,990m <sup>2</sup>	Northern corner of intersection of Pembroke Road and estate access road	Estate access road	Vacant industrial site

The proposed allotments are generally rectangular or square in shape and are of sufficient width, depth and size to accommodate future industrial development.

The private access road is approximately 285 metres in length and is constructed with a cul-de-sac head. The width of the road is 12.5 metres.

## Assessment

The development application has been assessed having regard to the matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979. In this respect, the following matters are relevant for Council's consideration:

## 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; and*
- *Building a distinctive Campbelltown sense of place.*

The proposed development is considered to be consistent with the relevant strategic directions.

Some of the desired outcomes of Council's Vision 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 been assessed having regard to *Campbelltown 2025 Looking Forward*. It is considered that the proposal is consistent with the relevant desired outcomes having regard to its location, design, size and relationship to other land uses in the vicinity of the land.

## 2. Statutory Controls

Section 79C(1)(a) requires Council to consider any environmental planning instrument, draft environmental planning instrument, or development control plan.

### 2.1 State Environmental Planning Policy No.1 Development Standards (SEPP 1)

The objectives of SEPP 1 are to provide flexibility in the application of planning standards in circumstances where strict compliance with those standards would be

unreasonable or unnecessary or would hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

The relevant objects of Clause 5 of the Environmental Planning and Assessment Act 1979 are:

*“(a) to encourage:*

- (i) the proper management development and conservation of natural and man-made resources, including agricultural land, natural areas, forest, minerals, water cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land;”*

Clause 37 of the Campbelltown (Urban Area) Local Environmental Plan 2007 (CLEP) establishes certain building setbacks that apply to the subject land/proposed development.

The objectives of the building setback standard contained within Clause 37 of CLEP 2002 are generally to:

- Provide a visually 'open' corridor rather than a hard built edge, and
- To provide sufficient opportunity for landscaping to address the road.

Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 states:

*Setbacks within Industrial Areas*

*Consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking, on any land with Zone 4(a) or 4(b) which is within:*

- (d) 10 metres from any other road.*

The proposed development seeks a variation of this standard to accommodate an existing fire services pump room that would be located on proposed Lot 2 (Esselte Australia facility). The pump room is located on what would be the front boundary abutting the access road that is proposed to be dedicated as a public road. The fire services pump room is built on the proposed boundary for a length of 7.5 metres.

The SEPP 1 objection accompanying the proposal details the following justification for a variation to the standard:

- *The proposed pump already exists and is a service facility small in scale and footprint that does not possess the bulk normally associated with industrial buildings;*
- *The structure has little visual bulk and in terms of height sits well below the height of the Esselte warehouse building when viewed from Pembroke Road;*



- *The encroachment will not be visually obvious to persons travelling on Pembroke Road and the access road such that the development will still appear characteristic of and sympathetic to other industrial development in the locality;*
- *The functional outcome of the encroachment after dedication of the road will be in a visual sense, no different to what is in the present circumstance where the road is a private road. To that extent the non-compliance is technical given that the building and road way are already in existence and it is only the act of road dedication that causes non-compliance;*
- *The development control is more than complied with in relation to the Esselte warehouse itself and given this fact it is considered that the proposal observes a sufficient setback to reduce the visual bulk of the development apparent to the street and to achieve an aesthetically pleasing and sympathetic result in achievement at Clause 12(2)(a) of CLEP 2002.*

Accordingly, the objection to the development standard in this instance is considered to be reasonably well founded and it is recommended that such be supported.

Pursuant to Department of Planning's Circular B1, for the purpose of determining the development application, Council may assume the concurrence of the Director General of the Department of Planning, to varying the standard in this instance.

## **2.2 State Environmental Planning Policy No. 55 – Remediation of Land**

The application has been assessed in accordance with State Environmental Planning Policy No.55 - Remediation of Land. This Policy is a state-wide planning control for the remediation of contaminated land, and states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

If the land is unsuitable, remediation must take place before the land is developed, in accordance with "Managing Land Contamination: Planning Guidelines", prepared in conjunction with the Environment Protection Authority (Department of Environment, Climate Change and Water). The Policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with appropriate standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The potential for contamination of the site was previously investigated as part of the assessment of the current development consent F692/2003, being for the industrial development of the subject land. The investigations concluded that contamination is not suspected, given the historical use of the land for agricultural purposes.

Development on the site, subsequent to the original approval, has been subject to the strict controls of local and state regulations in regard to the importation of uncontrolled materials onto the land. As with the current activities on the land, the subject proposal does not involve any activities that would alter the results of the previous contamination assessment of the land. In addition, the subdivision of the land will only require works of a very minor level.

With respect to the above, it is considered that the application satisfies the requirements of SEPP 55 and no further investigation of this matter is necessary. Accordingly, it is considered that the land can continue to be used safely for industrial purposes without further investigation.

### **2.3 Greater Metropolitan Regional Environmental Plan No.2 - Georges River Catchment**

*The Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment* applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to industry. These matters include:

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment;*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management;*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998);*
- *Likely impact on groundwater and remnant vegetation;*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options;*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed;*
- *The adequacy of planned wastewater disposal options.*

The proposed development has been assessed in accordance with the specified matters, and is considered to satisfy the requirements of the Regional Plan.

### **2.4 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002)**

The site is zoned 4(a) – General Industry zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). Clause 12 of CLEP 2002 sets out the objectives for this zone as follows:

- (a) *to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*

- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) to encourage a high standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*

Clause 12 provides that Council must not grant development consent within this zone unless it is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

In that regard, it is considered that the development is consistent with one or more of the objectives (ie objectives (a), (b) and (c) in particular) and therefore, Council can grant development consent to the proposal should it deem appropriate to do so.

Clause 32 of CLEP 2002 relates to subdivision. The requirements for subdivision are as follows:

- (1) Land to which this plan applies may be subdivided only with development consent.*
- (2) Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.*
- (3) Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfils the objectives of the road pattern indicated on the map.*

It is considered the proposed subdivision satisfies the relevant requirements of Clause 32.

Clause 37 of CLEP 2002 relates to setbacks in industrial zones. Of relevance to the site is the requirement for a 10 metre building setback to the proposed dedicated road. The fire services pump room has been constructed on the proposed front boundary and has a zero front boundary setback.

Given that the application seeks to vary a development standard prescribed by an Environmental Planning Instrument (CLEP 2002), a SEPP 1 objection has been submitted and has been discussed under Section 2.1 of this report. In summary, the variation of the standard in this instance is considered acceptable for reasons outlined previously.

## 2.5 Campbelltown (Sustainable City) Development Control Plan (SCDCP)

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. The aims of the SCDCP are to:

- *Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan;*
- *Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;*
- *Facilitate innovative development of high quality design and construction in the City of Campbelltown;*
- *Ensure that new development maintains or enhances the character and quality of the natural and built environment;*
- *Ensure that new development takes place on land that is capable of supporting development;*
- *Encourage the creation of safe, secure and liveable environments;*
- *Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and*
- *Provide for a variety of housing choices within the City of Campbelltown.*

It is considered that the development is consistent with the relevant aims of the SCDCP.

The proposed subdivision has been assessed in accordance with requirements for Torrens title subdivision within the 4(a) General Industry zone under the SCDCP as per the following compliance table:

<b>Section</b>	<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
6.11.1(a)(i)	Average lot size	The lots shall have an average area of 4000m <sup>2</sup>	Average area of all lots is 17,530m <sup>2</sup>	Yes

Section	Control	Requirement	Proposed	Compliance
6.11.1(a)(ii)	Minimum street frontage	A minimum street frontage width of 30m to the primary street	All lots achieve a front boundary length of 30m	Yes
6.11.1(c)	Battle axe handles	No industrial subdivision shall create lots with battle axe handles	No battle axe handles proposed	Yes
6.11.1(d)	Development over multiple allotments	Where a single development is proposed on more than one lot, all lots subject of the development shall be consolidated to a single lot	No industrial buildings proposed with development	NA

It is considered that the proposed development is generally consistent with the criteria specified under the relevant provisions of SCDCP for industrial torrens title subdivision in the 4(a) General Industry zone.

### 3. Environmental Impacts

Section 79C(1)(b) requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

Section 79C(1)(c) requires Council to consider *“the suitability of the site for the development”*.

#### 3.1 Flora and Fauna Assessment

The site has been generally cleared of trees and largely comprises exotic grasses, with some regrowth of endemic trees and shrubs. Flora and fauna studies were previously undertaken for the development of the site under development consent H4/2003.

The flora study prepared for the masterplan of the site by Anne Clements and Associates confirmed that the site contained endangered species and was of high environmental value.

It was found that the northern third of the site met the criteria for Cumberland Plain Woodland, an Ecological Endangered Community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and NSW Threatened Species Conservation Act 1995. Most of the vegetation in the bushland is regrowth after historical clearing with the exception of some larger (>20m) trees.

An 8 part test undertaken on the site to assess the impact of the future development on the land and the Cumberland Plain Woodland concluded that "the proposed development is not likely to significantly impact the individuals of *Pimelea spicata* or the Cumberland Plain Woodland recorded on the site, provided that:

- *A 30 metre wide strip of the existing Cumberland Plain Woodland adjoining Pembroke Road and a 45-65 metre wide strip adjoining Ben Lomond Road is retained without changes to soil surface levels;*
- *A 15 metre wide strip of the Cumberland Plain Woodland is re-established adjoining Pembroke Road, connecting the existing remnant vegetation with Pembroke Road. The re-establishment should utilise direct transfer of topsoil and biomass of the Cumberland Plain Woodland vegetation being cleared for development, supplemented by planting of tubestock grown from seeds collected on site. Species used in the bushland area fronting Pembroke Road and Ben Lomond Road is restricted to plants grown from native seeds collected on the site;*
- *The native vegetation retained and re-established in the conservation area is carefully bush regenerated under the supervision of skilled and qualified bush regenerator(s) as specified in the Bushland Plan of Management for the site.*

A Fauna Survey and Assessment of the site was also undertaken (prepared for the original masterplan assessment for this site) by Ambrose Ecological Services. Relevant conclusions from this report are outlined below:

- *Where possible, conserve at least 50% of the woodland area on the subject site. This will help minimise the loss of potential breeding, foraging and shelter sites for native fauna on the site;*
- *If trees or bushes have to be cleared from the border areas of the subject site, they should be checked for the presence of active bird nests and arboreal mammals. These plants should not be removed or pruned until animals that are nesting in them have completed their breeding cycle. Any injured animals should be taken to a local vet or wildlife rescue to be notified;*
- *Appropriate bush regenerate areas of native vegetation are to be retained on the site, including weed removal. Removal of weeds and other exotic plants would significantly improve the value of remnant vegetation on the subject site as habitat for native fauna. Only endemic plant species should be planted as part of the bush regeneration program;*
- *Vegetation that is removed is to be retained as mulch in areas that are proposed for landscaping and rehabilitation. This could include using logs for habitat features and seed bearing species for brush-matting;*

- *Silt fences and sediment ponds should be appropriately placed around the construction areas on the subject site to prevent run off and sediment and nutrient enriched waters entering into bushland that are to be retained;*
- *Bushland areas on the subject site should be protected during construction by erecting appropriate barriers around the bushland perimeters. This restricts access to the bushland areas and protects flora and fauna values of the bushland on the site.*

On the basis of these previous studies undertaken for development on the subject allotment and the relevant controls incorporated as a result, with appropriate and additional controls in place, the proposed subdivision of the land is highly unlikely to result in a detrimental impact on fauna or flora species. However, to further ensure the future protection of the woodland, where Council was of a mind to approve the application, a condition will be included in the consent requiring a flora and fauna assessment be undertaken on the Critically Endangered Ecological Community being the section Cumberland Plain Woodland that currently exists along the eastern and northern boundaries of the subject site.

In this regard, future development of each of the allotments carrying the woodland, will be restricted/controlled by way of including suitable restrictions on title that denies any development that would have an effect on the critical habitat as identified from the flora and fauna study.

Where Council was to approve this application, it would be deemed appropriate to impose a restriction on the use of land (pursuant to Section 88b of the Conveyancing Act 1919), on each of the affected/burdened allotments created under this subdivision. The restriction would ensure the retention and protection of the woodland, but would also require the upkeep and ongoing maintenance of the vegetated buffer / woodland.

### **3.2 Traffic Impacts**

Vehicular access to the site from Pembroke Road is via the intersection treatment on Pembroke Road constructed to RTA standards and in accordance with development consent H4/2003.

A Traffic Impact Assessment was previously undertaken for the original masterplan for the site based on a total yield of 57,000 square metres of warehousing and 4,830 square metres of office area, and considered the number of car parking spaces required as well as the total projected vehicle movements.

It was concluded that future industrial development and associated traffic movements would not have a significant impact on the existing road network. In this regard, access to and from Pembroke Road would remain via left in / left out provisions that have been constructed and are currently operational.

It was considered that future industrial development could occur without resulting in any unsatisfactory traffic constraints upon the surrounding road network. The Sydney Regional Development Advisory Committee considered previous development applications at this site and raised no objection.

Note: Referral of this current application to the RTA's Sydney Regional Development Advisory Committee was not required, as the threshold for referring industrial subdivisions through to the RTA is currently (where as a result of a subdivision) 50 or more allotments gaining direct access to a classified road. This proposal seeks approval to create seven allotments only.

### **3.3 Visual Impacts**

The design and siting of future industrial development will be assessed on individual merit at the time at lodgement of subsequent development applications. Given that any future industrial development may result in large and visually prominent warehouse type buildings due to the allotment's sizes, the current masterplan includes an approved landscape plan to mitigate visual impact with an adequate buffer to future buildings.

### **3.4 Social and Economic Impacts**

The social and economic impacts of future industrial development on the local and broader community have been considered as part of the assessment, and on balance are considered to be beneficial.

It is anticipated that the development would contribute to the community by providing efficient industrial development and additional employment opportunities.

Economic benefits would be realised through both the construction phases and operation of the development. In this regard, it is considered that the development would generate a number of short term and long term employment opportunities - expanding upon the existing number of jobs on the site, adding to additional economic activity across the area.

The social impacts arising from the development would be positive, as these impacts largely stem from the resulting economic benefits.

### **Public Participation**

The application was not notified to nearby and adjoining owners in accordance with Council's Development Control Plan No.87 - Notification Policy. DCP No.87 does not require proposals for the subdivision of land to be notified to adjoining and nearby land owners.

### **Conclusion**

The development application is for the subdivision of an industrial estate into seven allotments with the dedication of the estate access road as a public road. The subdivision would create seven lots having total areas of between 9,000 square metres and the already developed Barbeques Galore warehouse site of 28,960 square metres. The five vacant industrial lots would be accessed via the internal road, connecting with Pembroke Road.

The proposed development is permissible under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002. The development satisfies and is generally consistent with SEPP 1, LEP 2002 and the SCDCP.



Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues discussed above, it is recommended that the proposed development be approved subject to conditions outlined in Attachment 1.

### **Officer's Recommendation**

1. That the SEPP 1 objection to the imposition of the development standard of Clause 37(d) of Campbelltown LEP 2002 be approved so as to allow the variation of the fire services pump room to have a zero set back from the front boundary of proposed Lot 2.
2. That subject to the SEPP 1 variation being approved, that development application 2725/2009/DA-S for the subdivision of the estate into seven allotments and dedication of the estate access road as a public road at Lot 1 DP 1089522, No. 395 Pembroke Road be referred back to the Director of Planning, and the matter be determined under delegated authority subject to the conditions contained in Attachment 1.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation were: Nil.

### **Council Meeting 29 June 2010 (Lake/Greiss)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 115**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Nil.

# 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 in red by Council and/or any conditions of this consent.

#### 2. Access Denied

Vehicular access to and from proposed lots 1,5,6 & 7 shall not be permitted across their common boundaries with Pembroke Road and Ben Lomond Road. The only approved access to these lots shall be via the existing access road. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

#### 3. 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*.

#### 4. 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.

## **5. Council Acceptance of the Existing Access Road as a Public Road**

To enable Council to accept the existing access road as a public road it will be necessary for the applicant to demonstrate that the road has been constructed to Council's standards. The applicant shall provide complete work as executed plans and all necessary material and testing documentation to confirm that all previously completed work associated with the proposed subdivision complies both in geometry and construction with:

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

The applicant shall also submit documentation which includes, but not limited to:

- a) Geotechnical reports.
- b) Pavement design and constructed pavement depths.
- c) Concrete core tests.
- d) Constructed width of carriageway and footpaths. Lot boundaries shall be adjusted where necessary to provide a minimum 3.5m footpath width throughout.
- e) Service conduit locations.
- f) Subsoil drainage locations.
- g) Extent and depth of filling on the site.
- h) Locations and Level of survey marks placed.

Where adequate documentation is not available for any works they shall be retested as required. In this regard, appropriate road pavement testing by a NATA registered laboratory may be required to determine if the pavement area to be dedicated as public road meets the above standards and in particular Council's Category 'F' design standard for industrial cul-de-sac construction (5x10<sup>6</sup> design equivalent standard axles (ESA)). In the event that any aspect of the existing pavement or geometry does not meet the required standard remedial works/reconstruction shall be designed and undertaken to achieve compliance.

Following assessment of the submitted documentation it may be necessary for Council to undertake pavement testing to determine the life expectancy of the road. This testing shall be at the applicant's expense. If testing indicates the road pavement does not meet the required standard a determination will be made by Council's Director, Technical Services on whether Council is prepared to endorse the dedication of the access road as a public road without further reconstruction.

## **6. Creation of Drainage Easements**

Council easements of standard width shall be created over all drainage lines discharging water from the proposed public road through the proposed lots. In this regard the applicant shall liaise with adjoining owners to ensure that the existing easements show 'H' on the Draft Subdivision Plan Issue B are amended if required to benefit Council.

Pits provided with stub outlets shall be provided in all lots at the lowest corner and connected to the proposed Council drainage system, with common drainage easements minimum 2.5m wide created where required.

## **7. Roads & Traffic Authority Approval**

The applicant shall submit a letter to Council from the Roads & Traffic Authority (RTA), which states that the Authority has no objection to the existing access road being dedicated as a public road. Should the Authority require amendments to the intersection layout in order to obtain this approval, the necessary works shall be undertaken by the applicant under the supervision of the RTA and at the applicant's expense.

## **8. No Construction within Drainage Easements**

No construction, building works or alteration to the finished surface levels, as shown on the Works as Executed plans, shall be permitted within drainage easements. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

## **9. Flora and Fauna Assessment**

Prior to the issue of a subdivision certificate, a flora and fauna assessment shall be undertaken and submitted to Council for approval in accordance with the Department of Environment, Climate Change and Water's *Draft Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities* as the site contains native vegetation and/or habitat for threatened biodiversity.

As part of this assessment the boundary of the must be confirmed in accordance with the final determination listing advice for Cumberland Plain Woodland under the NSW Threatened Species Conservation Act 1995. Targeted surveys for *Pimelea spicata* must also be undertaken as part of this process.

In this regard, the boundary and specific area identified as being a part of the Critically Endangered Ecological Community is to be suitably defined by way of including a Restriction As To User pursuant to section 88b of the Conveyancing Act 1919 on each of the affected allotments. The terms and definition of this area are to be in accordance with Council's requirements to ensure the ongoing and future protection, maintenance and up keep of the woodland area. This restriction on title is to be created with the release of the subdivision certificate.

## **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.

### **10. 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*.

### **11. 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.

### **12. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

### **13. 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.

### **14. Stormwater Management Plan (Subdivision)**

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. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

### **15. 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.

## **16. 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.**

#### **17. Traffic Impact Study**

The applicant shall engage an appropriately qualified traffic engineer to prepare a Traffic Impact Study, to determine if the subdivision of the site will have impact on the surrounding road network and any affect traffic flows will have on the amenity of the surrounding neighbourhood. The study shall take into account pedestrian and vehicular movements and volumes during peak periods. The study shall identify problems/conflicts and recommend appropriate treatment. A copy of the study shall be forwarded to the Roads & Traffic Authority and to Council's Traffic Engineer for assessment and approval prior to Council or an accredited certifier issuing a Construction Certificate. All recommendations of the approved Traffic Impact Study shall be implemented prior to the release of the Subdivision 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.

#### **18. 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.

#### **19. 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.

## **20. 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.

## **21. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

## **22. 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.

## **23. 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.

## **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.

## **24. 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.



## **25. 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.*

## **26. 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.

## **27. 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.

## **28. Earth Works/Filling Works**

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

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

## **29. Revegetation**

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

### **30. Public Safety**

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

### **31. 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.

### **32. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

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

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

### **33. Restriction on the Use of Land**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Floor Level Control – where applicable
- b. No Alteration To Surface Levels - within constructed overland flow paths and easements
- c. Lots Filled – where applicable

- d. Access Denied – lots 1, 5, 6, and 7
- e. Uncontrolled Fill – if applicable
- f. Cumberland Plain Woodland – maintenance, protection, repair, replant, etc – lots 1, 5, 6 & 7

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened.

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

#### **34. Maintenance Security Bond**

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

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

#### **35. Works as Executed Plans**

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

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

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
2. Datum to be AHD (Australian Height Datum)
3. File format(s):

##### **a) AutoCAD Option**

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

Package Type - zip  
File Format - AutoCAD 2004 Drawing Format or later  
Transmittal Options - Include fonts  
Include textures from materials  
Include files from data links  
Include photometric web files  
Bind external references  
The drawing shall **not** be password protected.

**b) MapInfo Option**

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

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

**Survey Information Required to be Shown**

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

**36. Service Authorities**

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

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

### **37. Industrial Inter-Allotment Drainage**

Prior to the Principal Certifying Authority releasing the Subdivision Certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and associated easements have been provided for all proposed industrial lots. The inter-allotment drainage system shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the *Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended)*.

### **38. Council Fees and Charges**

Prior to the principal certifying authority issuing a subdivision 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.

### **39. Easements to be Extinguished**

Should it be agreed by the relevant Authorities that the existing access road can be dedicated to the public, it will be necessary for applicant to extinguish the easements that were previously created within the private access road and that will now be located within the future public road reserve. All costs associated with the extinguishment of the easements are to be borne by the applicant.

## **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. 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 2. Filling on Site**

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

### **Advice 3. Inspections – Civil Works**

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

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

### **Advice 4. Inspection Within Public Areas**

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

### **Advice 5. Adjustment to Public Utilities**

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

### **Advice 6. Principal Certifying Authority – Subdivision**

Council is the principal certifying authority for the construction of the proposed subdivision and issue of the subdivision certificate and Council shall carry out all inspections required by the development consent. Work must not proceed past any inspection point until Council has approved the work inspected.

### **Advice 7. Linen Plan and Copies**

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

### **Advice 8. Linen Plan Checking Fee**

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

**Advice 9. Salinity**

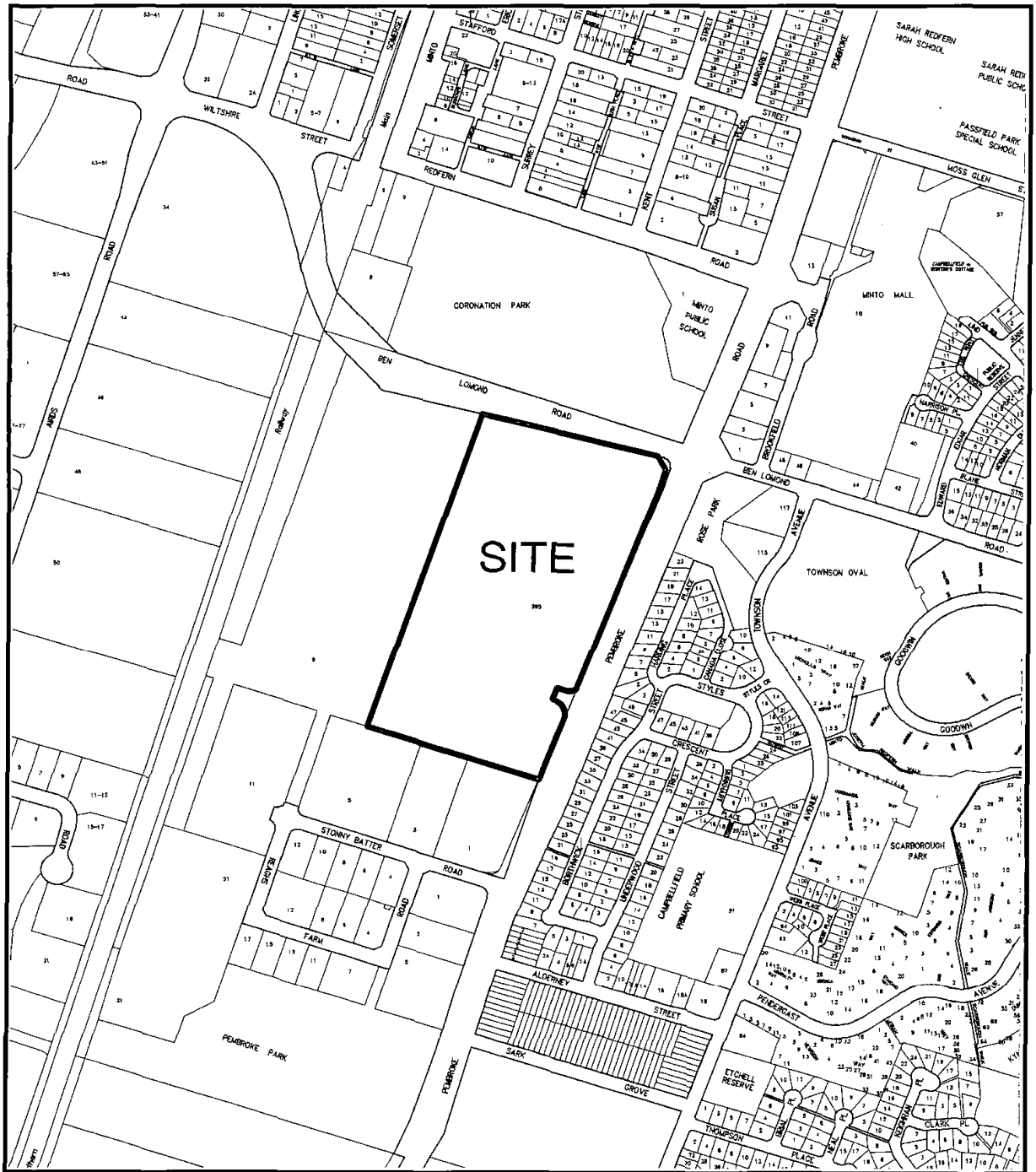
Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**Advice 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



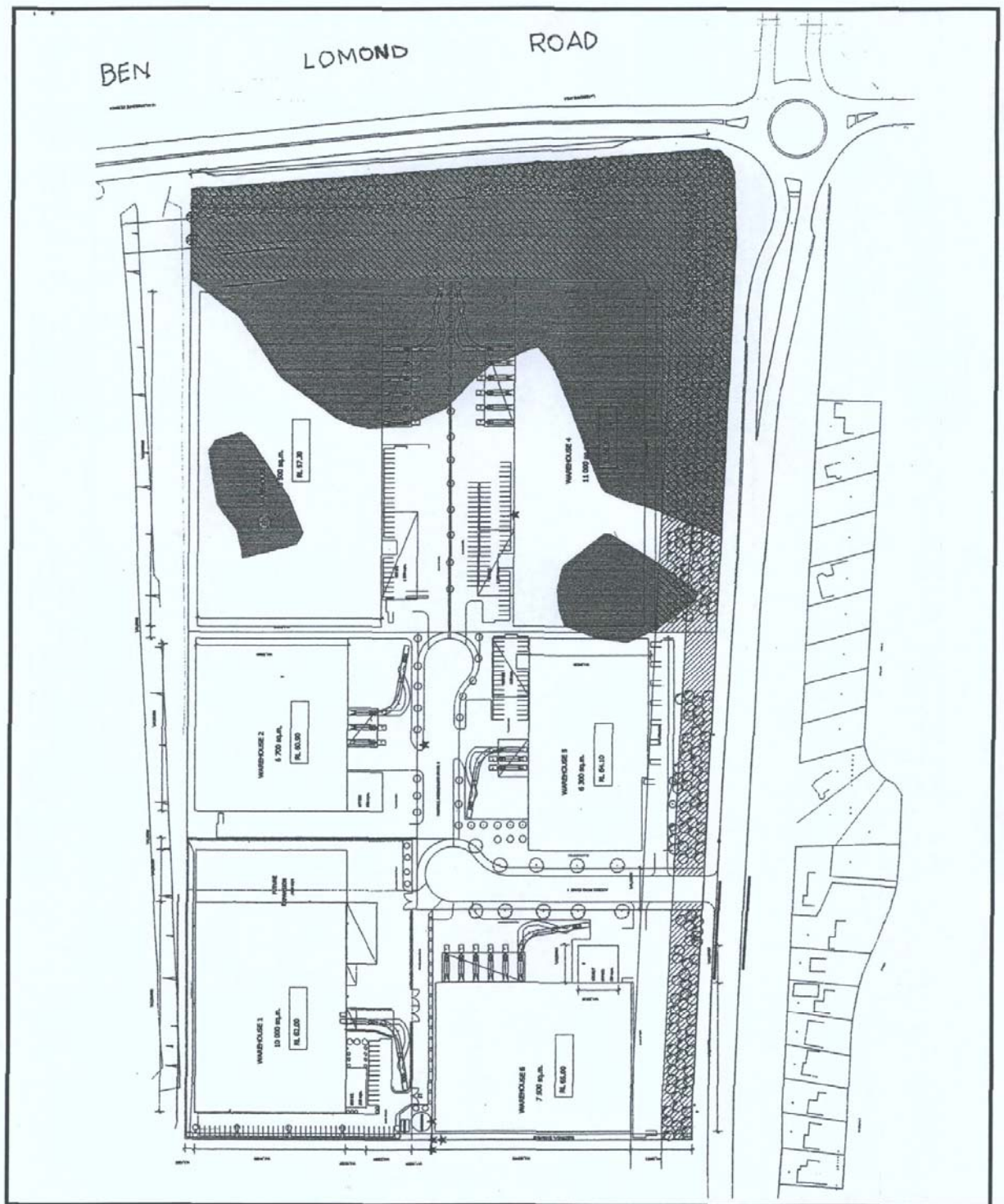
**SUBJECT:**

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND  
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.  
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.





# ATTACHMENT 4

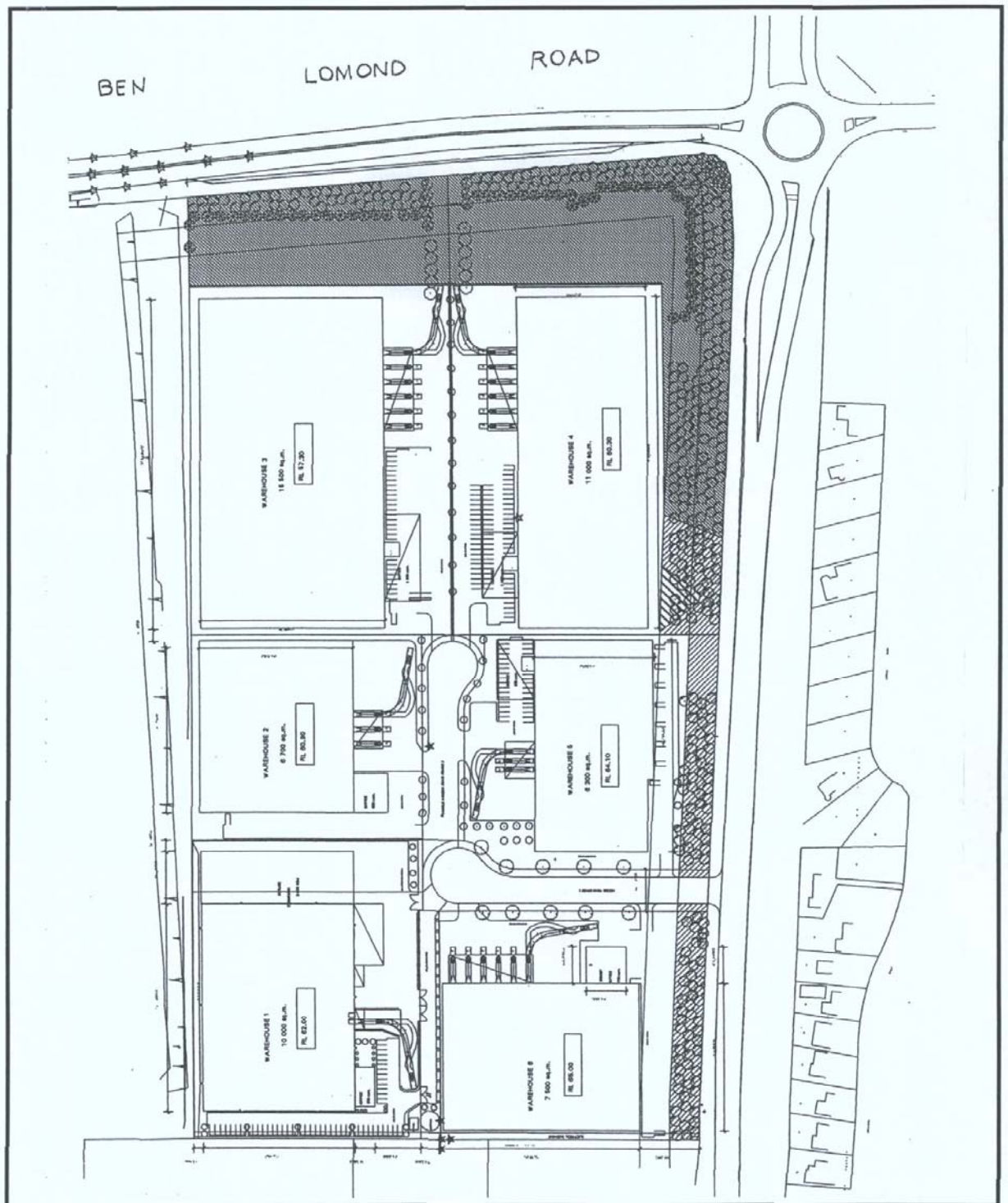


## LANDSCAPE REVEGATION PLAN

**SUBJECT:**

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND  
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.  
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.

# ATTACHMENT 5



## ORIGINAL MASTERPLAN LAYOUT

**SUBJECT:**

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND  
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.  
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.